



# City of Los Banos

At the Crossroads of California

## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**WEDNESDAY, DECEMBER 12, 2018**

*If you require special assistance to attend or participate in this meeting, please call the Community & Economic Development Department at (209) 827-7000 extension 118 at least 48 hours prior to the meeting.*

*The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.*

*Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 extensión 118 a lo menos de 48 horas previas de la junta.*

*Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Community & Economic Development Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.losbanos.org](http://www.losbanos.org).*

*Cualquier escritura o los documentos proporcionaron a una mayoría del Departamento de Planificación con respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina del Secretaria del Departamento de Planificación del City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la Ciudad en [www.losbanos.org](http://www.losbanos.org).*

1. CALL TO ORDER. **7:00 PM**
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL: (Planning Commission Members)  
Cates \_\_, Dees \_\_, McCoy \_\_, Spada \_\_, Toscano \_\_
4. APPROVAL OF AGENDA.

*Recommendation: Approve the agenda as submitted.*

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED PLANNING COMMISSION MEETING OF NOVEMBER 27, 2018.

*Recommendation: Approve the minutes as submitted.*

6. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.
7. PUBLIC HEARINGS: If You Challenge the Proposed Action as Described herein in Court, You May Be Limited to Raising Only Those Issues You or Someone Else Raised at the Public Hearing Described herein, or in Written Correspondence, Delivered to the City at, or Prior to, the Public Hearing.

A. Public Hearing – To Consider Approval of Site Plan Review #2018-06 for the Development of a Commercial Structure within the Highway-Commercial Zoning District Consisting of One (1) 4,200 Square Foot Commercial Structure Located at 1153 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-141-021.

- 1) Planning Commission Resolution No. 2018-39 – Approving Site Plan Review #2018-06 for the Development of One (1) 4,200 Square Foot Commercial Structure Located at 1153 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-141-021.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

B. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15332 (Infill Development Projects) and Site Plan Review #2018-04 for the Development of Four (4) Residential Structures Totaling 12,124 Square Feet within the Medium-Density Residential Zoning District Located at 649 and 661 E Street, More Specifically Identified as Assessor's Parcel Numbers: 025-063-018 and 025-063-019.

- 1) Planning Commission Resolution No. 2018-37 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332 (Infill Development Projects) and Approving Site Plan Review #2018-04 for the Development of Four (4) Residential Structures Totaling 12,124 Square Feet Located at 649 and 661 E Street, More Specifically Identified as Assessor's Parcel Numbers: 025-063-018 And 025-063-019.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- C. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15332 (Infill Development Projects) and Site Plan Review #2018-05 for the Development of a Mixed-Use Structure within the Mixed-Use Zoning District Consisting of Two (2) Residential Units on the Second Floor and Office Space on the First Floor Totaling 3,192 Square Feet Located at 652 K Street, More Specifically Identified as Assessor’s Parcel Number: 026-053-020.

- 1) Planning Commission Resolution No. 2018-38 – Approving a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332 (Infill Development Projects) and Approving Site Plan Review #2018-05 for the Development of a Two (2) Story Mixed-Use Structure with Two (2) Residential Units on the Second Floor and Office Space on the First Floor Totaling 3,192 Square Feet Located At 652 K Street, More Specifically Identified as Assessor’s Parcel Number: 026-053-020.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

- D. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311 (Accessory Structures) and Conditional Use Permit #2018-15 to Allow for the Use of Five (5) Billboards within the Highway-Commercial Zoning District Located at 3400 East Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 084-010-077.

- 1) Planning Commission Resolution No. 2018-40 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311 (Accessory Structures and Approving Conditional Use Permit #2018-15 to Allow the Modification and Use of Five (5) Billboards Located at 3400 East Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 084-010-077.

*Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing, and adopt the resolution as submitted.*

8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

9. COMMISSIONER REPORTS.

A. Cates

- B. Dees
- C. McCoy
- D. Spada
- E. Toscano

10. ADJOURNMENT.

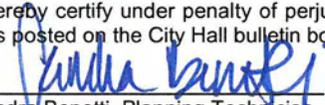
**APPEAL RIGHTS AND FILING PROCEDURES**

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filling written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or determination was made. An appeal must state the act or determination which is being appealed, the identity of the applicant and his/her interest in the matter, and set forth in concise statement(s) the reasons which render the Commission's decision unjustified or inappropriate. (Los Banos Municipal Code Section 9-3.2326)

Concerning an action taken by the Planning Commission related to Chapter 2 Articles 1 through 17 of the Los Banos Municipal Code "Subdivisions", if a subdivider or other affected property owner is dissatisfied with any action of the Commission with respect to a tentative map or the nature and extent of improvements recommended or required he/she may within fifteen (15) days after such action appeal to the Planning Commission Secretary for a public hearing on the matter. An appeal must state the action being appealed, identify the agenda item by agency number or project title, and set forth in concise statement(s) the reasons for the appeal. (Los Banos Municipal Code Sections 9-2.807)

Appeals must be in writing and include the appellant's name and address and original signature. A filing fee of \$150.00 must accompany the notice of appeal.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

  
Sandra Benetti, Planning Technician

Dated this 7<sup>th</sup> day of December 2018

**CITY OF LOS BANOS  
PLANNING COMMISSION ADJOURNED MEETING MINUTES  
NOVEMBER 27, 2018**

*ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.*

**CALL TO ORDER:** Chairperson Cates called the Planning Commission Meeting to order at the hour of 7:00 p.m.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Commissioner Jones.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, David Dees, Brett Jones, Tom Spada, and Susan Toscano; Palmer McCoy absent.

**STAFF MEMBERS PRESENT:** Community & Economic Development Director Elms, Associate Planner Rudy Luquin, Planning Technician Sandra Benetti, and City Attorney William A. Vaughn.

**CONSIDERATION OF APPROVAL OF AGENDA.** Motion by Spada, seconded by Dees to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 24, 2018.** Motion by Dees, seconded by Toscano to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 14, 2018.** Motion by Jones, seconded by Toscano to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.**

Chairperson Cates opened the public forum. No one came forward to speak and the public forum was closed.

**PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL**

**QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL FOR VILLAGE LIQUOR LOCATED AT 2220 E. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-160-029.**

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted receipt of a public comment letter received today from In-Shape Health Clubs, which was read into the public record.

Chairperson Cates opened the public hearing. No one came forward to speak and the public hearing was closed.

Motion by Spada, seconded by Dees to adopt Planning Commission Resolution No. 2018-35 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-13 to the Los Banos City Council to Allow for the Off-Sale of General Alcohol Under a Type 21 Alcohol License for Village Liquor Located at 2220 East Pacheco Boulevard, Suites D & E, More Specifically Identified as Assessor's Parcel Number: 428-160-029. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**PUBLIC HEARING – TO CONSIDER A CONDITIONAL USE PERMIT AND CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) TO ALLOW THE USE OF A TYPE 21 ALCOHOL LICENSE FOR THE OFF-SALE OF GENERAL ALCOHOL FOR MI BARRIO LOCATED AT 403 MERCY SPRINGS ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 082-072-024.**

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that no comments have been received thus far.

Commissioner Dees spoke of the last approved Conditional Use Permit for Mi Barrio and how there was concern from a nearby church.

Associate Planner Luquin responded that staff has not received any concerns or complaints from anyone regarding Mi Barrio.

Community & Economic Development Director Elms explained that there were no concerns previously from a nearby church regarding Mi Barrio and how they actually had supported Mi Barrio's endeavors and corrected that the church had concerns regarding Circle K's Conditional Use Permit though.

Chairperson Cates opened the public hearing. JAY VIRK, Mi Barrio representative, spoke of his endeavors with this Conditional Use Permit and spoke of how his customers are requesting these sales.

Commissioner Dees congratulated Mr. Virk on having a successful business in Los Banos.

No one else came forward to speak and the public hearing was closed.

Motion by Spada, seconded by Toscano to adopt Planning Commission Resolution No. 2018-36 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2018-14 to the Los Banos City Council to Allow for the Off-Sale of General Alcohol Under a Type 21 Alcohol License for Mi Barrio Located at 403 North Mercey Springs Road, More Specifically Identified as Assessor's Parcel Number: 082-072-024. The motion carried by the affirmative action of all Planning Commission Members present; McCoy absent.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.**

Community & Economic Development Director Elms wished Commissioner Spada a happy birthday, she will be out of the office for the rest of the week but can be reached on her cell phone, the next Planning Commission meeting will be a full agenda, looking forward to seeing everyone at that time, and announced that Planning Commission applications are due this Friday for those whose terms are expiring including the vacant seat

**PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Wished Commissioner Spada a happy birthday.

**DEES:** Appreciates the opportunity to serve on the Planning Commission, has enjoyed it, and thanked everyone.

**JONES:** No report.

**McCOY:** Absent.

**SPADA:** Thanked all for the happy birthday wishes.

**TOSCANO:** No report.

**ADJOURNMENT:** The meeting was adjourned at the hour of 7:25 p.m.

APPROVED:

\_\_\_\_\_  
John Cates, Chairperson

ATTEST:

\_\_\_\_\_  
Sandra Benetti, Planning Technician



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS**

**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** 

**FOR: DECEMBER 12, 2018**

**SUBJECT: SITE PLAN REVIEW #2018-06 – WESTERN DENTAL**

**RECOMMENDATIONS:**

Staff requests that the Planning Commission open the public hearing, receive public comment, and consider the following actions:

1. Approve Resolution No. 2018-39, approving Site Plan Review #2018-06 for the development of one (1) 4,200 commercial structure located at 1153 West Pacheco Boulevard, Assessor's Parcel Number: 431-141-021

**PROJECT DESCRIPTION:**

On October 30, 2018, the City of Los Banos Community and Economic Development Department received an application for a Site Plan Review entitlement. The applicant, Floral and 99, LP, is requesting the Site Plan Review for proposed new commercial development located at 1153 W. Pacheco Boulevard within the existing Ortigalita Plaza Shopping Center. The proposed project is for the development of a 4,200 square foot structure on an existing vacant pad. The access for the development will be shared with the other businesses within the shopping center from Ortigalita Road. There is a secondary access from Pacheco Boulevard. The proposed project also includes new improved paved surface for the parking lot and landscaping.

**PROJECT LOCATION:**

The project site is located on a 38,955 square foot parcel on a vacant pad within the existing Ortigalita Plaza Shopping Center located at 1153 West Pacheco Boulevard.



**LAND USE:**

<b>Property</b>	<b>Land Use</b>	<b>Zone</b>	<b>General Plan</b>
Project site	Commercial	H-C	C
North	Commercial/ Vacant	H-C	C
South	Commercial	H-C	C
East	Commercial	H-C	C
West	Commercial	H-C	C

H-C = Highway Commercial

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the previously adopted Mitigated Negative Declaration (MND) (SCH #2007101120), certified by the City of Los Banos on November 28, 2007. The Community and Economic Development Department has determined that the proposed project was adequately described, examined, and evaluated within the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the project would have a less than significant effect on the environment with mitigation measures. No further environmental documentation is required due to the proposed project being considered and adequately analyzed in the MND. The CEQA findings attached hereto, document the determination by the City that the environmental review in the MND is adequate under CEQA.

## **PROJECT ANALYSIS:**

### **Existing Setting**

The proposed project site is a vacant 38,955 square foot parcel on a vacant pad within an existing shopping center, Ortigilita Plaza. The project site will be fronting Pacheco Boulevard and will have access from Ortigilita Road and Pacheco Boulevard.

## **SITE PLAN REVIEW ANALYSIS:**

### ***Code Requirements***

Pursuant to Section 9-3.2316(a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

### ***Project Design***

The proposed project consists of the development of a 4,200 square foot commercial building along with associated site improvements and landscaping. The existing project site is currently vacant; however, the pad was planned as a part of the original shopping center.

The applicant has proposed an acceptable design for the proposed commercial that is consistent with the Commercial Design Standards and the preferred Spanish mission theme along Pacheco Boulevard corridor.

The applicant is proposing that all of the building materials are going to be identical or similar to the surrounding developments. The proposed building will have the same exterior, stucco, plaster and stone veneer. The applicant has chosen a mocha color, dark brown color, and blue on the awnings. The proposed colors will match the City preferred colors as they represent earth tones minus the blue which indentifies the Western Dental Brand. The proposed development will add value and compliment the shopping center in that this will be a new development on vacant parcel which reduces the rate of vacant parcels within the City, more in particular along the Highway Commercial Corridor.

The architecture includes detailed site plans and elevations.

The site plan is designed with 33 off-street parking spaces with two (2) designated as handicap parking. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces are 21 in regards to the commercial use. Thus the proposed total of 33 off-street parking spaces exceeds the required amount and is consistent Los Banos Municipal Code Title 9 Article 20.

### ***Land Use***

The project site's land use designation is Commercial in according with the Los Banos 2030 General Plan and is zoned Highway Commercial in consistency with the Los

Banos Municipal Code. The proposed project is consistent with the General Plan land use designation and the Los Banos Municipal Code Title 9, Chapter 3, Article 13, Highway Commercial Zoning District.

***Landscape and Lighting***

The applicant is proposing landscaping along the building frontage of the development, and parking lot. The landscape plan consists of three (3) different types of ground cover shrubs species and one (1) tree species. The landscape plan was designed in accordance with the City's "Water Efficient Landscape Ordinance". The applicant has proposed standard exterior down facing lighting fixtures for the project. The project will also have exterior sconce wall lighting fixtures which will compliment the aesthetic nature of the elevations. The proposed light pole fixtures through the project will provide a balanced amount of light throughout the project as shown the electrical plan sheet and the photometric plan sheet. The lighting plan shall include a Lumen Dispersion Map and comply with the City of Los Banos Standards and Specifications. Maintenance of the landscape and lighting areas will be financed through a Landscape and Lighting District. The developer will be required to form or annex to an existing Landscape and Lighting District.

***Circulation***

The circulation/ traffic for the proposed project was adequately analyzed in the adopted and certified Mitigated Negative Declaration (SCH #2007101120). The site project site has access from Pacheco Boulevard and Ortigilita Road. The project site has an existing traffic/ circulation pattern which provides for an uninterrupted traffic flow.

***Infrastructure/Services***

Water: The City of Los Banos would provide water service to the Project site. There is an existing water connection stubbed at the project site. The Project will connect to the existing line with a domestic and landscape line to the Project site. All existing groundwater wells within the boundary of the map will be required to be abandoned to Merced County Standards. The project is subject to the provisions of the Los Banos Water Master Plan and will conform to its requirements including, but not limited to, payment of water impact fees.

Sewer: The City of Los Banos would provide wastewater service to the project site. There is an existing sewer connection stubbed at the project site. Project build-out has been contemplated in the Wastewater Master Plans and will conform to its requirements including, but not limited to, payment of the wastewater impact fees.

Drainage: The City of Los Banos would provides storm water drain services through an existing connection at the project site.

It should be noted that all City infrastructure has been sized to accommodate this use and will be built in accordance with the City's Utility Master Plans

### ***Signage***

The applicant has not proposed signage for the shopping center at this time. Nonetheless, when the applicant does submit for a Sign Review, the signs shall be consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 28, Signs.

### **DESIGN REVIEW**

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on November 14, 2018, to provide the applicant with feedback early on in the design process. The Planning Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

The Planning Commission did not have any recommendations to the applicant and provided positive feedback on the proposed design submittal.

### **PROJECT REVIEW BOARD**

The Project Review Board (PRB) reviewed the project proposal on October 9, 2018, for these aspects

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

### **FINDINGS FOR APPROVAL:**

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.

- a. *The General Plan land use designation for the project site is Commercial, which allows large-scale commercial developments that serve both residents, visitors, and the surrounding region. Examples of this land use include: shopping centers, large-format retail, auto sales, and travel related services such as hotels, gas stations, and restaurants. These uses typically require excellent access to freeway interchanges.*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

***ECONOMIC DEVELOPMENT POLICY ED-G-1:***

*Help create jobs and improve job quality for existing and future Los Banos residents.*

***ECONOMIC DEVELOPMENT POLICY ED-G-3:***

*Make Los Banos an ideal place to do business by fostering a business friendly climate.*

***ECONOMIC DEVELOPMENT POLICY ED-G-7:***

*Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.*

***LAND USE POLICY LU-G-1:***

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

*Evidence/Analysis:* *The project is consistent with the General Plan Commercial land use designation. The proposed commercial structure would create employment opportunities for the community and the creation of new business fosters economic development and business vitality.*

- b. *The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district exclusively for commercial; development wherein retail and other commercial businesses can locate and operate away from the restricting influences on nonindustrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.*

*Evidence/Analysis: The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis: The proposed project is surrounded by commercial development and uses. The proposed commercial structure will be compatible with the existing area. As noted previously, the traffic/ circulation of the project was considered and analyzed in the certified Mitigated Negative Declaration (SCH #2007101120).*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis: The proposed design of the commercial structure is a Spanish Themed Architectural style which is consistent with the designated style for Pacheco Boulevard in accordance to the Los Banos Community Design Standards; also the colors for the structures will be earth tone colors which are City preferred colors. The design of the structure will also be compatible in character with the surrounding commercial structures within the Ortigillita Plaza. The applicant received positive feedback from the Planning Commission Study Session.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design of the proposed commercial structure is consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish, and the proposed design has a Spanish Theme. The applicant is proposing that all of the building materials are going to be identical or similar to the surrounding developments. The proposed building will have the same exterior, stucco, plaster and stone veneer. The applicant has chosen a mocha color, dark brown color,*

*and blue on the awnings. The proposed colors will match the City preferred colors as they represent earth tones minus the blue which identifies the Western Dental Brand.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Title 9 Article 13, Highway Commercial Zoning District and the Los Banos 2030 General Plan commercial land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the proposed commercial structure conforms to good planning in that the physical design elements are compatible to surrounding commercial structures and consistent with the Los Banos Community Design Standards for the Pacheco Boulevard commercial corridor.*

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on November 30, 2018. As of the date of this report no comments have been received.

**RECOMMENDATION:**

1. Approve Resolution No. 2018-39, approving Site Plan Review #2018-06 for the development of one (1) 4,200 commercial structure located at 1153 West Pacheco Boulevard, Assessor's Parcel Number: 431-141-021

**ATTACHMENTS:**

1. Resolution 2018-39
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Plan Set
3. Public Hearing Notice – November 30, 2018

## **RESOLUTION #2018-39**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN REVIEW #2018-06 FOR THE DEVELOPMENT OF ONE (1) 4,200 COMMERCIAL STRUCTURE LOCATED AT 1153 WEST PACHECO BOULEVARD , ASSESSOR'S PARCEL NUMBER: 431-141-021**

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Commercial pursuant to the Los Banos General Plan and is zoned Highway Commercial by the Los Banos Zoning Map; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, project was considered and adequately reviewed and evaluated in the certified Mitigated Negative Declaration (SCH #2007101120); and

WHEREAS, a public hearing was duly noticed for December 12, 2018, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on November 30, 2018 to consider and take testimony regarding Site Plan Review #2018-06; and

WHEREAS, at the December 12, 2018 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan Review #2018-06 for the development of one (1) 4,200 commercial structure located at 1153 West Pacheco Boulevard, Assessor's Parcel Number: 431-141-021, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of December 2018, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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John Cates, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2018-06 – FLORAL AND 99, LP**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, this project was evaluated within the context of the PMB Development Mitigated Negative Declaration (MND) SCH #2007101120, certified by the City on November 28, 2007. The Community and Economic Development Department has determined that the proposed project was adequately described, examined, and evaluated in the MND, and that no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND. The City determined that the PMB Development would have a less than significant effect on the environment with mitigation measures. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND. The CEQA findings attached hereto, document the determination by the City that the environmental review in the MND is adequate under CEQA.
2. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Mitigated Negative Declaration.
3. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the Mitigated Negative Declaration.
4. The City of Los Banos Community Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based and will be certified by the Los Banos City Planning Commission.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF SITE PLAN #2018-06 – FLORAL AND 99, LP

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Commercial, which allows large-scale commercial developments that serve both residents, visitors, and the surrounding region. Examples of this land use include: shopping centers, large-format retail, auto sales, and travel related services such as hotels, gas stations, and restaurants. These uses typically require excellent access to freeway interchanges.*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

***ECONOMIC DEVELOPMENT POLICY ED-G-1:***

*Help create jobs and improve job quality for existing and future Los Banos residents.*

***ECONOMIC DEVELOPMENT POLICY ED-G-3:***

*Make Los Banos an ideal place to do business by fostering a business friendly climate.*

***ECONOMIC DEVELOPMENT POLICY ED-G-7:***

*Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.*

***LAND USE POLICY LU-G-1:***

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

*Evidence/Analysis:* *The project is consistent with the General Plan Commercial land use designation. The proposed commercial structure would create employment opportunities for the community and the creation of new business fosters economic development and business vitality.*

- b. *The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district exclusively for commercial; development wherein retail and other commercial businesses can locate and operate away from the restricting influences on nonindustrial uses while maintaining an environment free from offensive or objectionable noise, dust, odor, or other nuisances.*

*Evidence/Analysis: The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis: The proposed project is surrounded by commercial development and uses. The proposed commercial structure will be compatible with the existing area. As noted previously, the traffic/ circulation of the project was considered and analyzed in the certified Mitigated Negative Declaration (SCH #2007101120).*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis: The proposed design of the commercial structure is a Spanish Themed Architectural style which is consistent with the designated style for Pacheco Boulevard in accordance to the Los Banos Community Design Standards; also the colors for the structures will be earth tone colors which are City preferred colors. The design of the structure will also be compatible in character with the surrounding commercial structures within the Ortigalita Plaza. The applicant received positive feedback from the Planning Commission Study Session.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design of the proposed commercial structure is consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish,*

*and the proposed design has an Spanish Theme. The applicant is proposing that all of the buildings material are going to be identical or similar to the surrounding developments. The proposed building will have the same exterior, stucco, plaster and stone veneer. The applicant has chosen a mocha color, dark brown color, and blue on the awnings. The proposed colors will match the City preferred colors as they represent earth tones minus the blue which identifies the Western Dental Brand.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Title 9 Article 13, Highway Commercial Zoning District and the Los Banos 2030 General Plan commercial land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the proposed commercial structure conforms to good planning in that the physical design elements are compatible to surrounding commercial structures and consistent with the Los Banos Community Design Standards for the Pacheco Boulevard commercial corridor.*

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR SITE PLAN #2018-06 – FLORAL AND 99, LP

#### Planning:

1. The followings Conditions of Approval shall apply to and be applicable to the applicant, property owner, and/or developer. Reference to applicant, property owner, and/or developer shall be interpreted to include all including the holder of a building permit or other permit issued by the city in connection with this project. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed by written request submitted to and approved by the Community and Economic Development Director.
3. Subject to and in addition to the conditions of approval set forth herein the development and construction of all improvements for the Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission consisting of the site plan layout, exterior elevations, landscape plan, floor plan, and color renderings (herein after “site plan”). The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped “conditionally approved” for purposes of providing a clear record of the approved Site Plan.
4. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan during construction and after issuance of occupancy permit shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.
5. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
6. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this site plan, or the environmental determination rendered in connection with the site plan approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City’s active negligence.

7. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
8. The applicant shall comply with all requirements of other appropriate governmental agencies.
9. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Los Banos Municipal Codes in effect at time of the building permit application.
10. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
11. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
12. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
13. The applicant shall require and all contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
14. The applicant shall obtain any necessary encroachment permits from the City prior to performing any work within that jurisdiction's right-of-way.
15. The applicant shall incorporate perimeter fencing along the proposed retention basins if the retention basin exceeds two feet (2') of depth.
16. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
17. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
18. A minimum 200-foot separation shall be maintained between the public right-of-way and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of the public right-of-way, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.

19. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
20. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
21. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code. The Project site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
22. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
23. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
24. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or

the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

25. The Project site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
- f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

26. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
  - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
  - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
27. The Project site shall include a bicycle racks. Size and location shall be approved by the Community and Economic Development Director.
28. All development impact fees shall be paid in full prior to occupancy and as a condition of issuance of an occupancy permit. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.
29. The Applicant will take reasonable steps to preserve all survey monuments. The Applicant is responsible for the preservation of survey monuments within the work area under this permit at Applicant's sole expense. If any monuments are disturbed, the Applicant is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Applicant's sole expense.
30. All Community and Economic Development processing and application fess shall be paid in full prior to the issuance of a building permit.

**Utilities and Drainage:**

31. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.

32. A trash enclosure shall be built according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services within. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening. The location shall be specifically shown on the improvement plans and approved by the Community and Economic Development Director. The trash enclosure shall be large enough to accommodate the solid waste, recyclables, and wet waste for both restaurant tenants. The trash bins shall have lids and the enclosure must be properly screened. The enclosure needs to follow City Standards and Specifications as well as Republic Services Standards.

**Landscape and Lighting:**

33. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof.

34. Prior to issuance of a building permit the developer/applicant shall submit a lighting plan pursuant to standards in the Los Banos Standards and Specifications and Caltrans standards for Pacheco frontage. All exterior lighting including parking lot lighting, shall meet the provisions of the Los Banos Municipal Code.

35. All landscaping and irrigation shall be continuously maintained in a healthy and thriving manner and shall fulfill the City Shade Canopy Ordinance. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity or an approved alternative should a different type of landscape material be determined to fare better than the deceased material in the project environment. The applicant shall provide the Public Works Department a Landscape Plan and a Landscape Maintenance Plan describing their strategy for maintaining all landscaped areas in a healthy, litter free and thriving manner. Said plan shall identify responsible parties and be submitted for Public Works Department approval prior to issuance of building permit(s). Failure to maintain and replace landscaping and shade canopy in a healthy manner may result in administrative citations and fines.

**Signage:**

36. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community and Economic Development Department for review prior to the issuance of a building permit.

37. All advertising signage shall be subject to Sign Review and permit approval from both the Community and Economic Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

**Design/Aesthetics:**

38. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require prior written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior written approval by the Community and Economic Development Director or Planning Commission. This condition shall run with the land and be binding on successors in interest and shall be applicable beyond the issuance of an occupancy permit.
39. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.
40. All rooftop mechanical equipment and appurtenances shall be screened from view from the public right-of-way and adjacent properties.

### **Fire Department**

41. There shall be a fire control room, which shall have an exterior access door only and be large enough to accommodate the fire riser and fire alarm annunciator panel per City code.
42. There shall be a permanent sign on the exterior of the fire control room stating "Fire Control Room" per City code.
43. A fire sprinkler system shall be provided per City code.
44. There shall be HVAC smoke detector test and reset switches in the fire control room.
45. Maintain clear access to Fire Sprinkler Risers and Fire Department Connections (FDC's).
46. FDC's shall be located at Sprinkler Riser or new Double Back Flow devices OS&Y.
47. Fire lines shall be installed as a loop system.
48. Hydrant Locations shall be indicated on Final Improvement Plan.
49. The fire system back flow unit shall be hydro tested.
50. All fire lane curbs on the project site shall be painted.

51. There shall be a main electrical disconnect located on the exterior of the building for Fire Department use only.
52. Commercial grade Knox Boxes with Click 2 Enter access shall be required on the exterior of the building for each tenant in the area of all gate entrances. Applications can be obtained through the Fire Department. The Knox Boxes shall have FDC locking caps.
53. A fire alarm control panel shall be located within the fire control room. A minimum of one (1) pull station and one (1) audio visual station shall be provided within 5' of the front entrance. The fire alarm system shall be plan checked and approved by the Los Banos Fire Department. These plans shall be through deferred submittal to the Fire Department.
54. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System
55. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.

### **Public Works**

56. The developer/applicant shall prepare improvement plans (separate from the building plans) submitted to the Public Works Department for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, circulation striping and signage, landscape, on and offsite lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.
57. The existing water lines shall be shown on the improvement plans and the proposed building shall not be allowed to be built over the existing water line.
58. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% shade requirement.
59. All frontage improvement as per City standards. These improvements include undergrounding existing utilities along the streets.
60. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
61. The developer/applicant shall prepare a grading and drainage plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.

62. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
63. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
64. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
65. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.

### **Police Department**

66. The applicant/operator shall have HD quality monitoring cameras with 4k/1080p resolution in the exterior of the facility at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.
67. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**









- 1. DEER GRASS (1 GALLON)
- 2. PHORUM PINK STRIP (5 GALLON)
- 3. MUHLEN BERGIA RIGENS (1 GALLON)
- 4. PISTACHE CHINENSIS (15 GALLON)



**PROJECT DATA**

**PROJECT DATA**

PROJECT NO. 1153 WEST PACHECO BOULEVARD, LOS BANOS, CALIFORNIA

DATE: 11/15/2011

SCALE: AS SHOWN

DESIGNED BY: [Firm Name]

PROJECT LOCATION: [Map Reference]

**KEYED NOTES**

- 1. 1" = 10' CONCRETE CURB - SEE CIVIL PLAN.
- 2. 1" = 10' CONCRETE SIDEWALK - SEE CIVIL PLAN.
- 3. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
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- 95. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
- 96. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
- 97. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
- 98. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
- 99. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.
- 100. 1" = 10' CONCRETE DRIVEWAY - SEE CIVIL PLAN.

**PROPOSED LANDSCAPE PLAN**

PROJECT	PROPOSED SHELL BUILDING FOR: TRUE NORTH PROPERTIES 1153 WEST PACHECO BOULEVARD LOS BANOS, CALIFORNIA 93635
DATE	11/15/2011
SCALE	AS SHOWN
DESIGNED BY	[Firm Name]
CHECKED BY	[Firm Name]
APPROVED BY	[Firm Name]
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**CENTERLINE DESIGN INC.**

1153 WEST PACHECO BOULEVARD, SUITE 100  
LOS BANOS, CALIFORNIA 93635  
TEL: 562.261.1111  
WWW.CENTERLINEDESIGN.COM

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF CENTERLINE DESIGN INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CENTERLINE DESIGN INC. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.





City of  
**Los Banos**  
At the Crossroads of California

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Site Plan Review #2018-06- Western Dental

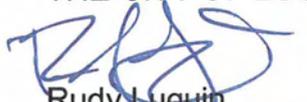
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2018-06 for the development of a commercial structure within the Highway Commercial Zoning District. The proposed project consists of one (1) 4,200 square foot commercial structure located at 1153 W. Pacheco Blvd; more specifically identified as Assessor's Parcel Numbers: 431-141-021.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

  
Rudy Luquin  
Associate Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS**

**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** 

**FOR: DECEMBER 12, 2018**

**SUBJECT: SITE PLAN REVIEW #2018-04 - SUNSET HILLS DEVELOPMENT**

**RECOMMENDATIONS:**

Staff requests that the Planning Commission open the public hearing, receive public comment, and consider the following actions:

1. Approve Resolution No. 2018-37, approving a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-04 for the development of four (4) residential structures totaling 12,124 square feet located at 649 and 661 E Street; Assessor's Parcel Number: 025-063-018 and 025-063-019.

**PROJECT DESCRIPTION:**

On September 7, 2018, the City of Los Banos Community and Economic Development Department received an application from the applicant, Joe Rocha on behalf of Sunset Hills Development LLC, for a Site Plan Review. The Site Plan Review application is for the proposed new residential development at 649 E Street and 661 E Street. The two parcels are adjacent to one another. The proposed residential development is within the Medium Residential Zoning District (R-2). The properties currently contain one (1) duplex each, totaling four (4) units. The applicant is proposing to develop an additional four residential structures, which consist of: a two story triplex, two (2) two story duplexes, and a single story single family structure totaling 12,124 square feet. The proposed development would provide eight (8) additional units to the properties.

**PROJECT LOCATION:**

The project site is located at 649 E Street and 661 E Street. Two adjacent developed parcels totaling to approximately half an acre within the Medium Density Residential District. The proposed project site is surrounded by existing residential uses to the west,

east, and south and open space/ park uses to the north.



**LAND USE:**

<b>Property</b>	<b>Land Use</b>	<b>Zone</b>	<b>General Plan</b>
Project site	Medium Density Residential	R-2	MDR
North	Park	R-2	P
South	Medium Density Residential	R-2	MDR
East	Low Density Residential	R-1	LDR
West	Medium Density Residential	R-2	MDR

P = Park

R-1 = Low Density Residential

R-2 = Medium Density Residential

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an Initial Study was prepared to identify and assess potential environmental impacts as a result of this project. Through the Initial Study, staff determined that the project would not result in any significant adverse effects and the project can be categorically exempt pursuant to Section 15332, In-Fill Development Projects.

**PROJECT ANALYSIS:**

### **Existing Setting**

The proposed project site consists of two (2) partially developed adjacent lots located at 649 and 661 E Street within the Medium Density Residential Zoning District. The project site is surrounded by existing urban development consisting of residential development on the west, east, and south, and a park (Merced County Facility) to the north. The topography of the project site is relatively flat. There is small vegetation located on the undeveloped portion of the project site. This vegetation will be removed as part of the development of the proposed project.

### **SITE PLAN REVIEW ANALYSIS:**

#### ***Code Requirements***

Pursuant to Section 9-3.2316(a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

#### ***Project Design***

The proposed project consists of four (4) residential structures on the two specified lots. The structures will consist of; one (1) triplex, one (1) single dwelling structure, and two (2) duplexes. The proposed two story triplex will face the alley and will be situated on the rear portion of the 649 E Street parcel. There is an existing duplex at the E Street frontage of the parcel. The triplex will be a two story multifamily structure totaling to a combined 4,866 square foot building with 4,143 square feet indicated as living space and 723 square feet of garage space for each respective unit. All three units will have; three (3) bedrooms, two (2) bathrooms, and a laundry area on the second floor and the main floor will consist of; family room, kitchen, half a bathroom and the 241 square foot garage.

The 649 E Street parcel has also been proposed to accommodate the single family structure. The single family structure is situated in between the existing duplex and the proposed triplex. The single family structure is proposed to be a single story structure and will consist of two (2) bedrooms, one (1) bathroom, a laundry area, kitchen, and a family room totaling to 874 square feet.

The proposed two (2) two story duplexes are proposed to be developed on the 661 E Street parcel facing Seventh Street with proposed Seventh Street access. 661 E Street also has an existing duplex along the E Street frontage, the proposed duplexes will be placed closer to the rear of the parcel. Each two story duplex will total up to 3,192 square feet consisting of; three (3) bedrooms, two (2) bathrooms, and a laundry area on the second floor. The first floor will have; a family room, kitchen, nook, half bathroom, and a 242 square foot garage.

The applicant has proposed a Craftsman theme for the structures. The material to be used for the project are T 1-11 vertical siding, four inch (4") trim along the edging, windows, and doors of the structures. All of the proposed structures will have gabled roofs with Class C Arch Composition, and wall sconce exterior lighting features. The applicant is also proposing Presidential Composition for the roofing materials. The applicant is proposing standard wood residential fencing for the rear yard areas of each unit. The applicant is proposing earth tone colors for the proposed development. The colors proposed are "Jakarta" (light brownish/ tan color) for the body and "bear in mind" (brown) for the trim. The proposed design, color and materials for the proposed medium density residential development is consistent and compatible to the surrounding area.

The architecture includes detailed site plans and elevations.

The site plan is designed with 16 off-street parking spaces with one (2) designated as off-street parking per unit. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces are 2 minimum per each living unit of two (2) bedrooms or more, in regards to the proposed multi-residential development. Thus the proposed total of 16 off-street parking spaces is consistent with the required amount of off-street parking for the proposed residential development.

### ***Land Use***

The project site is designated as Medium Density Residential in accordance with the Los Banos 2030 General Plan and is zoned Medium Density Residential in accordance with the Los Banos Municipal Code. The proposed multi-residential development is consistent with the Los Banos 2030 General Plan and the Los Banos Municipal Code, Title 9, Chapter 3, Article 7, Medium Density Residential Zoning District with the approval of a density bonus as conditioned.

### ***Density Bonus***

In order to develop this Project at the density required by the Los Banos Municipal Code, the Project requires a Density Bonus. The purpose of a Density Bonus is to provide incentives for the production of housing for very low-income, lower-income, moderate-income, special needs, and senior households in the City. According to the Los Banos Municipal Code and Housing Element, it is the intent of the City to facilitate the development of affordable housing by positively impacting the economic feasibility of providing affordable housing and implementing the goals, objectives, and policies of the City's Housing Element.

Pursuant to Section 9-3.3403 of the Los Banos Municipal Code, the City shall grant either: a density bonus to an applicant for a housing development who agrees to provide the following:

- a) Ten percent of the total units of a housing development are for lower-income households;
- b) Five percent of the total units of a housing development are for very low-income

- households;
- c) Senior citizen housing;
- d) Ten percent of total dwelling units are in a condominium project for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.

Units that meet at least one of the above standards are referred to as “target units”. Conditions of Approval have been incorporated to require the applicant to enter into a Density Bonus Housing Agreement in accordance with Section 9-3.3409 of the Los Banos Municipal Code prior to issuance of the first building permit.

### ***Landscape and Lighting***

Prior to issuance of any permits, the developer will be required to prepare a Landscape and Lighting Plan for the proposed subdivision in the public right of way. The landscape plan will be designed in accordance with the City’s “Water Efficient Landscape Ordinance” and the lighting plan will include a Lumen Dispersion Map and comply with the City of Los Banos Standards and Specifications. Maintenance of the landscape and lighting areas will be financed through a Landscape and Lighting District. The developer will be required to form or annex to an existing Landscape and Lighting District.

### ***Circulation***

A traffic study was performed not warranted for this project. The project will not impact circulation as the proposed project will not create amounts of traffic that will significantly impact the surrounding area. The proposed project consists of a multi-family residential development consisting of eight (8) residential dwelling units which is not anticipated to create high traffic volumes and the trips for the development will not meet or surpass the 100 peak hour trip threshold stated in Los Banos 2030 General Plan Implementing Action C-I-12, “Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips).

### ***Infrastructure/Services***

**Water:** The City of Los Banos would provide water service to the Project site. Water service would be provided off an existing water line on E Street and Seventh Street. The Project will connect to the existing line with a domestic and landscape line to the Project site. All existing groundwater wells within the boundary of the map will be required to be abandoned to Merced County Standards. The project is subject to the provisions of the Los Banos Water Master Plan and will conform to its requirements including, but not limited to, payment of water impact fees.

**Sewer:** The City of Los Banos would provide wastewater service to the project site by connecting to an existing sewer line located on E Street and Seventh Street. Project build-out has been contemplated in the Wastewater Master Plans and will conform to its

requirements including, but not limited to, payment of the wastewater impact fees.

**Drainage:** The City of Los Banos would provide storm water drain services by connecting to the City of Los Banos via an existing storm drain line located on E Street and Seventh Street.

It should be noted that all City infrastructure has been sized to accommodate this use and will be built in accordance with the City's Utility Master Plans

### ***Signage***

The applicant has not proposed signage for the residential development at this time. Nonetheless, when the applicant does submit for a Sign Review, the signs shall be consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 28, Signs.

### **DESIGN REVIEW**

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on October 10, 2018, to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

The Planning Commission did provide minor recommendations to the applicant and provided positive feedback on the proposed design submittal.

### **PROJECT REVIEW BOARD**

The Project Review Board (PRB) reviewed the project proposal on October 9, 2018, for these aspects

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

**FINDINGS FOR APPROVAL:**

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Medium Density Residential, which allows for small-lot single family low density apartment complexes and multiple unit homes with typical lot sizes ranging from 2,000 to 5,000 square feet*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

**LAND USE POLICY LU-G-1:**

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

**LAND USE POLICY LU-G-8:**

*Provide for a full range of housing types and prices within neighborhoods, including minimum requirements for small –lot single family homes, townhouses, and multi-family housing to ensure that the economic needs of all segments of the community are met.*

**LAND USE POLICY LU-G-9:**

*Provide for a transition between higher density and lower density residential areas, or require buffers of varying size between residential uses and non-residential uses without restricting pedestrian and bicycle access.*

*Evidence/Analysis:* *The project is consistent with the General Plan Medium Density Residential land use designation and the Medium Density*

*Residential zone. The proposed residential development would create some economic housing opportunities for the community.*

- b. The zoning designation for the project site is Medium Density Residential (R-2). The purpose of the Medium Density Residential Zoning District is to stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density, with up to three (3) families to the building site, while minding the individual privacy, open space, and facilities. The proposed development will be consistent with the zoning.*

*Evidence/Analysis:* *The proposed project is within the Medium Density Residential Zoning District; and the proposed residential development is consistent with the designated Zoning District.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis:* *The proposed use is surrounded by residential development and uses on the west, east, south, and a park to the north of the project site. The proposed residential development will be compatible with the surrounding area. The proposed project will not create significant amounts of traffic to the area as only eight (8) residential units will be developed. The proposed use and development will not create such traffic patterns to provoke significant traffic impacts.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis:* *The proposed design of the eight (8) residential structures is a Craftsman themed architectural style, which is consistent with the Los Banos Community Design Standards; also the colors for the structures will be earth tone colors which are City preferred colors. The design of the structure will also be compatible in character with the existing residential units on the project site.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design of the proposed residential units is consistent with the Los Banos Community Design Standards. The proposed materials for the exterior of the proposed structures will be T1-11 siding. Architectural elements for the proposed structures will consist of trimming around the edges, windows, and doors. Exterior wall sconce lighting features will be part of the aesthetic elements of the development. The proposed roofing material will be Class C Architectural composition. The proposed colors are earth toned. The inclusive project will be consistent amongst itself and the existing residential structures on the project site.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 7 Medium Density Residential Zoning District and the Los Banos 2030 General Plan Medium Density Residential land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the proposed residential development conforms to good planning in that the physical design elements are compatible to surrounding residential structures and consistent with the Los Banos Community Design Standards.*

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on November 30, 2018. As of the date of this report no comments have been received.

**RECOMMENDATION:**

1. Approve Resolution No. 2018-37, approving a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-04 for the development of four (4) residential structures totaling 12,124 square feet located at 649 and 661 E Street; Assessor's Parcel Number: 025-063-018 and 025-063-019.

**ATTACHMENTS:**

1. Resolution 2018-37
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Notice of Exemption
3. Plan Set
4. Public Hearing Notice –November 30, 2018

## RESOLUTION #2018-37

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS AND APPROVING SITE PLAN REVIEW #2018-04 FOR THE DEVELOPMENT OF FOUR (4) RESIDENTIAL STRUCTURES TOTALING 12,124 SQUARE FEET LOCATED 649 & 661 E STREET, ASSESSOR'S PARCEL NUMBER: 025-063-018 AND 025-063-019**

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Medium density Residential pursuant to the Los Banos General Plan and is zoned Medium Density Residential by the Los Banos Zoning Map; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2018-04 for Sunset Hills Development for the development of four (4) residential structures was determined to be categorically exempt from the provisions of CEQA pursuant Article 19, Class 32, Section 15332 In-Fill Development Projects as the project site qualifies for in-fill development project; and

WHEREAS, a public hearing was duly noticed for December 12, 2018, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on November 30, 2018 to consider and take testimony regarding Site Plan Review #2018-04; and

WHEREAS, it is the intent of the City of Los Banos to facilitate the development of affordable housing by positively impacting the economic feasibility of providing affordable housing and implementing the goals, objectives, and policies of the City's Housing Element by granting a density bonus for development that provide housing for lower-income and very low-income households; and

WHEREAS, the Project included a condition of approval requiring approval of a Density Bonus Housing Agreement for the construction of target units prior to issuance of the first building permit; and

WHEREAS, at the December 12, 2018 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the findings set forth in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-04 for the development of four (4) residential structures totaling 12,124 square feet located at 649 & 661 E Street; Assessor's Parcel Numbers: 025-063-018 and 025-063-019, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of December 2018, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

---

John Cates, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2018-04 – SUNSET HILLS DEVELOPMENT**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2018-04 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 32, Section 15332 In-Fill Development Projects as the comprehensive project qualifies as an in-fill development project as determined in the Initial Study and further elaborated in the Notice of Exemption..
2. Site Plan Review #2018-04 was adequately noticed on November 30, 2018, for consideration at a public meeting on December 12, 2018.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF SITE PLAN #2018-04 – SUNSET HILLS DEVELOPMENT

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Medium Density Residential, which allows for small-lot single family low density apartment complexes and multiple unit homes with typical lot sizes ranging from 2,000 to 5,000 square feet*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

**LAND USE POLICY LU-G-1:**

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

**LAND USE POLICY LU-G-8:**

*Provide for a full range of housing types and prices within neighborhoods, including minimum requirements for small-lot single family homes, townhouses, and multi-family housing to ensure that the economic needs of all segments of the community are met.*

**LAND USE POLICY LU-G-9:**

*Provide for a transition between higher density and lower density residential areas, or require buffers of varying size between residential uses and non-residential uses without restricting pedestrian and bicycle access.*

*Evidence/Analysis:* *The project is consistent with the General Plan Medium Density Residential land use designation and the Medium Density Residential zone. The proposed residential development would create some economic housing opportunities for the community.*

- b. *The zoning designation for the project site is Medium Density Residential (R-2). The purpose of the Medium Density Residential Zoning District is to stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density, with up to three (3) families to the building site, while*

*maintaining the individual privacy, open space, and facilities. The proposed development will be consistent with the zoning.*

*Evidence/Analysis: The proposed project is within the Medium Density Residential Zoning District; and the proposed residential development is consistent with the designated Zoning District.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis: The proposed use is surrounded by residential development and uses on the west, east, south, and a park to the north of the project site. The proposed residential development will be compatible with the surrounding area. The proposed project will not create significant amounts of traffic to the area as only eight (8) residential units will be developed. The proposed use and development will not create such traffic patterns to provoke significant traffic impacts.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis The proposed design of the eight (8) residential structures is a Craftsman themed architectural style, which is consistent with the Los Banos Community Design Standards; also the colors for the structures will be earth tone colors which are City preferred colors. The design of the structure will also be compatible in character with the existing residential units on the project site.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design of the proposed residential units is consistent with the Los Banos Community Design Standards. The proposed materials for the exterior of the proposed structures will be T1-11 siding. Architectural elements for the proposed structures will consist of trimming around the edges, windows, and doors. Exterior wall sconce lighting features will be part of the aesthetic elements of the development. The proposed roofing material will be Class C Architectural composition. The proposed colors are earth toned. The inclusive project will be consistent amongst itself and the existing residential structures on the project site.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 7 Medium Density Residential Zoning District and the Los Banos 2030 General Plan medium density residential land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the propose residential development conforms to good planning in that the physical design elements are compatible to surrounding commercial structures and consistent with the Los Banos Community Design Standards.*

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR SITE PLAN #2018-04 – SUNSET HILLS DEVELOPMENT

#### Planning:

1. The followings Conditions of Approval shall apply to and be applicable to the applicant, property owner, and/or developer. Reference to applicant, property owner, and/or developer shall be interpreted to include all including the holder of a building permit or other permit issued by the city in connection with this project. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed by written request submitted to and approved by the Community and Economic Development Director.
3. Prior to the issuance of a Building Permit the Developer shall enter into a Density Bonus Housing Agreement in accordance with Section 9-3.3409 of the Los Banos Municipal Code for the construction of target units.
4. Prior to the issuance of a Building Permit the Developer shall form or annex the Subject Property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.
- 5.
6. Subject to and in addition to the conditions of approval set forth herein the development and construction of all improvements for the Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission consisting of the site plan layout, exterior elevations, landscape plan, floor plan, and color renderings (herein after "site plan"). The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped "conditionally approved" for purposes of providing a clear record of the approved Site Plan.

7. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan during construction and after issuance of occupancy permit shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.
8. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
9. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this site plan, or the environmental determination rendered in connection with the site plan approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City's active negligence.
10. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
11. The applicant shall comply with all requirements of other appropriate governmental agencies.
12. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Los Banos Municipal Codes in effect at time of the building permit application.
13. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
14. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
15. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
16. The applicant shall require and all contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
17. The applicant shall obtain any necessary encroachment permits from the City prior to performing any work within that jurisdiction's right-of-way.

18. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
19. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.
20. A minimum 200-foot separation shall be maintained between the public right-of-way and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of the public right-of-way, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.
21. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
22. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
23. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code. The Project site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
24. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
25. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked

off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

26. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

27. The Project site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
  - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
  - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
28. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and carbon emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
  - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
  - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
29. The Project site shall include a bicycle rack. Size and location shall be approved by the Community and Economic Development Director.
30. All development impact fees shall be paid in full prior to occupancy and as a condition of issuance of an occupancy permit. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.
31. The Applicant will take reasonable steps to preserve all survey monuments. The Applicant is responsible for the preservation of survey monuments within the work area under this permit at Applicant's sole expense. If any monuments are disturbed, the Applicant is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be

performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Applicant's sole expense.

32. All Community and Economic Development processing and application fees shall be paid in full prior to the issuance of a building permit.

**Utilities and Drainage:**

33. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.

34. A trash enclosure shall be built, if a dumpster is utilized for refuse, according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services within. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening. The location shall be specifically shown on the improvement plans and approved by the Community and Economic Development Director. The trash enclosure shall be large enough to accommodate the solid waste and recyclables. The trash bins shall have lids and the enclosure must be properly screened. The enclosure needs to follow City Standards and Specifications as well as Republic Services Standards.

**Landscape and Lighting:**

35. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof.

**Signage:**

36. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community and Economic Development Department for review prior to the issuance of a building permit.
37. All advertising signage shall be subject to Sign Review and permit approval from both the Community and Economic Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

**Design/Aesthetics:**

38. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require prior written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior written approval by the Community and Economic Development Director or Planning Commission. This condition shall run with the land and be binding on successors in interest and shall be applicable beyond the issuance of an occupancy permit.
39. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.
40. All rooftop mechanical equipment and appurtenances shall be screened from view from the public right-of-way and adjacent properties.

### **Fire Department**

41. There shall be HVAC smoke detector test and reset switches in the fire control room.
42. Maintain clear access to Fire Department Connections (FDC's).
43. FDC location shall be approved by the Fire Chief.
44. Fire lines shall be installed as a loop system.
45. Hydrant Locations shall be indicated on Final Improvement Plan.
46. The fire system back flow unit shall be hydro tested.
47. All fire lane curbs on the project site shall be painted.
48. There shall be a main electrical disconnect located on the exterior of the building for Fire Department use only.
49. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System
50. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.
51. The development shall be required to follow National Fire Protection Association (NFPA) Code 13.

### **Public Works**

52. The developer/applicant shall prepare improvement plans (separate from the building plans) submitted to the Public Works Department for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, circulation striping and signage, landscape, on and offsite lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.
53. The existing water lines shall be shown on the improvement plans and the proposed building shall not be allowed to be built over the existing water line.
54. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% shade requirement.
55. All frontage and alley improvements as per City standards. These improvements include undergrounding existing utilities along the streets.
56. The developer shall improve and repair the curb, gutter, and sidewalk along Seventh Street pursuant to City Standards.
57. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
58. The developer/applicant shall prepare a grading and drainage plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
59. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
60. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.

61. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.

**Police Department**

62. The applicant/operator shall have HD quality monitoring cameras with 4k/1080p resolution in the exterior of the facility at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.

**63. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**

**Notice of Exemption**

**Form D**

**To** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Los Banos  
520 J Street  
Los Banos, CA 93635

County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title** Sunset Hills Development Site Plan Review #2018-04

**Project Location - Specific** 649 E Street and 661 E Street, Assessor’s Parcel Numbers: 025-063-018 ,025-063-019

**Project Location - City** Los Banos **Project Location - County** Merced

**Description of Nature, Purpose, and Beneficiaries of Project** Site Plan Review (SPR) #2018-04 for the development of four (4) residential structures consisting of eight (8) residential dwelling units totaling 12,124 square feet and associated utility and land improvements.

**Name of Public Agency Approving Project** City of Los Banos

**Name of Person or Agency Carrying Out Project** Joe Rocha, Sunset Hills Development

**Exempt Status (check one)**

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency (sec. 21080(b)(3); 15269(a);
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).
- Categorical Exemption – Sec. 15332 In-fill Development Projects
- Statutory Exemption – State code number:

**Reasons why project is exempt** CEQA provides several “categorical exemptions” which are applicable categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the Environment. The project consists of a Site Plan Review entitlement to develop four (4) residential structures that will consist of; one (1) triplex and one (1) single family dwelling unit to be located on 649 E Street at the rear of the parcel and two duplexes at the rear of the parcel at 661 E Street which will accommodate for 8 residential dwelling units. The proposed residential development will total 12,124 square feet and is wihtin the Medium Density Residential Zoning District of the City of Los Banos. The project is exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects). The project meets the conditions for an infill exemption described in Section 15332 of the State CEQA Guidelines as explained below.

(a) The project is consistent with the applicable general plan designation, applicable policies and applicable zoning Designation and regulations. The subject site is designated land use is Medium Density Residential in the Los Banos 2030 General Plan and is zoned Medium Density Residential. The General Plan land use designation Medium Density Residential allows for small-lot single family low density apartment complexes and mutli-family units. Thus the proposed Residential project is consistent with the Los Banos 2030 General Plan and the Los Banos Municipal Code, Title 9, Chapter 3, Article 7, Medium Density Residential Zoning District. Therefore the project is consistent with all applicable Zoning regulations.

(b) The proposed project occurs within the City limits on a site of no more than half an acre that is substantially surrounded by residential development and uses to the west, east and south, and a park/open space to the north.

The proposed project occurs within the city limits of Los Banos on an approximate half acre site, and thus, is less than the maximum five (5) acre site specified in Section 15332 (b) for this exemption.

(c) The project has no value as habitat for endangered, rare or threatened species. The site is partially developed and contains non-native, weedy grasses and has been distributed. The project site is surrounded by residential development and contains no sensitive habitat or habitat for special status species. Thus the project site has no value for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project does not warrant for a traffic study in accordance to the 2030 General Plan Circulation Element Implementing Action C-I-12 which states "Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips)." The project will not have a significant impact on traffic circulation as the project consists of eight (8) residential units and associated utility and land improvements.

Thus the project will not have a significant impact on traffic. The project is consistent with the impact reducing policies from the Los Banos 2030 General Plan emphasized in the Los Banos 2030 General Plan EIR.

The project uses will not result in a generation of substantial noise levels and would not result in significant noise impacts. The project site is located adjacent to existing residential uses in an area where future ambient noise levels are projected to be 50-60 decibels according to the City's 2030 General Plan EIR, which is within the "normally acceptable" noise range for low density residential uses. Additionally, as stated in the City's 2030 General Plan EIR, Impact 3.11-1: new development under the proposed 2030 General Plan will result in population and employment increases and more automobile and truck use. This activity will contribute to raising ambient noise levels to the noise levels shown on the future noise contours. However, the future noise contours suggest that even at buildout there is virtually no land, other than directly on the road ways, being exposed to noise levels above 60 dB. In addition, use of noise attenuation measures such as increased screening, sound-proofing and double-glazing windows will help buffer or mask increases in ambient noise, thereby reducing potential impacts to levels that exceed standards for land use compatibility.

The project would not result in significant air emissions and is below the level of development (590 Units) cited in the San Joaquin Valley air Pollution Control District's "Small Project Analysis Level" Table 5-3 (a) Low Rise Apartments development (2017) in accordance with the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) that could potentially result in a significant impact. The proposed project complies with City storm water requirements and includes "Low Impact Development" measures, and thus, will not result in significant water quality impacts.

(e) The project has been reviewed by City staff, and can be adequately served by all required utilities and public services. The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

(a) for certain classes of projects (Classes 3,4,5,6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;

(b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;

(c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings rock croppings , or similar resources within a highway officially designated as a state scenic highway:

(e) where the project is located on a state designated hazardous waste site: and

(f) where the project may cause a substantial averse change in the significance of a historical resource.

Section 15300.2(a) does not apply to the Class 32 category exemptions. Nonetheless, the project site is not located in an area of sensitive or critical concern.

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts related to development accommodated by the City's General Plan were found to be less than significant in the 2030 General Plan EIR, except for potential significant cumulative traffic impacts with related to traffic, water supply, Population, and noise. The project will not result in significant cumulative traffic impacts with regards to the project and potential General Plan buildout. The proposed project would not contribute to the identified significant cumulative noise impact as the identified street segments where increased noise levels are projected outside of the project area H Street. Water demand from the proposed project is slightly less than was factored in the General Plan EIR cumulative water impact evaluation for the project site. Furthermore, the project would be subject to City requirements/ standards for installation of water conserving fixtures and landscaping in accordance with the City's Municipal Code and building requirements. In addition, the project will pay the required "Water Development Impact Fees", which used in part to implement conservation measures and help fund costs associated with development of a supplemental water source. The City's 2005 Urban Water Management Plan estimates the water supply is sufficient to meet the City's water demand through 2025 and the further consideration that the water supply will be sufficient to meet the City's needs in 2030 as the Delta-Mendota sub-basin is connected to one of the deepest water basins in California. Thus, incremental increases in water demand by new development have been offset by the plentiful water supply in accordance to the Delta-Mendota sub-basins connection to one of the deepest water basins in California.

Regarding Section 15300.2(c), the project would not result in any significant effects on the environment due to unusual circumstances. The project would not result in any significant effects on the environment due to unusual circumstances. The project site is surrounded by urban development and not located within a sensitive resource area. The project site is located and mapped in a non-hazardous area, as is all of the surrounding area.

Section 15300.2(d) does not apply to the project site as the site is not located adjacent to or visible from a designated scenic highway.

Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. The project site is located in a mapped non-hazardous area as is all of the surrounding area.

Section 15300.2(f) does not apply because there are no historic resources or structures located within or around the project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for an exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines.

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**Lead Agency Contact Person** Rudy Luquin, **Area Code/Telephone/Extension** (209) 827-7000  
Associate Planner ext.2432

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

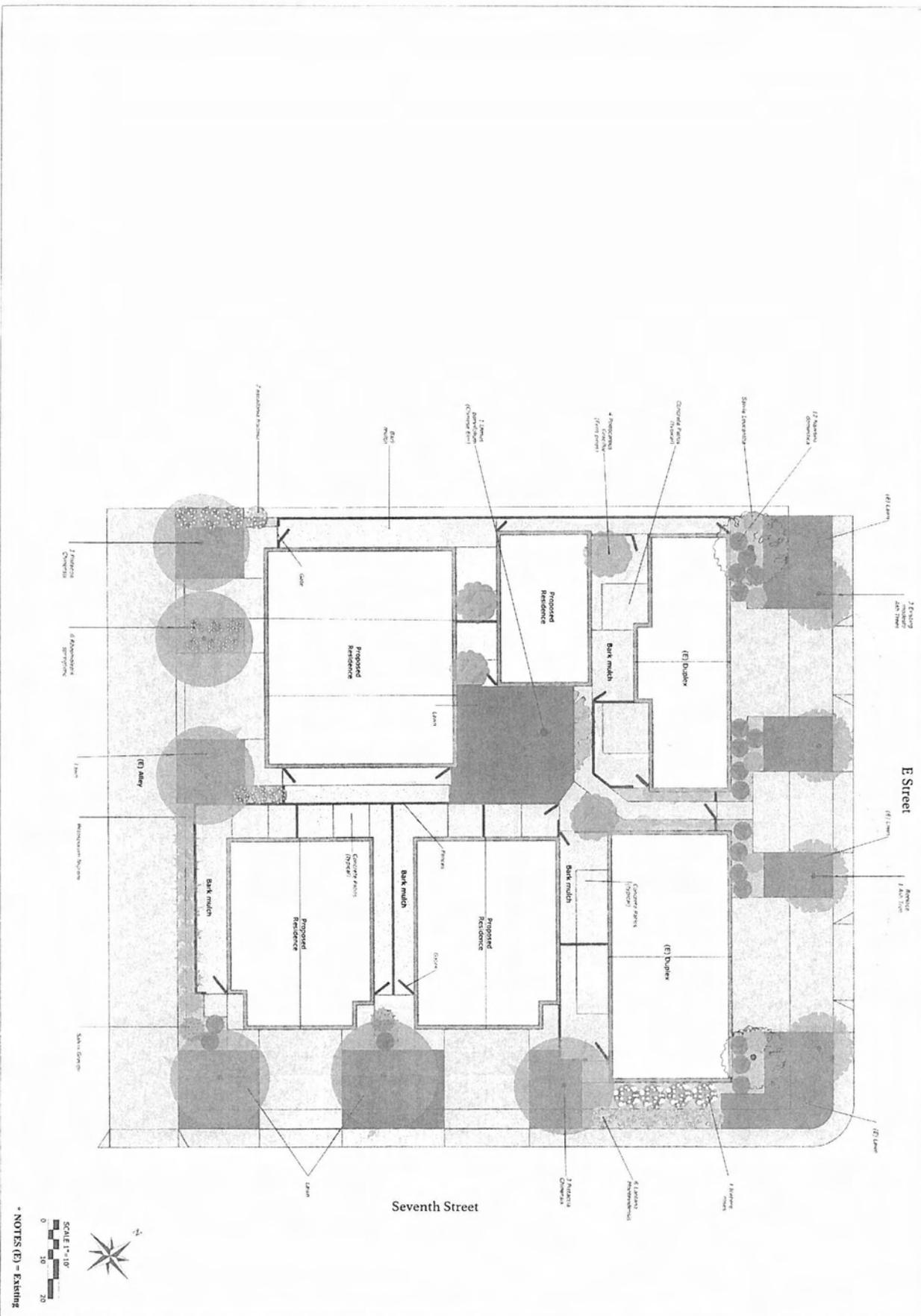
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Signature	Date	Title
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- Signed by Lead Agency  
 Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_





DATE 07-03-18  
 SCALE 1" = 10'-0"  
 DRAWN IN  
 JOB E STREET

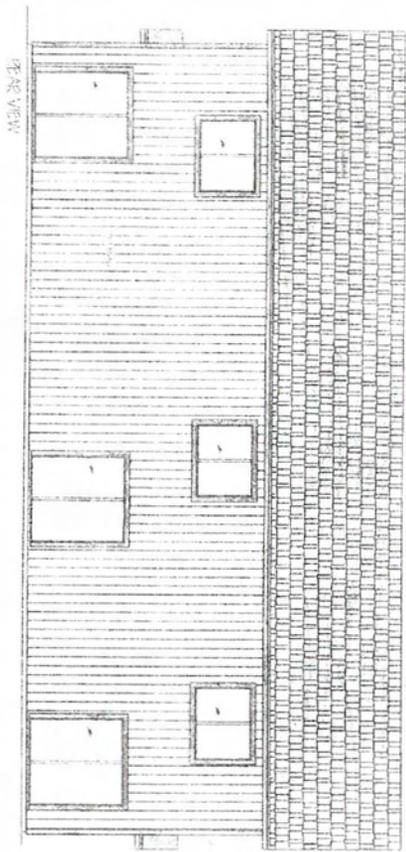


**E STREET PROPERTIES**  
 690 E Street, Los Banos, CA  
**LANDSCAPE PLAN**

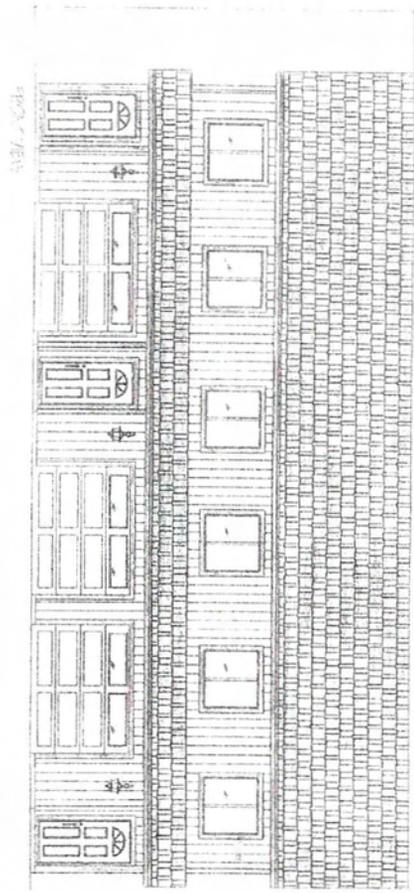
**AITKEN ASSOCIATES**  
**LANDSCAPE ARCHITECTS**  
 8262 Rancho Real Gilroy Ca. 95020  
 Calif. Reg.#2239 (408) 842-0245  
 aitkenassociates@gmail.com



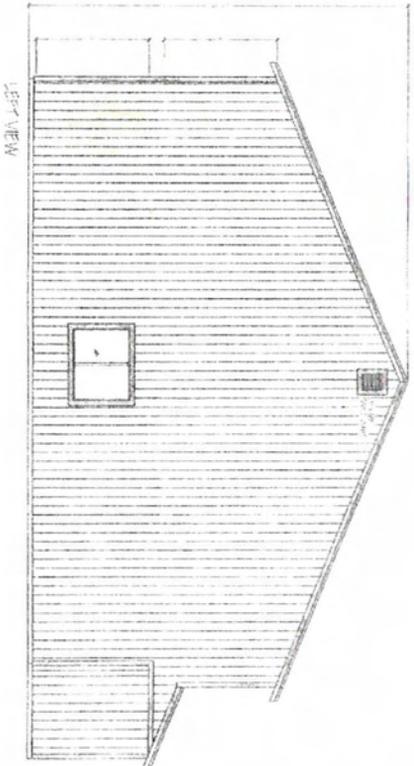
REVISIONS	BY



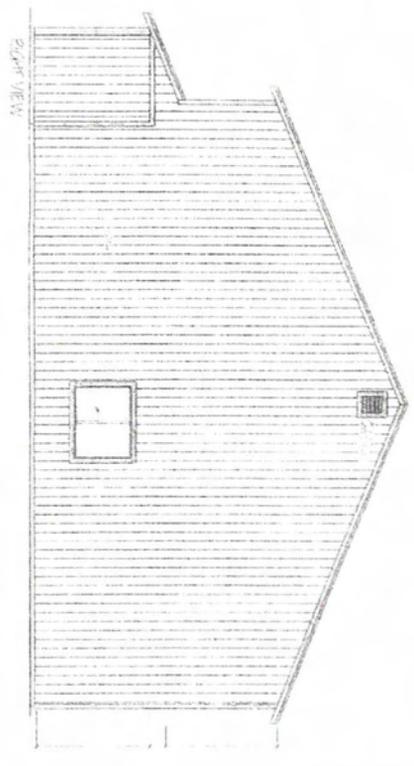
FRONT VIEW



REAR VIEW



LEFT VIEW



RIGHT VIEW

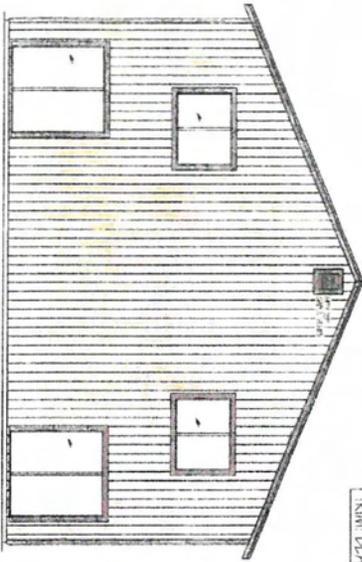
BODY - JAKARITA  
FRONT VIEW IN HAND

ELEVATIONS

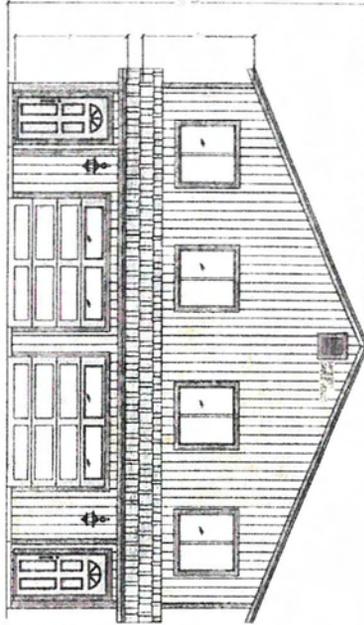
elev			

**SUNSET HILLS DEV.**  
649 E STREET  
TRIPLEX BUILDING A


REAR VIEW

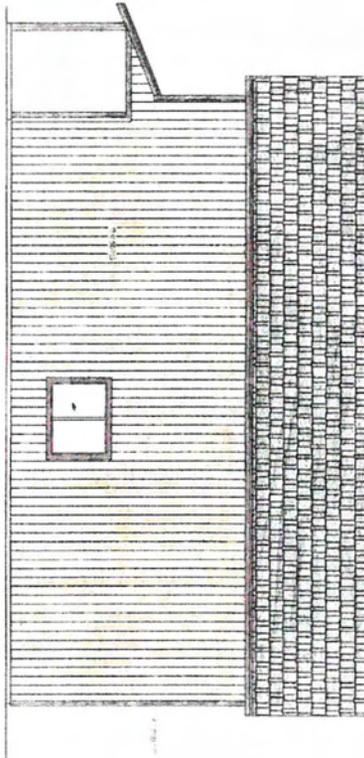


FRONT VIEW

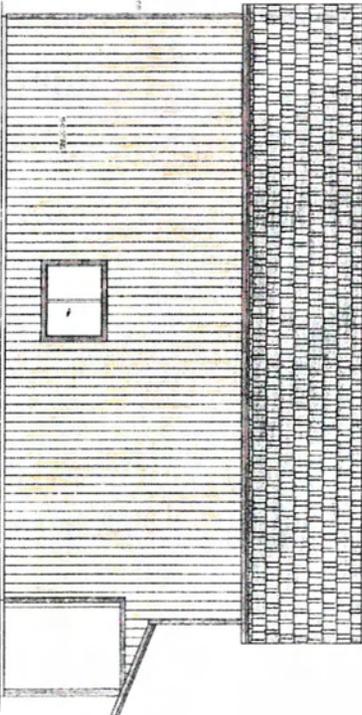


BODY: JAKARTA  
TRIM: BEAR IN HAND

RIGHT VIEW



LEFT VIEW



ELEVATIONS

NO.
DATE
BY
CHECKED
APPROVED
SCALE
PROJECT
NO.
DATE
BY
CHECKED
APPROVED
SCALE
PROJECT
NO.
DATE
BY
CHECKED
APPROVED
SCALE
PROJECT

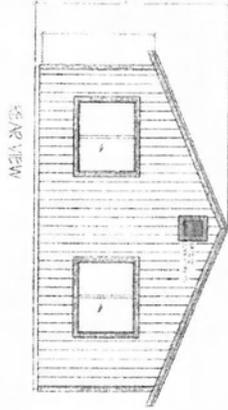
SUNSET HILLS DEV.

649 E STREET  
DUPLEX BUILDING B & C

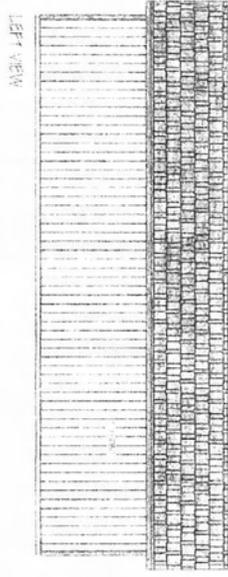


NO.
DATE
BY
CHECKED
APPROVED
SCALE
PROJECT
NO.
DATE
BY
CHECKED
APPROVED
SCALE
PROJECT

ELEVATIONS F

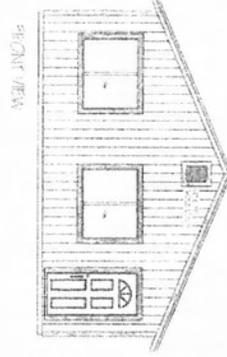


REAR VIEW



LEFT VIEW

DOOR TO BE OPEN FROM REAR IN WIND



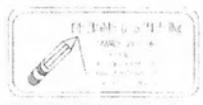
FRONT VIEW



RIGHT VIEW

SUNSET HILLS DEV.

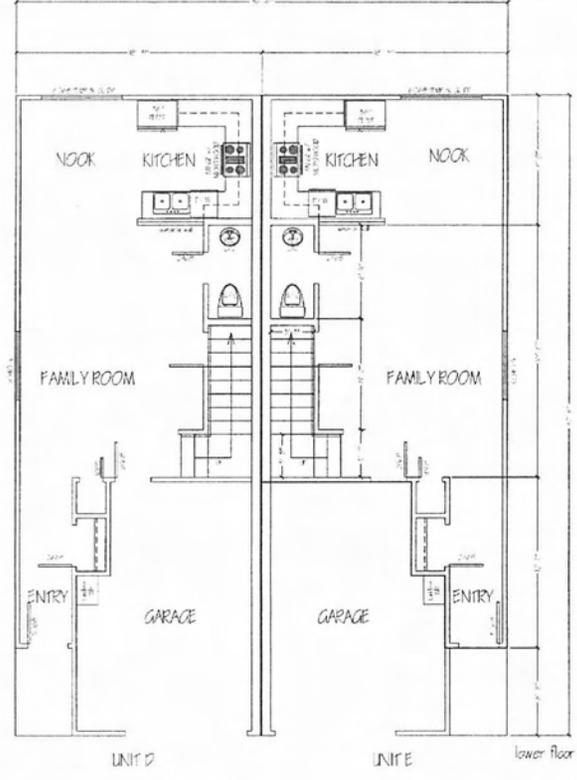
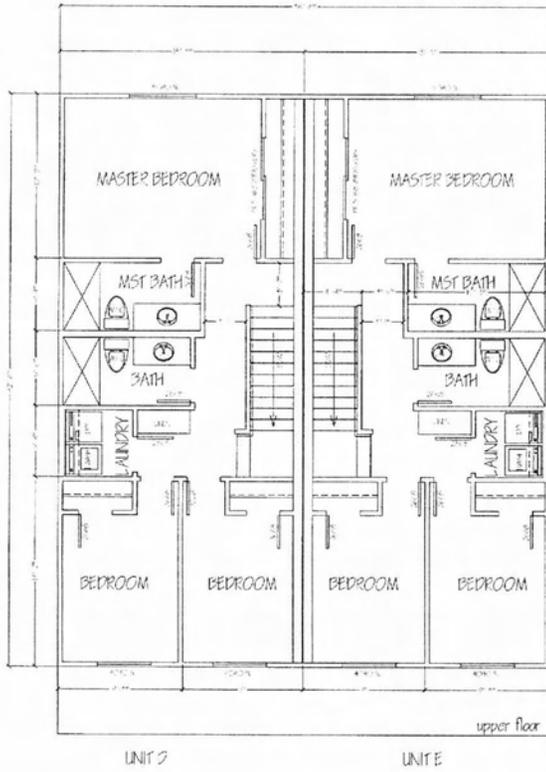
E STREET  
BUILDING F



DATE	
BY	
CHECKED	
SCALE	
PROJECT	
NO.	

elev



UNIT D FIRST FLOOR: 597 SQ FT  
 UNIT D SECOND FLOOR: 775 SQ FT  
 TOTAL UNIT D: 1,372 SQ FT  
 GARAGE: 242 SQ FT

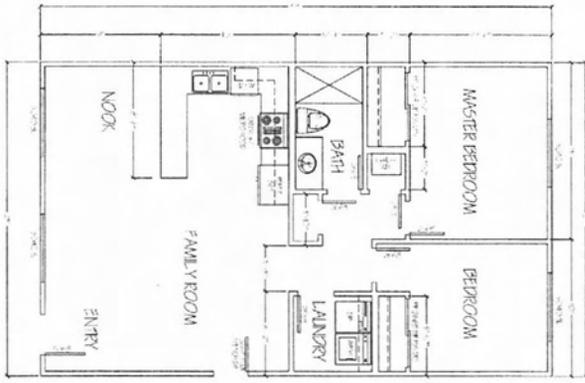
UNIT E FIRST FLOOR: 597 SQ FT  
 UNIT E SECOND FLOOR: 775 SQ FT  
 TOTAL UNIT E: 1,372 SQ FT  
 GARAGE: 242 SQ FT

FLOOR PLAN




**SUNSET HILLS DEV.**  
 640 E STREET  
 DUPLEX BUILDING B & C


3



FLOOR PLAN

SCALE: 1/8" = 1'-0"

NO. OF UNITS	19
NO. OF FLOORS	1
NO. OF STORIES	1
NO. OF APARTMENTS	19
NO. OF CONDOS	0
NO. OF TOWNHOMES	0
NO. OF GARAGES	0
NO. OF STORAGE UNITS	0
NO. OF BIKES	0
NO. OF VEHICLES	0
NO. OF MOTORCYCLES	0
NO. OF TRAILERS	0
NO. OF BOATS	0
NO. OF OTHER	0
NO. OF TOTAL	19

**SUNSET HILLS DEV.**

E STREET  
BUILDING F

DESIGNS to a "FLOOR PLAN"

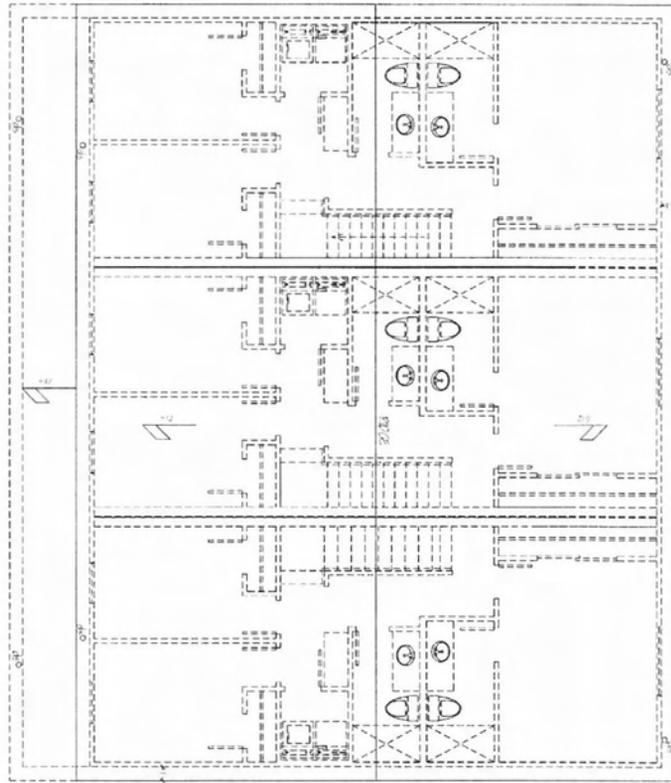
FOR A PROJECT

FOR A CLIENT

FOR A DEVELOPER

FOR A CONTRACTOR

NO. OF UNITS	19
NO. OF FLOORS	1
NO. OF STORIES	1
NO. OF APARTMENTS	19
NO. OF CONDOS	0
NO. OF TOWNHOMES	0
NO. OF GARAGES	0
NO. OF STORAGE UNITS	0
NO. OF BIKES	0
NO. OF VEHICLES	0
NO. OF MOTORCYCLES	0
NO. OF TRAILERS	0
NO. OF BOATS	0
NO. OF OTHER	0
NO. OF TOTAL	19

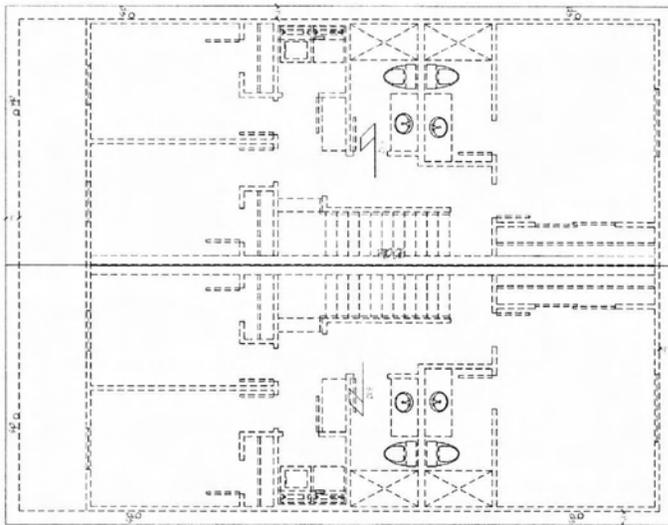


ROOF PLAN

5	DATE	SCALE	PROJECT

**SUNSET HILLS DEV.**  
E STREET  
TRIPLEX BUILDING A

DESIGNS 22 a "P" - DE.  
FRANK JACON  
1000 1/2 ST. N.  
MINNEAPOLIS, MN 55412

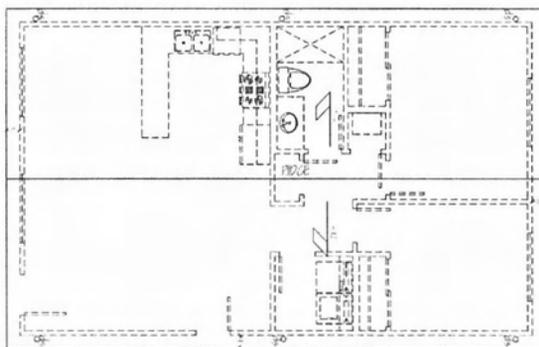
ROOF PLAN

5	NO.	DATE	REVISION

**SUNSET HILLS DEV.**  
E STREET  
DUPLEX BUILDING B & C


**DEBROS to a "P" INC.**  
 15801 205th St.  
 Everett, WA 98201  
 Phone: (425) 471-1111  
 Fax: (425) 471-1111


ROOF PLAN



5	NO.	DATE	BY	CHKD.	APP'D.

**SUNSET HILLS DEV.**  
E STREET  
BUILDING F

**BEZONS to a "T" INC.**  
10000 AVENUE  
FLOOR 400  
NEW YORK, NY 10018  
Tel: (212) 486-1111  
Fax: (212) 486-1112




City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Site Plan Review #2018-04- Sunset Hills Development

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2018-04 for the development of four (4) residential structures within the Medium Density Residential Zoning District. The proposed project consists of four (4) residential structures totaling 12,124 square feet located at 649 and 661 E Street; more specifically identified as Assessor's Parcel Numbers: 025-063-018 and 025-063-019.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

Rudy Luquin  
Associate Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS**  
**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** *RL*  
**FOR: DECEMBER 12, 2018**  
**SUBJECT: SITE PLAN REVIEW #2018-05 - SUNSET HILLS DEVELOPMENT**

**RECOMMENDATIONS:**

Staff requests that the Planning Commission open the public hearing, receive public comment, and consider the following actions:

1. Approve Resolution No. 2018-38, approving a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-05 for the development of a two (2) story mixed-use structure with two (2) residential units on the second floor and office space on the first floor totaling 3,192 square feet located at 652 K Street; Assessor's Parcel Number: 026-053-020.

**PROJECT DESCRIPTION:**

On September 7, 2018, the City of Los Banos Community and Economic Development Department received an application for Site Plan Review, which requires Design Review from the Planning Commission. The applicant, Joe Rocha, on behalf of Sunset Hills LLC, is requesting a Site Plan Review for a proposed new mixed-use development at the 652 K Street. The proposed mixed-use development is within the Mixed-Use Zoning District (M-X). The applicant is proposing a two (2) story mixed-use structure, which will consist of commercial/ office space on the first floor and two (2) residential units on the second floor.

**PROJECT LOCATION:**

The project site is located on a vacant interior lot at 652 K Street. The proposed project site is approximately 7,685 square feet and is within the Mixed-Use Zoning District. The proposed project site is surrounded by existing commercial uses to the west, east, and north and public facilities use (elementary school to the south).



**LAND USE:**

<b>Property</b>	<b>Land Use</b>	<b>Zone</b>	<b>General Plan</b>
Project site	Mixed-Use	M-X	M-X
North	Mixed-Use	M-X	M-X
South	Civic/ Institutional	H-C	CIV/ INST
East	Mixed-Use	M-X	M-X
West	Mixed-Use	M-X	M-X

M-X = Mixed-Use  
 H-C = Highway Commercial

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an Initial Study was prepared to identify and assess potential environmental impacts as a result of this project. Through the Initial Study, staff determined that the project would not result in any significant adverse effects and the project can be categorically exempt pursuant to Section 15332, In-Fill Development Projects.

**PROJECT ANALYSIS:**

**Existing Setting**

The proposed project site is a vacant interior lot located at 652 K Street within the Mixed-Use Zoning District. The project site is surrounded by existing urban

development consisting of mixed-use (commercial/ retail) development on the west, east, and north, and an Elementary School to the south. The topography of the project site is relatively flat. There is minimal vegetation located on the undeveloped portion of the project site. This vegetation will be removed as part of the development of the proposed project.

## **SITE PLAN REVIEW ANALYSIS:**

### ***Code Requirements***

Pursuant to Section 9-3.2316(a) of the Los Banos Municipal Code, the Planning Commission shall review and evaluate a site plan for conformance with the applicable sections of the Code. Upon completion of the review and evaluation of a site plan review application, the Planning Commission shall either deny the site plan or shall grant or modify the site plan subject to reasonable conditions as may be imposed.

### ***Project Design***

The proposed mixed-use structure is indicated to be a total of 3,192 square feet consisting of: 1,596 square feet of office space in the first floor and two 798 square foot residential units on the second floor. The residential units will have different stairways to the respective living unit as there will be four (4) entrances into the proposed building, two (2) in the front and two in the rear; two (2) entrances for the office area and separate entrances to the stairway for the residential units on the second floor. The residential units will have; one (1) bedroom, one (1) bathroom, a living room, a kitchen, a den and a laundry area. The floor plans for the residential units are identical.

The applicant is also proposing to add parking lots and K Street access points to the 638 K Street and the proposed development site 652 K Street. The proposed mixed-use development will accommodate for the parking lot by being recessed to the rear of the parcel.

The materials to be used for the project are stucco for the body, trim along the windows, and doors of the structure. The proposed structure will have a hip roof with Class C Arch Comp. The applicant has incorporated architectural features such as shutters for the windows and canopies over the doors, and a bell band to create compatibility and consistency of the esthetics with existing neighboring structures.

The architecture includes detailed site plans and elevations.

The site plan is designed with 11 off-street parking spaces with four (4) designated as off-street parking per unit. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces are 1.5 off-street parking spaces minimum per each living unit of one (1) bedroom, in regards to the proposed multi-residential development and 1 space per 200 square feet of office space totaling 7 parking spaces. There will also be a reciprocal parking agreement between the project site and the neighboring parcel to the west located at 638 K Street. Thus the proposed total of 11

off-street parking spaces plus the additional available off-street parking more than sufficient and consistent with the required amount of off-street parking for the proposed mixed-use development.

***Land Use***

The project site is designated as Mixed-Use in accordance to the Los Banos 2030 General Plan and is zoned Mixed-Use in consistency with the Los Banos Municipal Code. The proposed mixed-use development is consistent with the Los Banos 2030 General Plan and Los Banos Municipal Code, Title 9, Chapter 3, Article 9, Mixed- Use Zoning District.

***Landscape and Lighting***

Prior to issuance of any permits, the developer will be required to prepare a Landscape and Lighting Plan for the proposed subdivision in the public right of way. The landscape plan will be designed in accordance with the City's "Water Efficient Landscape Ordinance" and the lighting plan will include a Lumen Dispersion Map and comply with the City of Los Banos Standards and Specifications. Maintenance of the landscape and lighting areas will be financed through a Landscape and Lighting District. The developer will be required to form or annex to an existing Landscape and Lighting District.

***Circulation***

A traffic study was not warranted for this project. The project will not impact circulation as the proposed project will not create amounts of traffic that will significantly impact the surrounding area. The proposed project consists of a mixed-use development consisting of two (2) residential dwelling units and designated office space which is not anticipated to not create high traffic volumes and the trips for the development will not meet or surpass the 100 peak hour trip threshold stated in Los Banos 2030 General Plan Implementing Action C-I-12, "Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips).

***Infrastructure/Services***

Water: The City of Los Banos would provide water service to the Project site. Water service would be provided off an existing water line on K Street. The Project will connect to the existing line with a domestic and landscape line to the Project site. All existing groundwater wells within the boundary of the map will be required to be abandoned to Merced County Standards. The project is subject to the provisions of the Los Banos Water Master Plan and will conform to its requirements including, but not limited to, payment of water impact fees.

Sewer: The City of Los Banos would provide wastewater service to the project site by connecting to an existing sewer line located on K Street. Project build-out has been contemplated in the Wastewater Master Plans and will conform to its requirements including, but not limited to, payment of the wastewater impact fees.

**Drainage:** The City of Los Banos would provide storm water drain services by connecting to the City of Los Banos via an existing storm drain line located on K Street.

It should be noted that all City infrastructure has been sized to accommodate this use and will be built in accordance with the City's Utility Master Plans

***Signage***

The applicant has not proposed signage for the mixed-use development at this time. Nonetheless, when the applicant does submit for a Sign Review, the signs shall be consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 28, Signs.

**DESIGN REVIEW**

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on October 10, 2018, to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

The Planning Commission did provide minor recommendations to the applicant and provided positive feedback on the proposed design submittal.

**PROJECT REVIEW BOARD**

The Project Review Board (PRB) reviewed the project proposal on October 9, 2018, for these aspects

- Building layout;
- Location;
- Orientation of all new and existing structures and the relationship to one another and surrounding properties
- Methods of landscape irrigation;
- Location and design of facilities for physically disabled persons;
- Location of fencing and other screening;
- Location and screening of refuse facilities;
- Traffic circulation on-site and off-site;
- Pedestrian and bicycle circulation and safety;
- Arrangement of off-street parking and loading facilities;
- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB has provided a positive recommendation for the development of the proposed project with conditions of approval incorporated into the project.

**FINDINGS FOR APPROVAL:**

The Planning Commission shall approve a Site Plan if it makes all of the following findings specified in the Municipal Code. The Planning Commission shall consider and evaluate those aspects of the project described in Section 9-3.2317(b) and 9-3.2318(c). In approving a site plan, the Planning Commission shall make the following findings before approving a site plan:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Mixed-Use, which allows for mixed-use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi-public, and residential uses.*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

***ECONOMIC DEVELOPMENT POLICY ED-G-1:***

*Help create jobs and improve job quality for existing and future Los Banos residents.*

***ECONOMIC DEVELOPMENT POLICY ED-G-3:***

*Make Los Banos an ideal place to do business by fostering a business friendly climate.*

***ECONOMIC DEVELOPMENT POLICY ED-G-7:***

*Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.*

***LAND USE POLICY LU-G-1:***

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

***LAND USE POLICY LU-G-8:***

*Provide for a full range of housing types and prices within neighborhoods, including minimum requirements for small –lot single family homes,*

*townhouses, and multi-family housing to ensure that the economic needs of all segments of the community are met.*

**LAND USE POLICY LU-G-9:**

*Provide for a transition between higher density and lower density residential areas, or require buffers of varying size between residential uses and non-residential uses without restricting pedestrian and bicycle access.*

*Evidence/Analysis:* *The project is consistent with the General Plan Mixed-Use land use designation and the Mixed-Use zone. The proposed residential development would create some economic housing opportunities for the community. The proposed office space would create employment opportunities for the community and the creation of new business fosters economic development and business vitality.*

- b. The zoning designation for the project site is Mixed-Use (M-X). The purpose of the Mixed-Use Zoning District is to allow shops on multiple levels, with the first floor primary retail, office, residential and other non-retail uses permitted on upper levels. Uses are advocated which foster retail development, with associated residential thereby enhancing the district as a pedestrian oriented shopping area.*

*Evidence/Analysis:* *The proposed project is within the Mixed-Use Zoning District; and the proposed mixed-use development is consistent with the designated Zoning District.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis:* *The proposed use is surrounded by mixed-use development and uses on the west, east, civic/institutional development (elementary school) to the south. The proposed mixed-use development will be compatible with the surrounding area. The proposed project will not create significant amounts of traffic to the area as only two (2) residential units and office space will be developed. The proposed use and development will not create such traffic patterns to provoke significant traffic impacts.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis: The proposed design and color pattern for the mixed-use structures is themed to be compatible with the existing character of the adjacent environment within the downtown district and is also consistent with the Los Banos Community Design Standards.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design and colors of the proposed mixed-use structure is compatible with the existing character within the immediate surrounding area and is also consistent with the Los Banos Community Design Standards. The proposed materials for the exterior of the proposed structures will be stucco for the body, trim along the windows, and doors of the structure. The proposed structure will have a hip roof with Class C Arch Comp. The applicant has incorporated architectural features such as shutters for the windows and canopies over the doors, and a belly band to create compatibility and consistency of the esthetics with existing neighboring structures.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 9 Mixed-Use Zoning District and the Los Banos 2030 General Plan mixed- use land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the proposed mixed-use development conforms to good planning in that the physical design elements are compatible to surrounding commercial structures and consistent with the Los Banos Community Design Standards.*

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on November 30, 2018. As of the date of this report no comments have been received.

**RECOMMENDATION:**

1. Approve Resolution No. 2018-38, approving a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-05 for the development of a two (2) story mixed-use structure with two (2) residential units on the second floor and office space on the first floor totaling 3,192 square feet located at 652 K Street; Assessor's Parcel Number: 026-053-020.

**ATTACHMENTS:**

1. Resolution 2018-38
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Notice of Exemption
3. Plan Set
4. Public Hearing Notice –November 30, 2018

## RESOLUTION #2018-38

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS AND APPROVING SITE PLAN REVIEW #2018-05 FOR THE DEVELOPMENT OF A TWO (2) STORY MIXED-USE STRUCTURE WITH TWO (2) RESIDENTIAL UNITS ON THE SECOND FLOOR AND OFFICE SPACE ON THE FIRST FLOOR TOTALING 3,192 SQUARE FEET LOCATED AT 652 K STREET; ASSESSOR'S PARCEL NUMBER: 026-053-020.**

WHEREAS, the Los Banos General Plan was adopted in July 2009, and is the guiding document for land use in the City of Los Banos; and

WHEREAS, the subject property has a land use designation of Mixed-Use pursuant to the Los Banos General Plan and is zoned Mixed-Use by the Los Banos Zoning Map; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2018-05 for Sunset Hills Development for the development of a mixed use structure was determined to be categorically exempt from the provisions of CEQA pursuant Article 19, Class 32, Section 15332 In-Fill Development Projects as the project site qualifies for in-fill development project; and

WHEREAS, a public hearing was duly noticed for December 12, 2018, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on November 30, 2018 to consider and take testimony regarding Site Plan Review #2018-05; and

WHEREAS, at the December 12, 2018 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos does hereby make the findings set forth

in Exhibit A (CEQA Findings), and Exhibit B (Findings of Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2018-05 for the development of a two (2) story mixed-use structure with two (2) residential units on the second floor and office space on the first floor totaling 3,192 square feet located at 652 K Street; Assessor's Parcel Number: 026-053-020, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of December 2018, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

---

John Cates, Planning Commission Chair

ATTEST:

---

Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2018-05 – SUNSET HILLS DEVELOPMENT**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. ("CEQA") and Title 14, California Code of Regulations Section 15000 et seq. (the "CEQA Guidelines"), the City as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2018-05 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 32, Section 15332 In-Fill Development Projects as the comprehensive project qualifies as an in-fill development project as determined in the Initial Study and further elaborated in the Notice of Exemption..
2. Site Plan Review #2018-05 was adequately noticed on November 30, 2018, for consideration at a public meeting on December 12, 2018.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF SITE PLAN #2018-05 – SUNSET HILLS DEVELOPMENT

The City of Los Banos Planning Commission hereby finds as follows:

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
  - a. *The General Plan land use designation for the project site is Mixed-Use, which allows for mixed-use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi-public, and residential uses.*

*The following specific General Plan Goals, Objectives, and Policies are applicable to the proposed project:*

***ECONOMIC DEVELOPMENT POLICY ED-G-1:***

*Help create jobs and improve job quality for existing and future Los Banos residents.*

***ECONOMIC DEVELOPMENT POLICY ED-G-3:***

*Make Los Banos an ideal place to do business by fostering a business friendly climate.*

***ECONOMIC DEVELOPMENT POLICY ED-G-7:***

*Seek and promote particular businesses or economic opportunities that provide needed local goods, services, employment, or those that enhance the City's physical and social well being.*

***LAND USE POLICY LU-G-1:***

*Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City.*

***LAND USE POLICY LU-G-8:***

*Provide for a full range of housing types and prices within neighborhoods, including minimum requirements for small –lot single family homes, townhouses, and multi-family housing to ensure that the economic needs of all segments of the community are met.*

***LAND USE POLICY LU-G-9:***

*Provide for a transition between higher density and lower density residential areas, or require buffers of varying size between residential uses and non-residential uses without restricting pedestrian and bicycle access.*

*Evidence/Analysis:* *The project is consistent with the General Plan Mixed-Use land use designation and the Mixed-Use zone. The proposed residential development would create some economic housing opportunities for the community. The proposed office space would create employment opportunities for the community and the creation of new business fosters economic development and business vitality.*

- b. The zoning designation for the project site is Mixed-Use (M-X). The purpose of the Mixed-Use Zoning District is to allow shops on multiple levels, with the first floor primary retail, office, residential and other non-retail uses permitted on upper levels. Uses are advocated which foster retail development, with associated residential thereby enhancing the district as a pedestrian oriented shopping area.*

*Evidence/Analysis:* *The proposed project is within the Mixed-Use Zoning District; and the proposed mixed-use development is consistent with the designated Zoning District.*

2. That the design and location of the proposed development and its relationship to existing or proposed developments and traffic in the vicinity thereof is such that it will not impair the desirability of investment or occupation in the neighborhood; and that it will not unreasonably interfere with the use and enjoyment of existing or proposed developments in the vicinity thereof, and that it will not create traffic hazards or congestion.

*Evidence/Analysis:* *The proposed use is surrounded by mixed-use development and uses on the west, east, civic/institutional development (elementary school) to the south. The proposed mixed-use development will be compatible with the surrounding area. The proposed project will not create significant amounts of traffic to the area as only two (2) residential units and office space will be developed. The proposed use and development will not create such traffic patterns to provoke significant traffic impacts.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the general plan of the City.

*Evidence/Analysis:* *The proposed design and color pattern for the mixed-use structures is themed to be compatible with the existing character of the adjacent*

*environment within the downtown district and is also consistent with the Los Banos Community Design Standards.*

4. That the design of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures, and colors.

*Evidence/Analysis: The design and colors of the proposed mixed-use structure is compatible with the existing character within the immediate surrounding area and is also consistent with the Los Banos Community Design Standards. The proposed materials for the exterior of the proposed structures will be stucco for the body, trim along the windows, and doors of the structure. The proposed structure will have a hip roof with Class C Arch Comp. The applicant has incorporated architectural features such as shutters for the windows and canopies over the doors, and a belly band to create compatibility and consistency of the esthetics with existing neighboring structures.*

5. That the proposed use complies with all applicable requirements of the zoning district in which it is located and all other applicable requirements.

*Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 9 Mixed-Use Zoning District and the Los Banos 2030 General Plan mixed- use land use designation.*

6. That the overall development of the subject property is designed to ensure the protection of the public health, safety, and general welfare.

*Evidence/Analysis: The comprehensive design of the proposed mixed-use development conforms to good planning in that the physical design elements are compatible to surrounding mixed-use structures and consistent with the Los Banos Community Design Standards.*

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR SITE PLAN #2018-05 – SUNSET HILLS DEVELOPMENT

#### Planning:

1. The followings Conditions of Approval shall apply to and be applicable to the applicant, property owner, and/or developer. Reference to applicant, property owner, and/or developer shall be interpreted to include all including the holder of a building permit or other permit issued by the city in connection with this project. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. This Site Plan shall expire if an application for a building permit is not applied for within 24 months from date of approval. One six-month extension may be allowed by written request submitted to and approved by the Community and Economic Development Director.
3. Prior to the issuance of a Building Permit the Developer shall form or annex the Subject Property to a Community Facilities District created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.
4. Subject to and in addition to the conditions of approval set forth herein the development and construction of all improvements for the Project shall substantially conform to the conditionally approved Site Plan approved by the Planning Commission consisting of the site plan layout, exterior elevations, landscape plan, floor plan, and color renderings (herein after "site plan"). The applicant shall submit a revised Site Plan to the Community and Economic Development Department reflecting any modifications, additions, and conditions of approval approved by the Planning Commission within 30 days from Planning Commission approval. Said revised Site Plan shall be reviewed by the Community and Economic Development Department and stamped "conditionally approved" for purposes of providing a clear record of the approved Site Plan.
5. Full compliance with all conditions of approval shall be satisfied prior to issuance of any certificate of occupancy. Any proposed modifications to the approved Site Plan during construction and after issuance of occupancy permit shall require approval by the Community and Economic Development Director or Planning Commission as appropriate.

6. Any application for a building permit shall be reviewed by the Community and Economic Development Department for a determination as to whether such application conforms to the prior design and site development review approval by the Planning Commission.
7. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this site plan, or the environmental determination rendered in connection with the site plan approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City's active negligence.
8. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
9. The applicant shall comply with all requirements of other appropriate governmental agencies.
10. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Los Banos Municipal Codes in effect at time of the building permit application.
11. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
12. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
13. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
14. The applicant shall require and all contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
15. The applicant shall obtain any necessary encroachment permits from the City prior to performing any work within that jurisdiction's right-of-way.
16. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
17. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils

report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.

18. A minimum 200-foot separation shall be maintained between the public right-of-way and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of the public right-of-way, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.
19. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
20. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
21. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code. The Project site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
22. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
23. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
24. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this

language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”

25. The Project site shall be kept in a dust-free condition during construction of the project in. Prior to issuance of a building permit, dust control requirements shall be included in all construction contract specifications to reduce significant levels of construction-related hazardous air emissions.
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
  - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
  - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
26. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and carbon emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
  - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
  - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
27. The Project site shall include a bicycle rack. Size and location shall be approved by the Community and Economic Development Director.
28. All development impact fees shall be paid in full prior to occupancy and as a condition of issuance of an occupancy permit. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.
29. The Applicant will take reasonable steps to preserve all survey monuments. The Applicant is responsible for the preservation of survey monuments within the work area under this permit at Applicant's sole expense. If any monuments are disturbed, the Applicant is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Applicant's sole expense.
30. All Community and Economic Development processing and application fees shall be paid in full prior to the issuance of a building permit.

**Utilities and Drainage:**

31. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.
32. A trash enclosure shall be built according to City specifications; colors, materials, and textures matching those of the main building, and provide for recycling services within. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening. The location shall be specifically shown on the improvement plans and approved by the Community and Economic Development Director. The trash enclosure shall be large enough to accommodate the solid waste and recyclables. The trash bins shall have lids and the enclosure must be properly screened. The enclosure needs to follow City Standards and Specifications as well as Republic Services Standards.

**Landscape and Lighting:**

33. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof.

**Signage:**

34. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community and Economic Development Department for review prior to the issuance of a building permit.
35. All advertising signage shall be subject to Sign Review and permit approval from both the Community and Economic Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

**Design/Aesthetics:**

36. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require prior written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior written approval by the Community and Economic Development Director or Planning Commission. This condition shall run with the land and be binding on successors in interest and shall be applicable beyond the issuance of an occupancy permit.

37. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.
38. All rooftop mechanical equipment and appurtenances shall be screened from view from the public right-of-way and adjacent properties.

### **Fire Department**

39. There shall be HVAC smoke detector test and reset switches in the fire control room.
40. Maintain clear access to Fire Department Connections (FDC's).
41. FDC location shall be approved by the Fire Chief.
42. Fire lines shall be installed as a loop system.
43. Hydrant Locations shall be indicated on Final Improvement Plan.
44. The fire system back flow unit shall be hydro tested.
45. All fire lane curbs on the project site shall be painted.
46. There shall be a main electrical disconnect located on the exterior of the building for Fire Department use only.
47. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System
48. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.
49. The development shall be required to follow National Fire Protection Association (NFPA) Code 13.

### **Public Works**

50. The developer/applicant shall prepare improvement plans (separate from the building plans) submitted to the Public Works Department for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, circulation striping and signage, landscape, on and offsite lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.

51. The existing water lines shall be shown on the improvement plans and the proposed building shall not be allowed to be built over the existing water line.
52. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% shade requirement.
53. All frontage and alley improvements as per City standards. These improvements include undergrounded existing utilities along the streets.
54. The developer shall install ADA standards on the proposed ingress/egress apron off of K street and may require an easement.
55. The developer shall record a reciprocal easement for the rear parking stall and the walking path in between 638 K Street and 652 K Street.
56. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
57. The developer/applicant shall prepare a grading and drainage plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
58. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
59. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
60. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the

Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.

**Police Department**

61. The applicant/operator shall have HD quality monitoring cameras with 4k/1080p resolution in the exterior of the facility at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.

**62. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**

# Notice of Exemption

Form D

**To** Office of Planning and Research  
P.O. Box 3044, Room 212  
Sacramento, CA 95812-3044

**From:** *(Public Agency)* City of Los Banos  
520 J Street  
Los Banos, CA 93635

County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title** Sunset Hills Development Site Plan Review #2018-05

**Project Location - Specific** 652 K Street, Assessor's Parcel Numbers: 026-053-020

**Project Location - City** Los Banos **Project Location - County** Merced

**Description of Nature, Purpose, and Beneficiaries of Project** Site Plan Review (SPR) #2018-05 for the development of a two (2) story mixed-use structure consisting of two (2) residential dwelling units and office space totaling to 3,192 square feet and associated utility and land improvements.

**Name of Public Agency Approving Project** City of Los Banos

**Name of Person or Agency Carrying Out Project** Joe Rocha, Sunset Hills Development

**Exempt Status (check one)**

- Ministerial (Sec. 21080 (b) (1); 15268);
- Declared Emergency (sec. 21080(b)(3); 15269(a);
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).
- Categorical Exemption – Sec. 15332 In-fill Development Projects
- Statutory Exemption – State code number:

**Reasons why project is exempt** CEQA provides several “categorical exemptions” which are applicable categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the Environment. The project consists of a Site Plan Review entitlement to develop a two (2) story mixed-use structures that will consist of; two (2) residential units on the second floor and office space on the first floor which will total 3,192 square feet located at 652 K Street within the Mixed-Use Zoning District of the City of Los Banos. The project is exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects). The project meets the conditions for an infill exemption described in Section 15332 of the State CEQA Guidelines as explained below.

(a) The project is consistent with the applicable general plan designation, applicable policies and applicable zoning Designation and regulations. The subject site is designated land use is Mixed-Use in the Los Banos 2030 General Plan and is zoned Mixed-Use. The General Plan land use designation of Mixed-Use allows for mixed-use development, located downtown, allowing for a mixture of commercial, office, institutional, public/semi public, and Residential uses. Thus the proposed mixed-use project is consistent with the Los Banos 2030 General Plan and the Los Banos Municipal Code, Title 9, Chapter 3, Article 9, Mixed-Use Zoning District. Therefore the project is consistent with all applicable Zoning regulations.

(b) The proposed project occurs within the City limits on a site of no more than half an acre that is substantially surrounded by mixed-use development and uses to the west, east and north, and an elementary school to the south.

The proposed project occurs within the city limits of Los Banos on an approximate 7,685 square foot site, and thus, is less than the maximum five (5) acre site specified in Section 15332 (b) for this exemption.

(c) The project has no value as habitat for endangered, rare or threatened species. The site is previously disturbed and contains non-native, weedy grasses and has been distributed. The project site is surrounded by mixed-use development and contains no sensitive habitat or habitat for special status species. Thus the project site has no value for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project does not warrant for a traffic study in accordance to the 2030 General Plan Circulation Element Implementing Action C-I-12 which states "Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips)." The project will not have a significant impact on traffic circulation as the project consists two (2) story mixed-use structure consisting of two (2) residential units and office space and associated utility and land improvements. Thus the project will not have a significant impact on traffic.

The project is consistent with the impact reducing policies from the Los Banos 2030 General Plan emphasized in the Los Banos 2030 General Plan EIR. The project uses will not result in a generation of substantial noise levels and would not result in significant noise impacts. The project site is located adjacent to existing residential uses in an area where future ambient noise levels are projected to be 50-60 decibels according to the City's 2030 General Plan EIR, which is within the "normally acceptable" noise range for low density residential uses. Additionally, as stated in the City's 2030 General Plan EIR, Impact 3.11-1: new development under the proposed 2030 General Plan will result in population and employment increases and more automobile and truck use. This activity will contribute to raising ambient noise levels to the noise levels shown on the future noise contours. However, the future noise contours suggest that even at buildout there is virtually no land, other than directly on the road ways, being exposed to noise levels above 60 dB. In addition, use of noise attenuation measures such as increased screening, sound-proofing and double-glazing windows will help buffer or mask increases in ambient noise, thereby reducing potential impacts to levels that exceed standards for land use compatibility. The project would not result in significant air emissions and is below the level of development (590 Units) and (110,000 square foot) cited in the San Joaquin Valley air Pollution Control District's "Small Project Analysis Level" Table 5-3 (a) Low Rise Apartments development and Table 5-3 (b) General Office Building development (2017) in accordance with the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) that could potentially result in a significant impact. The proposed project complies with City storm water requirements and Includes "Low Impact Development" measures, and thus, will not result in significant water quality impacts.

(e) The project has been reviewed by City staff, and can be adequately served by all required utilities and public services. The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

(a) for certain classes of projects (Classes 3,4,5,6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;

(b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;

(c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings rock croppings , or similar resources within a highway officially designated as a state scenic highway:

(e) where the project is located on a state designated hazardous waste site: and

(f) where the project may cause a substantial adverse change in the significance of a historical resource.

Section 15300.2(a) does not apply to the Class 32 category exemptions. Nonetheless, the project site is not located in an area of sensitive or critical concern.

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts related to development accommodated by the City's General Plan were found to be less than significant in the 2030 General Plan EIR, except for potential significant cumulative traffic impacts with related to traffic, water supply, Population, and noise. The project will not result in significant cumulative traffic impacts with regards to the project and potential General Plan buildout. The proposed project would not contribute to the identified significant cumulative noise impact as the identified street segments where increased noise levels are projected outside of the project area H Street. Water demand from the proposed project is slightly less than was factored in the General Plan EIR cumulative water impact evaluation for the project site. Furthermore, the project would be subject to City requirements/ standards for installation of water conserving fixtures and landscaping in accordance with the City's Municipal Code and building requirements. In addition, the project will pay the required "Water Development Impact Fees", which used in part to implement conservation measures and help fund costs associated with development of a supplemental water source. The City's 2005 Urban Water Management Plan estimates the water supply is sufficient to meet the City's water demand through 2025 and the further consideration that the water supply will be sufficient to meet the City's needs in 2030 as the Delta-Mendota sub-basin is connected to one of the deepest water basins in California. Thus, incremental increases in water demand by new development have been offset by the plentiful water supply in accordance to the Delta-Mendota sub-basins connection to one of the deepest water basins in California.

Regarding Section 15300.2(c), the project would not result in any significant effects on the environment due to unusual circumstances. The project would not result in any significant effects on the environment due to unusual circumstances. The project site is surrounded by urban development and not located within a sensitive resource area. The project site is located and mapped in a non-hazardous area, as is all of the surrounding area.

Section 15300.2(d) does not apply to the project site as the site is not located adjacent to or visible from a designated scenic highway.

Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. The project site is located in a mapped non-hazardous area as is all of the surrounding area.

Section 15300.2(f) does not apply because there are no historic resources or structures located within or around the project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for an exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines.

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<b>Lead Agency Contact Person</b>	Rudy Luquin, Associate Planner	<b>Area Code/Telephone/Extension</b>	(209) 827-7000 ext.2432
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**If filed by applicant:**

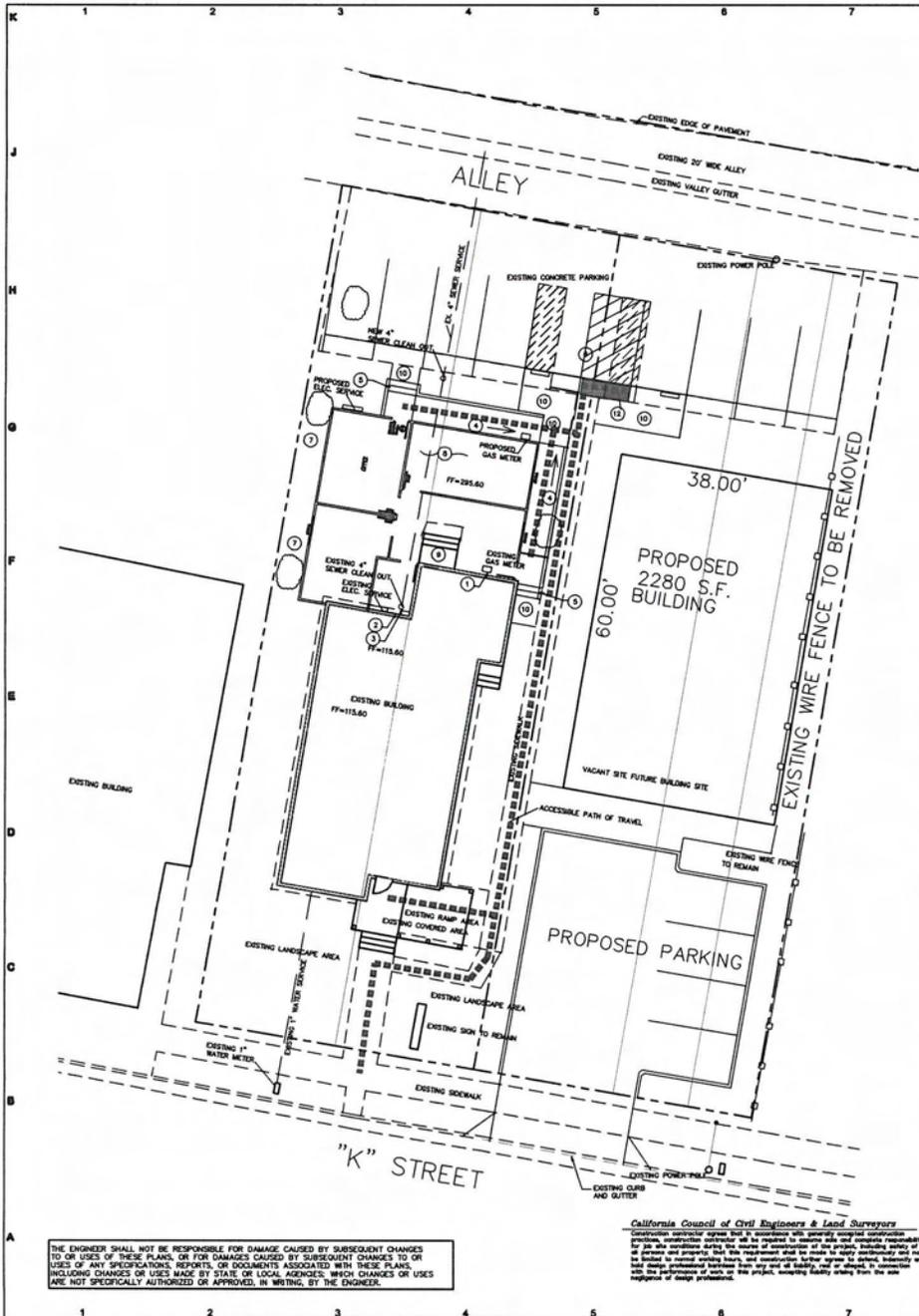
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

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<b>Signature</b>	<b>Date</b>	<b>Title</b>
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- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_



**CONSTRUCTION NOTES**

- 1) RELOCATE EXISTING GAS METER AND SERVICE
- 2) RELOCATE EXISTING ELECTRIC SERVICE
- 3) EXTEND EXISTING SEWER SERVICE AND INSTALL NEW CLEAN-OUT OUTSIDE THE PROPOSED BUILDING
- 4) INSTALL HC RAMP WITH HANDRAIL PER CITY REQUIREMENTS. MAX SLOPE 8% WITH 5:5 HANDRAIL
- 5) INSTALL 3 STEPS WITH HANDRAIL AT BOTH ENTRANCES
- 6) EXISTING HANDICAP STALL TO BE REMOVED AND REPLACED - INSTALL HANDICAP PARKING AND SIGN PER CITY REQUIREMENTS.
- 7) RE-GRADE ADJACENT TO THE BUILDING AND MAINTAIN 2% SLOPE AWAY FROM THE BUILDING.
- 8) DEMO EXISTING SPRINKLER SYSTEM AND REMOVE ANY SPRINKLER HEADS UNDER PROPOSED EXPANSION
- 9) REMOVE EXISTING STEPS
- 10) INSTALL NEW SIDEWALK PER DETAIL ON SHEET C-5
- 11) INSTALL HANDICAP STRIPPING AND SIGN AND TRUNCATED DOME PER DETAIL ON SHEET C-4

**BUILDING INFORMATION**

OCCUPANCY GROUP: B  
 TYPE OF CONSTRUCTION: VB  
 EXISTING BUILDING AREA :  
 LOWER FLOOR: 1,545 SF  
 UPPER FLOOR: 246 SF  
 NEW ADDITION: LOWER FLOOR: 1,128 SF  
 TOTAL : 2,919 SF  
 LOT AREA : (50x150) = 7500 SF  
 BUILDING COVERAGE : 2,919 SF / 7500 SF = 0.389 X

California Council of Civil Engineers & Land Surveyors  
 Construction contract requires that in accordance with generally accepted construction practices, construction contract shall be prepared to allocate risk and transfer responsibility of job site and project details. The contractor shall be responsible for all project, building, utility and other details not shown on this plan. The contractor shall be responsible for all project, building, utility and other details not shown on this plan. The contractor shall be responsible for all project, building, utility and other details not shown on this plan.

THE ENGINEER SHALL NOT BE RESPONSIBLE FOR DAMAGE CAUSED BY SUBSEQUENT CHANGES TO OR USES OF THESE PLANS, OR FOR DAMAGES CAUSED BY SUBSEQUENT CHANGES TO OR USES OF ANY SPECIFICATIONS, REPORTS, OR DOCUMENTS ASSOCIATED WITH THESE PLANS, INCLUDING CHANGES OF USES MADE BY STATE OR LOCAL AGENCIES, WHICH CHANGES OR USES ARE NOT SPECIFICALLY AUTHORIZED OR APPROVED, IN WRITING, BY THE ENGINEER.

**LEGEND**

- VC CONC. VALLEY OUTER
- PEMHI PADDED WALK SURFACE
- DI DRIVE WALK
- HOFP HOUSING FRONT PORCH
- FP POWER POLE
- OH OVER HEAD
- SSMHI SANITARY SEWER MANHOLE
- WMH WATER METER
- SO STORM DRAIN
- FDC FIRE DEPT. CONNECTION
- STC STANDING CITY OF FRESNO TRAFFIC SIGNAL
- BFP BACK FLOW PREVENTER
- TSS TRAFFIC SIGNAL BOX
- PROP. LINE EXISTING LINE
- EXISTING 4" SEWER MAIN
- EXISTING 4" WATER SERVICE
- EXISTING STORM DRAINAGE PIPE A BISE
- EXISTING WALK
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- WATER VALVE
- WATER METER
- PIPE HOOKUP
- TRAIL
- STORM DRAIN DROP SUMP
- LIGHT POLE WITH CONC. BASE
- CONC. WALK THE PROP. MAIN
- DIRECTION OF FLOW
- EXISTING
- WATER VALVE
- TELEPHONE
- TELEPHONE POLE
- EXISTING WALK
- GAS VALVE
- UTILITY MAIN
- UTILITY BOX
- UTILITY METER
- GAS SERVICE TO BUILDING
- ELECTRIC SERVICE TO BUILDING
- STREET LIGHT BOX

**VICINITY MAP**



**VICINITY MAP**

**GENERAL NOTE:**

CONTRACTOR TO REVIEW ALL OTHER OFF-SITE PLANS AND ARCHITECTURAL PLAN FOR ADDITIONAL SITE LAYOUT INFORMATION.  
 EXISTING BUILDING TO REMAIN AND TO BE PROTECTED SINCE IT IS CONSIDERED AS HISTORICAL BUILDING  
 APN's  
 026-053-013  
 026-053-020

**FEMA INFO**

THIS SITE IS LOCATED IN AN AREA DESIGNATED AS "ZONE X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS PER FEMA FIRM MAP 0604700850C, PANEL 850 OF 1225, WITH A DATE OF DECEMBER 2, 2008

**EXISTING ZONING**

ZONING: R-3 - HIGH DENSITY RESIDENTIAL  
 PROPOSED USE: OFFICE BUILDING  
 FRONT SETBACK: 15 FEET  
 SIDE SETBACK: 5 FEET INTERIOR / 10 FEET STREET  
 REAR SETBACK: 10 FEET  
 HEIGHT LIMIT: 30' NEAR R-1.2 / 50' FEET ELSEWHERE  
 MINIMUM LOT WIDTH: 75' FEET INTERIOR / 45 FEET STREET

**EXISTING LEGAL DESCRIPTION**

PARCEL 1: (APN: 026-053-013-000) AFFECTS: LOTS 25 AND 26) AND (APN: 026-053-008) AFFECTS: LOTS 27 AND 28)  
 PARCEL 2: (APN: 026-053-020-000)

ALL THAT PORTION OF LOT 9, MILLER & LUX'S SUBDIVISION OF LANDS AT LOS BANOS, MERCED CO., CAL. IN THE CITY OF LOS BANOS, COUNTY OF MERCED STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 2 OF MAPS, PAGE 18, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF "K" STREET WITH THE SOUTH LINE OF THE ORIGINAL TOWNSITE OF THE TOWN (NOW CITY) OF LOS BANOS, THENCE AS FOLLOWS: SOUTH 61.16' EAST, 45.10' FEET, NORTH 28'42' EAST 25.45 FEET ALONG THE EASTERLY LINE OF LOT 28, BLOCK 81; AND THENCE SOUTH 89'13" WEST, 51.71 FEET TO THE POINT OF BEGINNING.

**SHEET INDEX**

- C-1 COVER / SITE PLAN
- C-2 TOPOGRAPHY MAP
- C-3 GRADING AND ORAINAGE PLAN
- C-4 DETAIL SHEET
- C-5 RAMP AND HANDRAIL DETAILS

**PREPARED FOR / OWNER**

SUNSET HILLS DEVELOPMENT  
 575 SOUTHWIDE DRIVE SUITE "C"  
 GILROY, CA 95020-4188  
 PH: 408-842-4188

**EXISTING BUILDING**

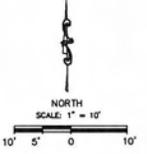
TOTAL 15,554 SQ.FT.

**PROPOSED ADDITION**

TOTAL 1,128 SQ.FT.

**EXISTING UTILITIES**

SEWER: CITY OF LOS BANOS  
 WATER: CITY OF LOS BANOS  
 STORM DRAIN: CITY OF LOS BANOS  
 ELECTRICAL: PACIFIC GAS AND ELECTRIC  
 CABLE: COMCAST



**SITE PLAN SHEET**  
**638 & 652 K STREET**  
**LOS BANOS**  
**MERCED COUNTY, CALIFORNIA**

THIS IS A PRELIMINARY PLAN. THE ENGINEER AND SURVEYOR DO NOT WARRANT THE ACCURACY OF THE INFORMATION HEREON. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION HEREON. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION HEREON.



HARBISON INTERNATIONAL INC.,  
 ENGINEERS - SURVEYORS - PLANNERS  
 2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710  
 PHONE: (559) 294-7465 FAX: (559) 294-7461



**638 K STREET**  
**TOPO AND SITE PLAN**  
 LOS BANOS, CALIFORNIA

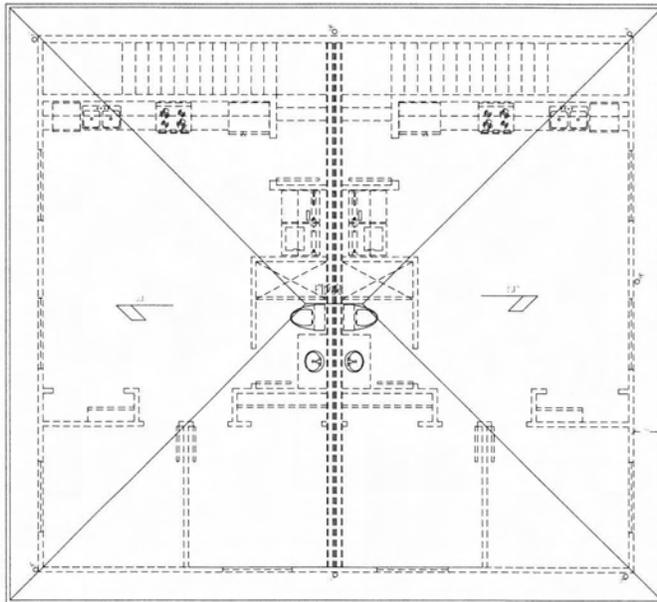
Drawn: JMM  
 Approved: MAH  
 Project No. 17-189  
 Date: 1-3-18  
 Date: 1-9-18  
 Date: 2-1-18  
 Date: 3-1-18

**SITE PLAN**

Sheet No.

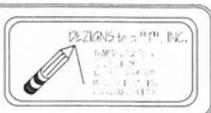
**C-1**  
 OF 5 SHEETS





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**SUNSET HILLS DEV**  
 638 K STREET  
 NEW STRUCTURE/MIXED USE

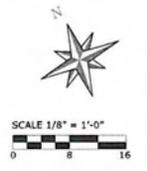


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# PLANT LEGEND

Qty	Size	Botanical Name	Common Name	WUCOLS
<b>SHRUBS, VINES &amp; HERBACEOUS</b>				
15	1 gal.	<i>Buxus sempervirens</i> 'Suffruticosa'	Dwarf English Boxwood	Moderate
25	5 gal.	<i>Diosma</i> 'Golden Sunset'	Dwarf Breath of Heaven	Moderate
12	5 gal.	<i>Dodonaea viscosa</i> 'Purpurea'	Purple Hop Bush	Low
10	5 gal.	<i>Escallonia</i> 'Fradese'	Pink Escallonia	Moderate
10	5 gal.	<i>Loropetalum chinensis</i> 'Rubra'	Loropetalum 'Rubra'	Low
17	5 gal.	<i>Nandina domestica</i>	Heavenly Bamboo	Low
15	5 gal.	<i>Pittosporum tenuifolium</i>	Pittosporum Tenuifolium	Moderate
16	5 gal.	<i>Pittosporum tenuifolium</i> 'Cape Susan'	Pittosporum 'Cape Susan'	Moderate
<b>TREES</b>				
5	15 gal.	<i>Acer rubrum</i> 'October Glory'	Red Maple	Moderate
19	5 gal.	<i>Callistemon viminalis</i> 'Little John'	Callistemon 'Little John'	Low
1	15 gal.	<i>Lagerstroemia x fauriei</i> hybrids	Tuscarora (red) (Crape Myrtle)	Low
<b>GROUNDCOVERS</b>				
17	1 gal.	<i>Gazania</i> 'Sunburst'	Gazania	Moderate
12	1 gal.	<i>Verbena peruviana</i> 'Homeslead Purple'	Purple Verbena	Low
<b>GRASSES</b>				
25	1 gal.	<i>Calamagrostis arundinacea</i> 'Karl Forrester'	Calamagrostis 'Karl Forrester'	Low



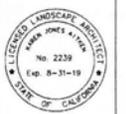
\* NOTES (E) = Existing

REVISIONS	BY



**AITKEN ASSOCIATES**  
**LANDSCAPE ARCHITECTS**  
 8262 Rancho Real Gilroy Ca. 95020  
 Calif. Reg.#2239 (408) 842-0245  
 aitkenassociates@gmail.com

**K STREET RESIDENCE**  
 638 K Street, Los Banos, CA  
**LANDSCAPE PLAN**



DATE 08-20-18  
 SCALE 1/8" = 1'-0"  
 DRAWN IN  
 JOB K STREET



City of  
**Los Banos**  
*At the Crossroads of California*

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Site Plan Review #2018-05- Sunset Hills Development

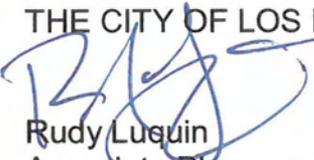
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects) for Site Plan Review #2018-05 for the development of a mixed-use structure within the Mixed-Use Zoning District. The proposed project consists of two (2) residential units in the second floor and office space in the first floor totaling 3,192 square feet located at 652 K Street; more specifically identified as Assessor's Parcel Numbers: 026-053-020.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

  
Rudy Luquin  
Associate Planner



City of  
**Los Banos**  
*At the Crossroads of California*

**PLANNING COMMISSION STAFF REPORT**

**TO:** CHAIRMAN CATES AND COMMISSIONERS  
**FROM:** RUDY LUQUIN, ASSOCIATE PLANNER   
**DATE:** DECEMBER 12, 2018  
**SUBJECT:** CONDITIONAL USE PERMIT #2018-15– HOSTETLER OUTDOOR, LLC

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2018-40 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15304 and approving Conditional Use Permit #2018-15 to allow the modification and use of five (5) billboards located at 3400 East Pacheco Boulevard, Assessor's Parcel Number: 084-010-077.

**PROJECT BACKGROUND/DESCRIPTION:**

The City of Los Banos Community and Economic Development Department is in receipt of a request for a Conditional Use Permit to allow the modification and use of five (5) existing billboards located at 3400 East Pacheco Boulevard. The property is located within the Highway Commercial Zoning District (H-C). In accordance with the Los Banos Municipal Code all Billboards require a use permit for erection and/ or modification.

The applicant, Hostetler Outdoor, LLC, is requesting for the following:

Billboard 2: New Billboard to replace old billboard to be erected 500 feet west from the existing Billboard 1. The proposed Billboard is proposed to have a double sided 10 foot by 40 foot display along with proposed lighting to provide for illumination for the sign.

Billboard 3: New Billboard to replace old billboard to be erected 480 feet from Billboard 2. This distance does not meet the 500 foot distance requirement, in which the applicant is asking for 20 foot relief in order to accommodate the Caltrans required 1000 foot setback from commercial activities (Holt of California). The proposed display of the Billboard 3 is to be 10 foot by 40 feet double sided with associated lights for illumination.

Billboard 4: New Billboard to replace old billboard to be erected 542 feet west of Billboard 3 and 450 east of proposed location for Billboard 5. The applicant is requesting a 50 foot alteration in the 500 foot distance requirement to meet the Caltrans 1000 foot setback from commercial activity (AmeriGas). The proposed display area is to be 10 feet by 40 feet double sided with associated lights for illumination.

Billboard 5: New Billboard to replace old billboard to be erected 450 feet east of proposed Billboard 4 and 100 feet east of the subject parcel's eastern property line. The proposed display area is 10 feet by 40 feet double sided along with associated lighting for illumination.

Billboard 6: New Billboard to be erected .26 miles east of San Luis Street. The proposed display area is 10 feet by 40 feet, double sided with associated lights for illumination.

The applicant is requesting for sign standards modification to increase the allowed Billboard display area by 100 square feet. All of the proposed signs will be at the 25 foot standard height.

**LOCATION:**

The project site is located at 3400 East Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 084-010-077.

**LAND USE:**



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<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject Site	Vacant/Billboard	H-C	Commercial
North	Vacant/Ag	County	Commercial
South	Vacant/Ag	H-C	Commercial
East	Vacant Commercial	H-C	Commercial
West	Vacant/Ag	H-C	Commercial

H-C = Highway Commercial

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is categorically exempt from the provisions of CEQA Article 19, Section 15304 – Minor Land Alterations.

**USE PERMIT ANALYSIS**

***Code Requirements***

Pursuant to Section 9-3.2819 of the Los Banos Municipal Code, before and Billboard sign is erected and/or modified a Conditional Use Permit may be granted, the Planning Commission shall make the following findings:

1. Size

- a. The maximum sign area shall be 300 square feet. The maximum height shall be 12 feet.

Evidence/Analysis: The proposed billboards are proposed to be 400 square feet and are ten feet tall. The applicant is asking for sign standards modification for the proposed five (5) Billboards with the requested Conditional Use Permit.

- b. The total maximum height of such signs shall not exceed twenty-five (25') feet from the grade. The minimum clearance from the grade to the bottom of the sign shall be twelve (12') feet.

Evidence/Analysis: The proposed billboards will be the 25 foot maximum height from grade.

- c. Sign displays shall not be permitted within five hundred (500') feet of a four (4) corner intersection.

Evidence/Analysis: The proposed Billboard signs are not near any intersection.

2. Spacing

a. The minimum distance between displays on the same side of the roadway shall be five hundred (500') feet.

Evidence/Analysis: The applicant is asking for relief on some of the distances in between billboards for Billboards 3,4, and 5 in order to meet the required 1000 foot setback from commercial activity from Caltrans.

b. No sign display shall be permitted within one hundred (100') feet of a property division line or building.

Evidence/Analysis: Proposed Billboard 5 is the nearest Billboard to a designated property line (eastern property line) at exactly 100 feet.

c. Sign displays shall not be permitted within five hundred (500') feet of a four (4) corner intersection.

Evidence/Analysis: The proposed billboards will not be near an intersection.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on November 30, 2018. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos Municipal Code – Section 9-3.2819

**RECOMMENDATIONS:**

Staff recommends that the Planning Commission adopt Resolution #2018-40 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15304 and approving Conditional Use Permit #2018-15 to allow the modification and use of five (5) billboards located at 3400 East Pacheco Boulevard, Assessor's Parcel Number: 084-010-077.

**ATTACHMENTS:**

1. Resolution #2018-40
  - Exhibit A CEQA Findings
  - Exhibit B Project Findings
  - Exhibit C Conditions of Approval
2. Site Plan
3. Site Photos
4. Public Hearing Notice – November 30, 2018

## RESOLUTION No. 2018-40

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15304 AND APPROVING CONDITIONAL USE PERMIT #2018-15 TO ALLOW THE MODIFICATION AND USE OF FIVE (5) BILLBOARDS LOACTED AT 3400 EAST PACHECO BOULEVARD, ASSESSOR'S PARCEL NUMBER: 084-010-077.**

WHEREAS, the applicant has requested that the Planning Commission consider approving the placement of five (5) new billboard signs and allow an increase in the display area and providing 20 foot adjustment in the distance between Billboard 2 and Billboard 3 and 50 foot adjustment in the distance between Billboard 4 and Billboard 5 to be located at 3400 East Pacheco Boulevard; further identified as Assessor's Parcel Number: 084-010-077; and

WHEREAS, the Los Banos Municipal Code Section 9-3.2819 and Section 9-3.2822 requires that all modifications of billboards and requests for variations of the sign standards to be through a Conditional Use Permit; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project has been determine to be categorically exempt from the provisions of CEQA per Article 19, Section 15304 – Minor Land Alterations; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on November 30, 2018 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Los Banos Municipal Code;

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act (CEQA) Findings), and Exhibit B (Findings for Approval), attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15304 and approving Conditional Use Permit #2018-15 to allow the modification and use of five (5) billboards located at 3400 East Pacheco Boulevard, Assessor's Parcel Number: 084-010-077, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of December 2014 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

---

John Cates, Planning Commission Chairman

ATTEST:

---

Sandra Benetti, Planning Technician

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2018-15 – HOSTETLER OUTDOOR, LLC**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City of Los Banos as Lead Agency under CEQA adopts the following findings required by CEQA, along with the facts and evidence upon which each finding is based.

The City of Los Banos Planning Commission hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2018-15 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15304-Minor Land Alterations.
2. Conditional Use Permit #2018-15 was adequately noticed and circulated for public review and public comment on November 30, 2018 for consideration at a public meeting on December 12, 2018.
3. No further documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. The proposal is consistent with the Los Banos General Plan as it meets the use specified within.
5. The proposal is consistent with the Los Banos Zoning Ordinance as it meets the use requirements specified within.

## EXHIBIT B

### PROJECT FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMIT #2018-15 – HOSTETLER OUTDOOR, LLC

The City of Los Banos Planning Commission hereby finds as follows:

1. The Los Banos General Plan was adopted by the City on July 15, 2009 and the project was prepared pursuant to the goals and policies of the General Plan;
2. The requested variation from the sign standards as conditioned will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhoods of such proposed use.
3. The requested variation from the sign standards as conditioned is compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City in that the replacement of the five (5) existing billboard will not change the surrounding use of properties. Future commercial development is designated for the adjacent areas by the General Plan and the Zoning Map and the use of the billboard will be compatible with future commercial uses. The City currently has similar sized billboards located adjacent to commercial uses which operate harmoniously with adjacent uses, properties, and neighborhoods and are not detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR USE PERMIT #2018-15 – HOSTETLER OUTDOOR, LLC

#### Planning:

1. The Conditional Use Permit is for five (5) new billboards. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit.
2. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2018-15 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community Development Department, staff report and signage plan.
3. Any variation from the approved signage plan shall require prior approval by the Planning Commission.
4. The developer/applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said use.
5. The developer/applicant shall obtain any necessary Outdoor Advertising Display Permits and Licenses from Caltrans prior to erecting a billboard.
6. All contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
7. The developer/applicant shall obtain any necessary encroachment permits from Caltrans or other jurisdictions prior to performing any work within that jurisdiction's right-of-way.
8. All signs shall comply with the requirements of the Public Utilities Commission of the State, the Uniform Sign Code as adopted by the City, the regulations of the Building Department of the City and all other relevant Federal, California State, and local laws and regulations.
9. All signs shall be constructed of permanent materials and shall be planned and constructed in accordance with State Building Code requirements and be permanently affixed to the ground in accordance with the Los Banos Municipal Code.

10. All signs shall be maintained in a good structural condition in compliance with all building and electrical codes, and in conformance with the Los Banos Municipal Code, at all times.
11. All signs shall be designed in a neat and orderly manner, and all signs, including supporting structures, shall be kept in a presentable condition at all times. All supporting structures of signs shall be repaired to keep them in good condition whenever such action is requested in writing by the Building Official or Community Development Director.
12. Lighting shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises. No artificial light of whatever type or nature used in conjunction with, or for the purpose of lighting, any sign shall be so located or constructed, nor any substance or material capable of reflecting light on or into any adjoining or nearby lot, structure, or public right-of-way. Where spotlights or floodlights are used to illuminate a sign, the reflector shall be provided with proper shields or glass lenses concentrating the illumination upon the area of the sign so as to prevent flare upon the street or adjacent property.
13. The Conditional Use Permit is specifically limited to the modification and use of 5 billboards to be erected at 3400 East Pacheco Boulevard as depicted (size, shape, color, materials) in the application furnished by the applicant to be placed in the locations depicted on the site plan on file with the Community and Economic Development Department and incorporated herein by this reference.
14. The minimum distance between any other billboards not requesting adjustment shall be 500 feet on the same side of the roadway.
15. No sign display shall be permitted within 100 feet of a property division line or building.
16. The billboard shall be supported by a single pole structure.
17. V-type and side-by-side displays shall be prohibited.
18. Banners, balloons, flags, pennants, pinwheels, and similar attention getting devices shall be prohibited.
19. No moving parts or animation shall be permitted.
20. The identity of the owners of the billboard shall be posted on the sign.
21. The billboard shall be erected and maintained in accordance with the provisions of the Los Banos Sign Ordinance and all conditions of approval for Conditional Use Permit #2018-15. Failure to abide by such provisions

will result in the revocation of the Conditional Use Permit and the removal of the sign.

22. The developer/applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

HOLT 86

CAL TRANS 1000' DISTANCE REQUIREMENT FROM A COMMERCIAL BUSINESS  
CT 1000' DISTANCE REQUIREMENT FROM A COMMERCIAL BUSINESS

HOLT 6  
100'

AMERICAS

HOLT 5  
450'

HOLT 4  
542'

REMOVE

HOLT 3  
480'

HOLT 2 LOCATION  
500'

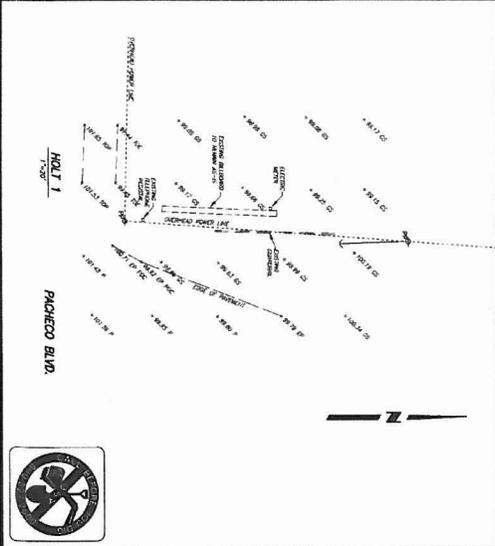
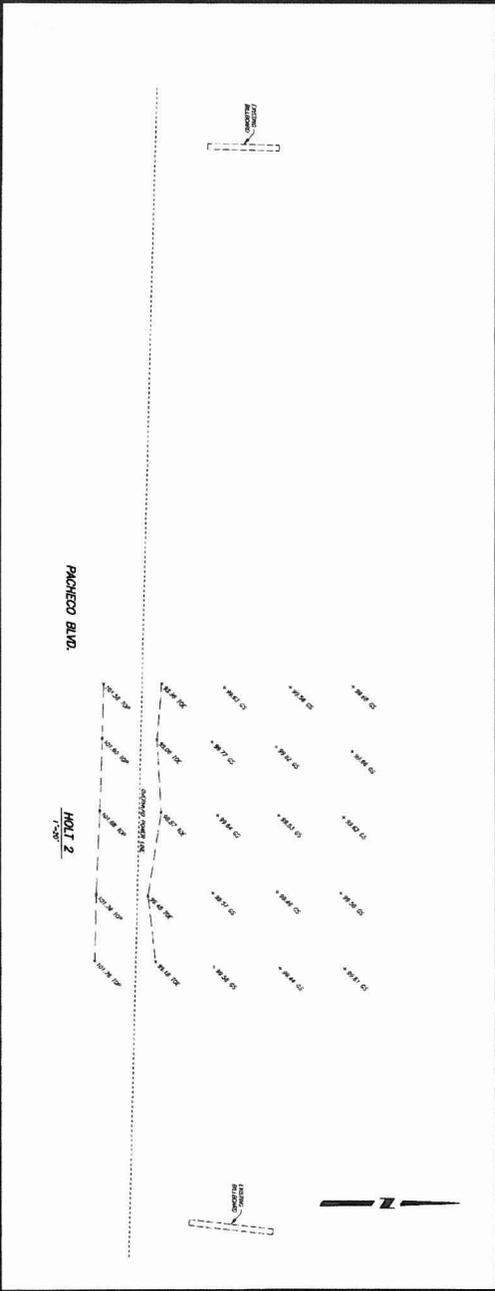
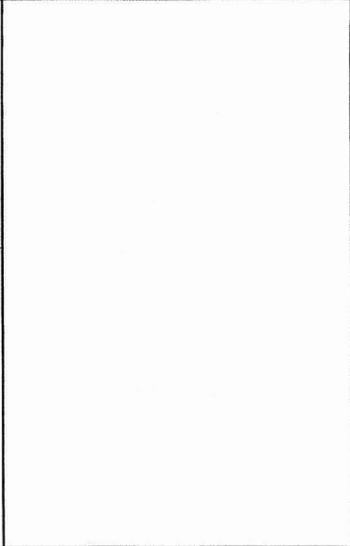
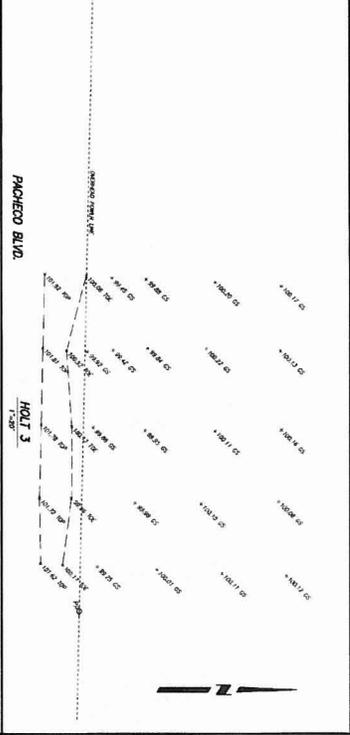
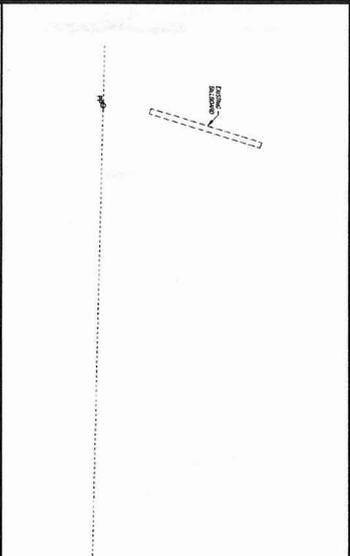
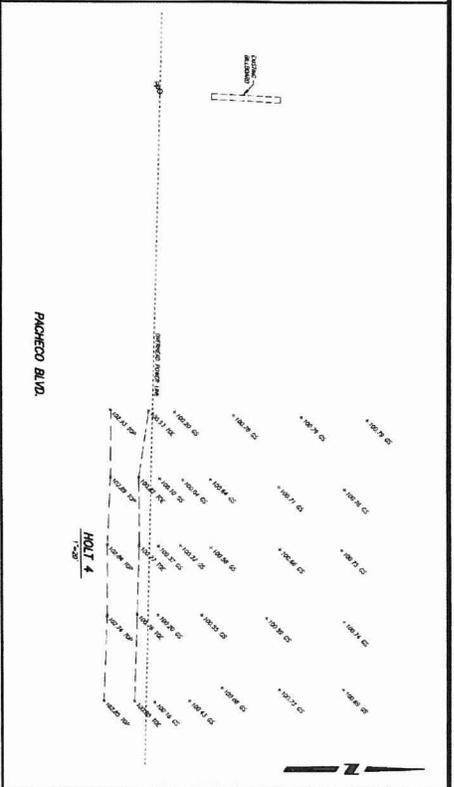
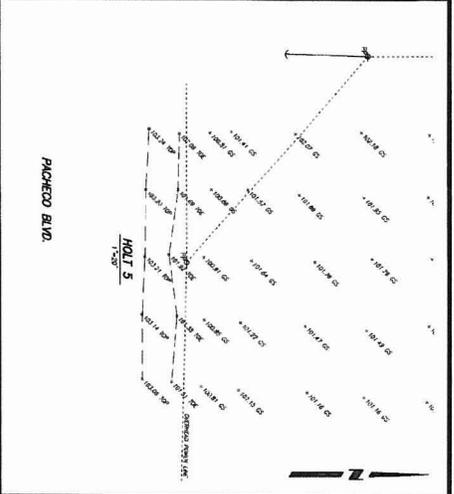
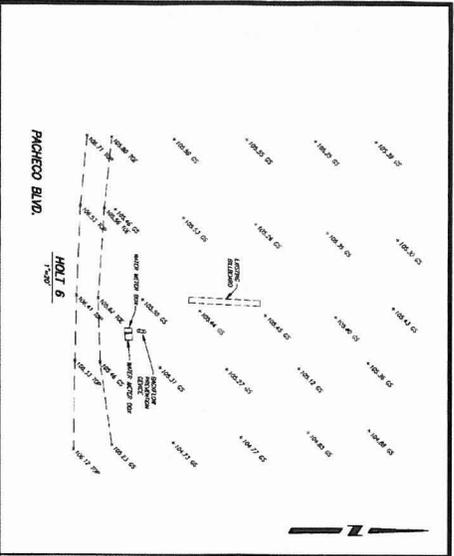
HOLT 1 LOCATION

HOLT OF CALIFORNIA

1000 ft

Google Earth





DATE: 07/27/13  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NUMBER: 1  
 SHEETS: 2

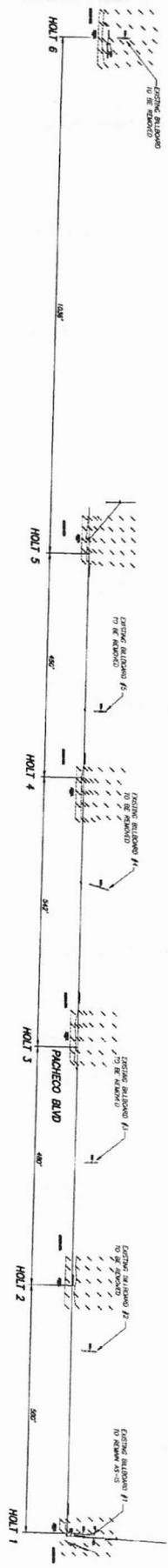
**EXISTING TOPOGRAPHY**  
 TOPOGRAPHY PLAN FOR:  
**HOSTETLER OUTDOOR, LLC**  
**PACHECO BLVD. BILLBOARDS**  
 LOS BANOS, CALIFORNIA


**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 507 J STREET - LOS BANOS, CALIFORNIA • 93835  
 (209) 737-0900 FAX: (209) 548-9305

PREPARED UNDER THE DIRECTION OF \_\_\_\_\_ DATE: \_\_\_\_\_

NO.	REVISIONS	DATE	APPROVED

TEL: (209) 737-0900 FAX: (209) 548-9305



DATE: 02/27/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: AS SHOWN  
 SHEETS: 2  
 OF: 2

**EXISTING TOPOGRAPHY**  
 TOPOGRAPHY PLAN FOR:  
**HOSTETLER OUTDOOR, LLC**  
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 LOS BANOS, CALIFORNIA



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 (209) 737-0800 FAX: (209) 548-8305

PREPARED UNDER THE DIRECTION OF: \_\_\_\_\_ DATE: \_\_\_\_\_

REVISIONS			
NO.	DESCRIPTION	DATE	APPROVED



City of  
**Los Banos**  
At the Crossroads of California

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: November 30, 2018

Re: Notice of Public Hearing

Proposal: Conditional Use Permit #2018-15- Hostetler Outdoor, LLC

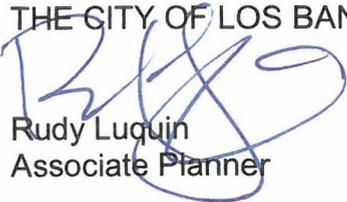
NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15311 (Accessory Structures) and Conditional Use Permit #2018-15 to allow for the use of five (5) billboards within the Highway Commercial Zoning District. The proposed project site is located at 3400 E. Pacheco Blvd; more specifically identified as Assessor's Parcel Numbers: 084-010-077.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, December 12, 2018 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-7000, Ext. 114/ 2432.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Additional information may be obtained from the Community & Economic Development Department at 520 J Street, Los Banos, California. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (209) 827-7000. Notification at least 72 hours prior to the public hearing will enable the City to make reasonable arrangements to allow participation at this hearing

THE CITY OF LOS BANOS

  
Rudy Luquin  
Associate Planner