



# City of Los Banos

At the Crossroads of California

[www.losbanos.org](http://www.losbanos.org)

## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**WEDNESDAY, APRIL 10, 2019**

*If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 ext. 2431 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 ext. 2431 a lo menos de 48 horas previas de la junta.*

*La Ciudad de Los Banos cumple con la Acta de Americanos con Desehabilidad (ADA) de 1990.*

*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 Comisión 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 Departamento de Comunidad y Desarrollo Economico 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 \_\_, Giuliani \_\_, Higby \_\_, Limon \_\_, Spada \_\_, Toscano \_\_
4. APPROVAL OF AGENDA

*Recommendation: Approve the agenda as submitted.*

5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 27, 2019

*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 Revisions to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 and #2016-02 for the Villas and the Hill Subdivisions within the East Center Area Plan Located East of Center Avenue, South of Bluff Drive, West of Cresthills #2 Subdivision and North of the City Limit Line, More Specifically Identified as Assessor's Parcel Numbers: 431-270-010, 431-270-004, and 431-270-005.

1) Planning Commission Resolution No. 2019-05 – Approving the Request for Revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 for The Villas Subdivision within the East Center Area Plan Located East of Center Avenue, South of Bluff Drive, West of Cresthills #2 Subdivision and North of the City Limit Line, More Specifically Identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004.

2) Planning Commission Resolution No. 2019-06 – Approving the Request for Revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-02 Hill Property Subdivision within the East Center Area Plan Located East of Center Avenue, South of Bluff Drive, West of Cresthills #2 Subdivision and North of the City Limit Line, More Specifically Identified as Assessor's Parcel Number: 431-270-005.

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

8. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT

9. COMMISSIONER REPORTS

A. Cates

B. Dees

- C. Giuliani
- D. Higby
- E. Limon
- F. Spada
- G. Toscano

10. ADJOURNMENT

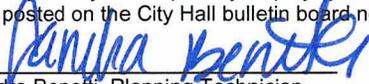
**APPEAL RIGHTS AND FILING PROCEDURES**

Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing 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 5<sup>th</sup> day of April 2019



**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
MARCH 27, 2019**

***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 Spada.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, David Dees, Thomas Higby III, and Tom Spada; Mona Giuliani, Erik Limon, and Susan Toscano 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 Higby, seconded by Spada to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano absent.

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 27, 2019.** Motion by Higby, seconded by Dees to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano 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 RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADOPT AN ORDINANCE ADDING A NEW ARTICLE TO TITLE 9 OF CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING SIDEWALK VENDING IN RESPONSE TO SENATE BILL 946.** Community & Economic

Development Director Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Dees spoke of his resentment towards the state for forcing this on local governments and inquired about the associated permit fee.

Community & Economic Development Director Elms responded that the user fee study will determine the fee.

Commissioner Dees stated that Code Enforcement will be hard pressed to monitor, so the public will have to police, and suggested having a large and bright colored permit on the cart.

Community & Economic Development Director Elms stated that each vendor will wear an ID badge and have a permit along with Conditions of Approval on their person.

Commissioner Dees suggested to consider font size as well for the permit and inquired if this ordinance applies to schools.

Community & Economic Development Director Elms stated that there is language specific to schools within the ordinance.

Commissioner Dees inquired if there are restrictions on areas where there are no sidewalks.

City Attorney Vaughn responded that the definition of sidewalk vendor clarifies it is to take place on public sidewalk or pedestrian path of travel.

Commissioner Higby inquired as to how we ensure vendors stick to the path of travel.

City Attorney Vaughn responded that it would be on a complaint basis.

Commissioner Higby inquired about noncompliance.

City Attorney responded that statute is quoted in the ordinance, how it cannot be a criminal violation, also entitled to reduction in fine if shown financial hardship, and spoke of the administrative citation process.

Commissioner Dees inquired about the plan to notify the folks who currently vend that would fall under this.

Community & Economic Development Director Elms responded that staff will reach out to them upon their business license renewal when we that determination has been made.

Chairperson Cates opened the public hearing. KATHY BALLARD, Los Banos, spoke of how the City doesn't have this type of vending currently, how it's not a problem at this point, it's obtrusive to brick and mortar, concerned about sales tax, how street vendors

are dishonest about the amount they sell, how its not a huge problem right now and she understands that the state enacted this law but she wants to voice her opinion, and she hopes it doesn't turn into a big problem in the future.

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

Motion by Dees, seconded by Spada to adopt Planning Commission Resolution No. 2019-04 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Adding a New Article 45 to Create a Sidewalk Vending Program, Amending Related Provisions of the Los Banos Municipal Code and Making a Determination of Exemption under CEQA. The motion carried by the affirmative action of all Planning Commission Members present; Giuliani, Limon, and Toscano absent.

### **COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.**

Planning Commission Academy a few weeks ago, great conference, really great information, thanked those who attended, and looks forward to the conference next year.

### **PLANNING COMMISSION MEMBER REPORTS.**

**CATES:** Thanked the City Council for allowing the Planning Commission to go to the Planning Commissioners Academy, how our staff is very functional, so many differences between our City and the larger communities, how they had a great chauffer and had a great time.

**DEES:** Spoke of Measure V finalized report, how the committee has requested that the City to provide a location on 4/17/19 and inquired if Community & Economic Development Director Elms has information.

Community & Economic Development Director Elms responded that the Public Works Director would be the point of contact for this and how she is sure he is handling it.

Commissioner Dees spoke of how he enjoyed Planning Commissioner Academy, how the sessions seemed to cater to larger communities, commended staff for doing an excellent job, great bonding experience for the group, and how each one of us cares for the City.

Commissioner Dees spoke of how Burger King had received approval for Site Plan Review a year ago, how they removed the trees and hedges and never replaced it, and now there is no separation between commercial and residential.

Community & Economic Development Director responded that the new landscaping that was put in meets the City's standards and staff has not received complaints since the new landscaping was put in.

Commissioner Dees stated that the intent to put shrubs in was to put a barrier between residential and commercial and short shrubs don't provide that barrier.

**GIULIANI:** Absent.

**HIGBY:** Inquired about a meeting that took place yesterday regarding the highspeed rail and asked if Community & Economic Development Director Elms had information.

Community & Economic Development Director Elms stated she was not aware or invited to a meeting yesterday, but the City is in contact with the High Spped Rail Authority staff regarding impact to the City and schools, and staff is told special consideration is given to environmental groups not municipalities.

**LIMON:** Absent.

**SPADA:** Inquired if Marshall's will have a loading dock.

Community & Economic Development Director responded that in the rear there will be a roll up door, not a loading dock.

Commissioner Spada stated that he doesn't want to see anything like the loading dock at Harbor Freight Tools.

Community & Economic Development Director Elms stated that its within an existing fenced area in the rear.

Commissioner Spada spoke of how he hopes the back of the building stays somewhat visually pleasing since it faces the junior high school.

Community & Economic Development Director Elms responded that the tenant improvement plans are for interior and not related to a loading dock but she will look into it.

Commissioner Spada stated that his wife is having spine surgery on Friday and he may not be at the next Planning Commission meeting.

**TOSCANO:** Absent.

**ADJOURNMENT:** The meeting was adjourned at the hour of 7:51 p.m.

APPROVED:

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John Cates, Chairperson

ATTEST:

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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** *RL*

**FOR: APRIL 10, 2019**

**SUBJECT: VESTING TENTATIVE TRACT MAP #2016-01 & VESTING TENTATIVE TRACT MAP #2016-02 REVISION TO CONDITIONS OF APPROVAL – THE VILLAS & THE HILLS**

**RECOMMENDATIONS:**

1. That the Planning Commission adopt Resolution No. 2019-05 approving the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 for The Villas Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004.
2. That the Planning Commission adopt Resolution No. 2019-06 approving the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-02 Hill Property Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-005.

**BACKGROUND SUMMARY:**

On January 18, 2006, The Los Banos City Council approved Annexation #2001-05 which annexed approximately 113 acres coined the East Center Area Plan, into the City of Los Banos extending the southern City Limit boundary to Pioneer Road. Approximately a month prior to the approval of Annexation #2001-05 of the East Center Area Plan, the Los Banos City Council certified Mitigated Negative Declaration (SCH #2002081111) on December 21, 2005 which fully analyzed the and mitigated potential impacts from the potential project in the area. More recently, on May 11, 2016 the Los Banos Planning Commission approved Vesting Tentative Tract Map #2016-02 The Hill

Property Subdivision and subsequently approved Vesting Tentative Tract Map #2016-01 on August 10, 2016.

Presently, on March 12, 2019, the applicant, Pioneer Development Company, submitted a request to the Los Banos Community and Economic Development Department to revise a condition for Vesting Tentative Tract Map #2016-01 The Villas and Vesting Tentative Tract Map #2016-02 The Hill Property. The conditions in request of revision are from Resolution #2016-40, Exhibit C, Condition No. 52 and Resolution #2016-18, Exhibit C, Condition No. 53 for VTTM #2016-01 The Villas and VTTM #2016-02 The Hill Property, respectively.

**LOCATION AND ACCESS:**

The proposed projects are part of the East Center Area Plan located in the south central portion of the City and bounded east of Center Avenue, south of Bluff Drive. The project sites are outlined in yellow on the area map below.

**LAND USE:**



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<b>Property</b>	<b>Land Use</b>	<b>Zone</b>	<b>General Plan</b>
Project Site	Developing	R-1/ R-2	Low Density/Medium Density
North	Residential	R-1	Low Density
East	Residential	R-1	Low Density
South	Agriculture	A1	Low Density/ Civic
West	Civic/ Institutional	C/ R-1	Civic/ Low Density

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R-1 = Low Density Residential                      R-2= Medium Density Residential  
A1= General Agriculture (Merced County)        C= Civic

**ENVIRONMENTAL ASSESSMENT:**

A Mitigated Negative Declaration (SCH #2002081111) was certified for the Annexation #2001-05 for the East Center Area plan which includes VTTM #2016-01 The Villas Subdivision and VTTM #2016-02 The Hill Property Subdivision by the City Council on December 21, 2005. The revision of the Conditions of Approval for the project do not impact the analysis or conclusions contained in the in the certified Mitigated Negative Declaration or increase the severity of the previously analyzed impacts and no changes occurred in reference to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines.

**CONDITIONS OF APPROVAL ANALYSIS:**

***In General***

The following are the Conditions of Approval that the applicant would like to revise from the approval for VTTM #2016-02 The Hill Property Subdivision on May 11, 2016, Planning Commission Resolution No. 2016-18 Exhibit C Conditions of Approval and for VTTM #2016-01 The Villa Subdivision on August 10, 2016 Planning Commission Resolution No. 2016-40, Exhibit C, Condition of Approval.

Planning Commission Resolution 2016-18, Exhibit C, Condition of Approval No. 52:

Access and Circulation:

52. Prior to occupancy of the first residence, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of the right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as

applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with East Center Area Plan.

Planning Commission Resolution 2016-40, Exhibit C, Condition of Approval No. 53:

Access and Circulation:

53. Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with East Center Area Plan.

Analysis: The applicant, Pioneer Development Company, has requested to differ the stated conditions to complete Center Avenue widening improvements until prior to the occupancy of the 250th residence of the three phase subdivision. Pioneer Development Company has submitted the request in efforts to first complete the power pole relocation along Center Avenue, as the relocation of the power poles is contingent to the initiation of the widening and frontage improvements for Center Avenue.

Staff warrants approval of the applicant's request for revision of the conditions for VTTM #2016-01 and VTTM #2016-02 primarily on account that the actual relocation will not be administered by the applicant as a utility company that has jurisdiction of the power poles will manage the power pole relocation project. Thus, the project will be delayed until the condition is met. Despite the two different Vesting Tentative Tract Maps, they are both components of one overall project, The East Center Area Plan. Staff has determined that the deferment of the Center Avenue widening improvements to be more appropriate prior to the issuance of occupancy of the 238<sup>th</sup> residence.

**CONCLUSION:**

Staff determines that the request for deferment of the widening improvements and such stated pursuant to Condition of Approval No. 53 for both VTTM #2016-01 and Condition of Approval No. 52 for VTTM #2016-02 to be approved with inclusion of staff's suggestion of the widening improvements to Center Avenue prior to issuance of occupancy of the 238th residence as consideration of the relocation of the power poles along Center Avenue is not ultimately at the discretion of Pioneer Development Company. Staff finds the request of deferment with inclusion of staff's suggestion of the widening improvements to Center Avenue to be reasonable as both subdivisions are segments of the East Center Area Plan project.

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and Merced Sun-Star and notices were mailed out to property owners within a 300' radius of the project site on March 29, 2019. As of the date of this staff report, no written comments have been received.

**RECOMMENDATION:**

1. That the Planning Commission adopt Resolution No. 2019-05 approving the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 for The Villas Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004.
2. That the Planning Commission adopt Resolution No. 2019-06 approving the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-02 Hill Property Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-005.

**ATTACHMENTS:**

1. Resolution 2019-05
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Resolution 2019-06
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
3. Tentative Tract Maps (VTTM #2016-01, VTTM #2016-02)
4. Property Owner Revision Request
5. VTTM #2016-02, Resolution 2016-18
6. VTTM #2016-01, Resolution #2016-40
7. Site Photos
8. Public Hearing Notice – March 29, 2019



## RESOLUTION NO. 2019-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE REQUEST FOR REVISION TO THE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-01 FOR THE VILLAS SUBDIVISION WITHIN THE EAST CENTER AREA PLAN. THE PROPOSED PROJECT IS LOCATED EAST OF CENTER AVENUE, SOUTH OF BLUFF DRIVE, WEST OF CRESTHILLS #2 SUBDIVISION AND NORTH OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-010 AND 431-270-004.**

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos City Council on July 15, 2009; and

WHEREAS, the subject property has a land use designation of Low Density Residential pursuant to the Los Banos General Plan and is zoned Low Density Residential (R-1) by the Los Banos Zoning Map; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos on January 18, 2006, and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. The revision of the Conditions of Approval for the project do not impact the analysis or conclusions contained in the in the certified Mitigated Negative Declaration or increase the severity of the previously analyzed impacts and no changes occurred in reference to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines; and

WHEREAS, Vesting Tentative Tract Map #2016-01 was approved by the Los Banos Planning Commission on August 10, 2016; and

WHEREAS, a public hearing was duly noticed for April 10, 2019, 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

March 29, 2016 to consider and take testimony regarding the revision for condition of approvals for Vesting Tentative Tract Map #2016-02; and

WHEREAS, at the April 10, 2019 Planning Commission meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the revision to the conditions of approval for Vesting Tentative Tract Map #2016-02 and staff report; analyzed the practicality of the applicant's revision request for the Conditions Of Approval; has considered the applicant's revision request in accordance with the Tentative Tract Map criteria established in Title 9, Chapter 2, Article 15 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 the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 for The Villas Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-010 and 431-270-004.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10<sup>th</sup> day of April 2019, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_ and the Resolution recommended for approval 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 VESTING TENTATIVE TRACT MAP #2016-01 REV- THE VILLAS**

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The revision of the Conditions of Approval for the project do not impact the analysis or conclusions contained in the in the certified Mitigated Negative Declaration or increase the severity of the previously analyzed impacts and no changes occurred in reference to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines.
4. The City of Los Banos Community and Economic 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 MND was based.



## EXHIBIT B

### FINDINGS FOR APPROVAL OF VESTING TENTATIVE TRACT MAP #2016-01 REV – THE VILLAS

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

1. The revision of the Conditions of Approval does not modify the Vesting Tentative Tract Map in which complies with the Los Banos Subdivision Ordinance and the State Subdivision Map Act.
3. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
4. The revision of Conditions of Approval for Vesting Tentative Tract Map #2016-01 are consistent with the East Center Area Plan goals, policies, and programs.



## EXHIBIT C

### CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-01 REV – THE VILLAS

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-01 and approved Final Development Plan #2016-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect 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."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects 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 approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. 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 and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet 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.

30. 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.

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, 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 approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-

way of designated access roads;

- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
  - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
  - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
  - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.
45. The developer shall install a seven-foot continuous masonry wall to be built along Bluff Drive lots.

Air Quality:

46. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and

construction of new buildings. Examples include, but are not limited to, increased wall and ceiling installation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

47. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
48. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
49. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
50. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
51. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
52. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

~~53. Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.~~

53. Prior to issuance of occupancy of the two hundred and thirty eighth residence (238<sup>th</sup>) the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of the right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with East Center Area Plan.

54. Center Avenue shall be constructed with a double turn lane along the length of the cemetery and the Whitehurst Funeral Chapel, or equivalent design, as approved by the City Engineer.
55. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
56. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
57. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
58. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
59. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
60. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
61. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
62. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.

63. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
64. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.
65. All streets within private property shall be privately owned and maintained.

Landscape and Lighting District:

66. Prior to approval of any final or parcel map, 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.

Utilities:

67. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.
68. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
69. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
70. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.

71. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
72. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
73. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.
74. All street lights within private property shall be privately owned and maintained.

Water:

75. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
76. Approved backflow devices shall be installed as required.
77. Domestic water services shall not be placed in driveways.
78. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
79. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.
80. All water lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Sewer:

81. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.

82. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
83. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
84. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
85. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.
86. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

87. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
88. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
89. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
90. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
91. All development shall comply with the Phase II storm water regulations.
92. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.

93. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
94. The storm drainage basin shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes).
95. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
96. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.
97. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

98. Prior to recordation of a Final Map, 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.
99. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.
100. Emergency access to private property/ common areas shall be assured.
101. Gates at private streets shall be equipped with SOS Sire control System, Click to Enter controls, and Knox Box entry system approved by the Fire Chief. Manual operation or alternate access shall be provided for use in the event of a power outage.
102. The developer shall enter into an agreement with the City to assure that the developer or successor shall perform water system maintenance and maintain the required fire flow.
103. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.

104. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
105. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
106. Each residence shall have 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
107. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
108. Street names shall be approved by the Fire Department.
109. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
110. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

111. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
112. The developer shall comply with the adopted street tree ordinance.
113. Masonry walls shall be landscaped with vines to discourage graffiti.
114. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
115. A park dedication and improvement fee shall be paid with each building permit. Upon completion of public park improvements and dedication, the developer may be subject to reimbursement of park improvement fees for the expansion of Cresthills Park.
116. The developer shall include the following utilities in the parks: electrical, sewer, connections, storm drainage, and water service.

117. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
118. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.

## **EXHIBIT D**

### **The Villas Area Plan Mitigation Monitoring Program**

#### ***Introduction***

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

#### ***Monitoring Program***

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

#### ***Monitoring Program Procedures***

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been

complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.

3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

**Villas Area Plan**

**Mitigation Measure Checklist**

The following mitigation measure shall be implemented **prior to approval of final maps**:

- 4. Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road and Pioneer Road intersection to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

- 2. If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

- 1. Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM<sub>10</sub>) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- 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.*
  - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*

- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development Department

The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department; Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

This measure has already been completed as of the date of adoption of the monitoring program.

**RESOLUTION NO. 2019-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE REQUEST FOR REVISION TO THE CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-02 HILL PROPERTY SUBDIVISION WITHIN THE EAST CENTER AREA PLAN. THE PROPOSED PROJECT IS LOCATED EAST OF CENTER AVENUE, SOUTH OF BLUFF DRIVE, WEST OF CRESTHILLS #2 SUBDIVISION AND NORTH OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-005.**

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos City Council on July 15, 2009; 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 (R-2) by the Los Banos Zoning Map; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos City Council on January 18, 2006; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. The revision of the Conditions of Approval for the project do not impact the analysis or conclusions contained in the in the certified Mitigated Negative Declaration or increase the severity of the previously analyzed impacts and no changes occurred in reference to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines; and

WHEREAS, Vesting Tentative Tract Map #2016-02 was approved by the Los Banos Planning Commission on May 11, 2016; and

WHEREAS, a public hearing was duly noticed for April 10, 2019, 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

March 29, 2016 to consider and take testimony regarding the revision for condition of approvals for Vesting Tentative Tract Map #2016-02; and

WHEREAS, at the April 10, 2019 Planning Commission meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the revision to the conditions of approval for Vesting Tentative Tract Map #2016-02 and staff report; analyzed the practicality of the applicant's revision request for the Conditions Of Approval; has considered the applicant's revision request in accordance with the Tentative Tract Map criteria established in Title 9, Chapter 2, Article 15 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 the request for revision to the Conditions of Approval for Vesting Tentative Tract Map #2016-02 Hill Property Subdivision within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-005.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10<sup>th</sup> day of April 2019, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution recommended for approval 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 VESTING TENTATIVE TRACT MAP #2016-02 REV – HILL PROPERTY**

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The revision of the Conditions of Approval for the project do not impact the analysis or conclusions contained in the in the certified Mitigated Negative Declaration or increase the severity of the previously analyzed impacts and no changes occurred in reference to the circumstances under which the original project was considered. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act (CEQA) guidelines.
4. The City of Los Banos Community and Economic 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 MND was based.



## EXHIBIT B

### FINDINGS FOR APPROVAL OF VESTING TENTATIVE TRACT MAP #2016-02 REV – HILL PROPERTY

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

1. The revision of the Conditions of Approval does not modify the Vesting Tentative Tract Map in which complies with the Los Banos Subdivision Ordinance and the State Subdivision Map Act.
2. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
3. The revision of Conditions of Approval for Vesting Tentative Tract Map #2016-02 are consistent with the the East Center Area Plan goals, policies, and programs.



## EXHIBIT C

### CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-02 REV – HILL PROPERTY

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-02 and approved Final Development Plan #2016-02, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-02.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect 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."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects 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 approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. 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 and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet 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.

30. 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.

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, 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 approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-

way of designated access roads;

- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
  - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
  - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
  - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.

Air Quality:

45. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and construction of new buildings. Examples include, but are not limited to, increased wall and ceiling insulation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

46. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
47. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
48. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
49. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
50. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
51. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

- ~~52. Prior to occupancy of the first residence, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.~~
52. Prior to issuance of occupancy of the two hundred and thirty eighth residence (238<sup>th</sup>) the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of the right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with East Center Area Plan.
53. Street G shall be designed and constructed in accordance with the East Center Area Plan approved January 18, 2006, which consists of 60 foot right-of-way and separated sidewalk with street trees.
54. The developer shall design and install traffic calming along Street G, provide a street stub at Court L for future development to the south, and open Court G or Court I to Street G as approved by the City Engineer.

55. Traffic calming may include, but is not limited to the following: raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts as approved by the City Engineer.
56. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
57. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
58. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
59. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
60. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
61. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
62. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
63. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.
64. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.

65. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.

Landscape and Lighting District:

66. Prior to approval of any final or parcel map, 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 XIII D 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.

Utilities:

67. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

68. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.

69. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.

70. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.

71. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.

72. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

73. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-

coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.
77. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
78. No building permit shall be issued prior to certification by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.

Sewer:

79. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.
80. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
81. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
82. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
83. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.
84. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

85. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
86. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
87. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
88. All development shall comply with the Phase II storm water regulations.
89. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
90. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
91. The storm drainage basin within The Villas Subdivision shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes) within VTTM #2016-02.
92. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
93. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.
94. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

95. Prior to recordation of a Final Map, 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.

96. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.
97. Emergency access to private property/ common areas shall be assured.
98. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
99. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
100. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
101. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
102. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
103. Street names shall be approved by the Fire Department.
104. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
105. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

106. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
107. The developer shall comply with the adopted street tree ordinance.
108. Masonry walls shall be landscaped with vines to discourage graffiti.

109. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.

110. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.

111. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.



## EXHIBIT D

### The Villas Area Plan Mitigation Monitoring Program

#### ***Introduction***

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

#### ***Monitoring Program***

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

#### ***Monitoring Program Procedures***

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been

complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.

3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

## Villas Area Plan

### Mitigation Measure Checklist

The following mitigation measure shall be implemented **prior to approval of final maps**:

- 4. Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

- 2. If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

- 1. Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM<sub>10</sub>) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- 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.*
  - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*

- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development Department

The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department; Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

This measure has already been completed as of the date of adoption of the monitoring program.

PLAN REVISIONS		
NO.	DATE	REVISION

**O'DELL**  
**ENGINEERING**  
 Modesto Palo Alto Pleasanton  
 1165 Scenic Drive, Suite B  
 Modesto, CA 95350  
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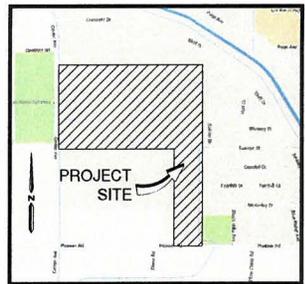
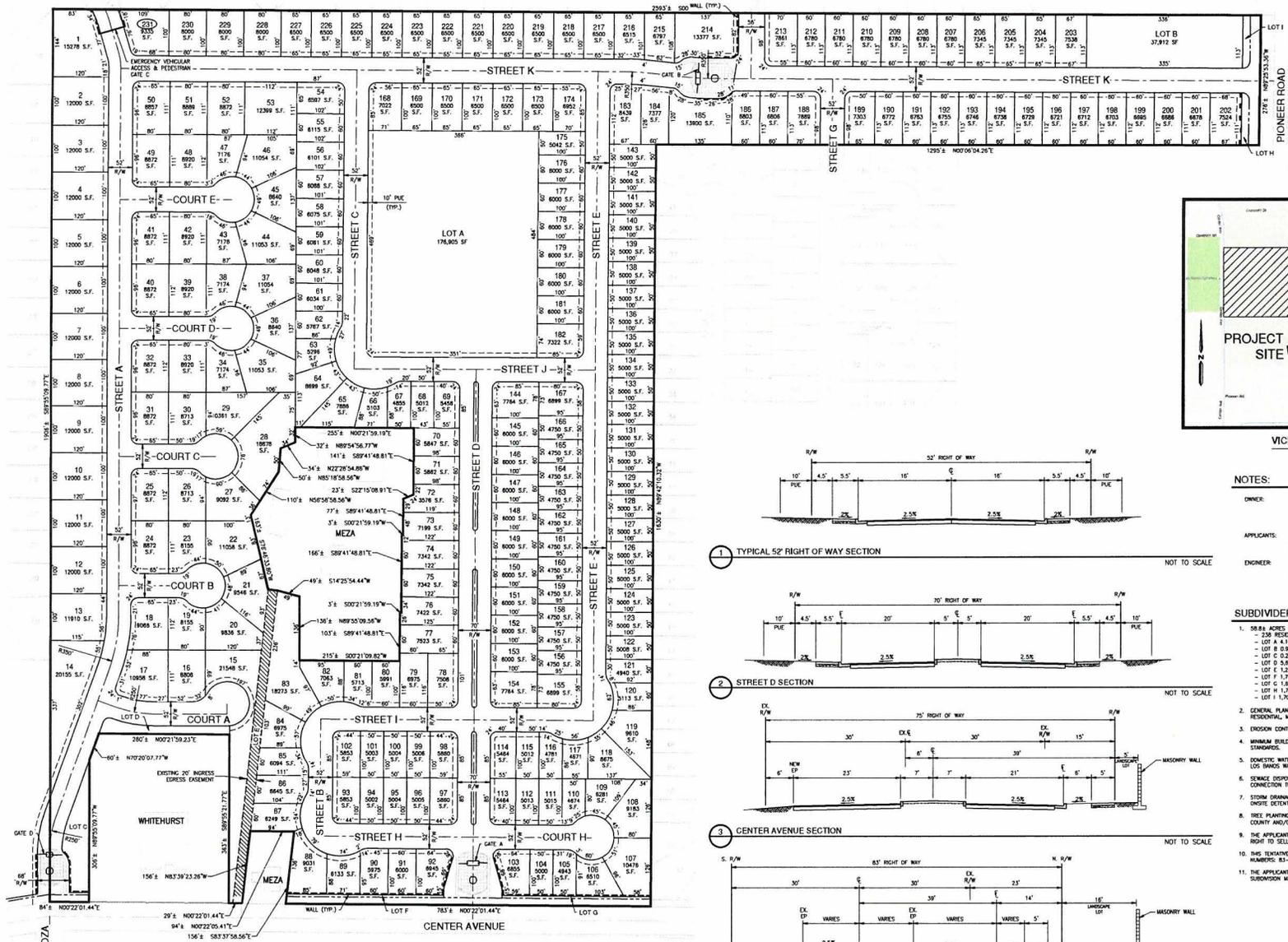
TRACT NO. 2016 - 01  
**THE VILLAS**  
 LOS BANOS, CALIFORNIA

VESTING TENTATIVE MAP



APPROVED: \_\_\_\_\_  
 DESIGNED: SC  
 DRAWN: SC  
 CHECKED: MV  
 SCALE: 1"=100'  
 DATE: 4/7/2016  
 JOB NO.: 20041  
 FILE NO.: 20041-VTM-LAYOUT.dwg

SHEET NO. 1 OF 2



VICINITY MAP  
 N.T.S.

NOTES:

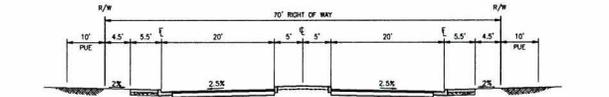
- OWNER: LINCOLN GRANTOR FARMS LLC/ROSTER RANCHES LLC, 1306 W. HENRIETTA AVE., #101, FRESNO, CA 93711
- APPLICANTS: STONEFIELD HOME, INC., 823 E. INCHWOOD BLVD., SUITE C, LOS BANOS, CA 93835
- ENGINEER: O'DELL ENGINEERING, 1165 SCENIC DRIVE, SUITE B, MODESTO, CA 95350, (209) 571-1785

SUBDIVIDER'S STATEMENT

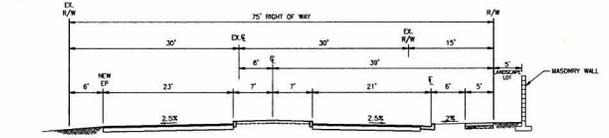
- 58.84 ACRES - 238 RESIDENTIAL LOTS - LOT A 4.14 ACRES (EXCL. USE PARK/STORM DRAIN BASIN) - LOT B 0.91 ACRES (LANDSCAPE) - LOT C 0.24 ACRES (LANDSCAPE) - LOT D 5.8009 ACRES (LANDSCAPE) - LOT E 1.2004 ACRES (EX. FACILITY) - LOT F 1.7004 ACRES (LANDSCAPE) - LOT G 1.8004 ACRES (LANDSCAPE) - LOT H 1.7004 ACRES (LANDSCAPE)
- GENERAL PLANNING DESIGNATION FOR PROPERTY: LOW DENSITY RESIDENTIAL, MEDIAN DENSITY RESIDENTIAL, AND PARK
- EROSION CONTROL PLAN SHALL BE DONE PER COUNTY ORDINANCES.
- MINIMUM BUILDING SETBACK LINES SHALL COMPLY WITH CITY ORDINANCES.
- DOMESTIC WATER SUPPLY SHALL BE BY CONNECTION TO CITY OF LOS BANOS WATER SYSTEM.
- SEWAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF LOS BANOS SANITARY SEWER SYSTEM.
- STORM DRAINAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM, THESE DETENTION BASIN AND PUMP TO MAIN CANAL.
- NEED PLANNING SHALL BE PERFORMED IN ACCORDANCE WITH COUNTY AND/OR STATE ORDINANCES.
- THE APPLICANT PROPOSES TO BUILD ON LOTS, BUT RESERVES THE RIGHT TO SELL LOTS.
- THIS RESERVING SUBDIVISION MAP IS A SUBDIVISION OF PARCELS NUMBERS 83-12-35 AND 83-12-38
- THE APPLICANT RESERVES THE RIGHT TO PHASE PRODUCT PER THE SUBDIVISION MAP ACT.



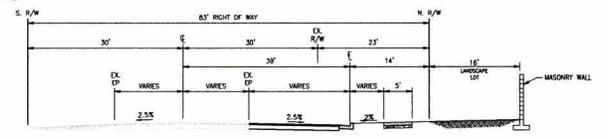
1 TYPICAL 52' RIGHT OF WAY SECTION NOT TO SCALE



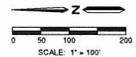
2 STREET D SECTION NOT TO SCALE



3 CENTER AVENUE SECTION NOT TO SCALE



4 PIONEER ROAD SECTION NOT TO SCALE



H:\33044-1\The Villas\Planning\Drawings\33044-1\TM-Villas-LOT-LAYOUT.dwg 13:23:01 04/07/2016



PLAN REVISIONS

NO.	DATE	REVISION

**O'DELL**  
**ENGINEERING**  
 Modesto Palo Alto Pleasanton  
 1165 Scenic Drive, Suite B  
 Modesto, CA 95350  
 Ph 206.571.1785 odellengineering.com



NOTES:

- OWNER: LINCOLN GRANTER FARMS LLC/HOSTETLER RANCHES LLC  
 1396 W. HERRISON AVE, #101  
 FRESNO, CA 93711
- APPLICANTS: STONEFIELD HOME, INC.  
 933 E. PARKSIDE BLVD, SUITE C  
 LOS BANOS, CA 93835
- ENGINEER: O'DELL ENGINEERING  
 1165 SCENIC DRIVE, SUITE B  
 MODESTO, CA 95350  
 (209) 571-1785

SUBDIVIDER'S STATEMENT

- 24.44 ACRES  
 - 138 RESIDENTIAL LOTS  
 - LOT A 2,300 S.F. (LANDSCAPE)  
 - LOT B 600 S.F. (LANDSCAPE)
- GENERAL PLAN DESIGNATION FOR PROPERTY: LOW DENSITY RESIDENTIAL.
- EROSION CONTROL PLAN SHALL BE DONE PER COUNTY ORDINANCES.
- MINIMUM BUILDING SETBACK LINES SHALL COMPLY WITH CITY STANDARDS.
- DOMESTIC WATER SUPPLY SHALL BE BY CONNECTION TO CITY OF LOS BANOS WATER SYSTEM.
- SEWAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF LOS BANOS SANITARY SEWER SYSTEM.
- STORM DRAINAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND PUMP TO MAIN CANAL.
- TREE PLANTING SHALL BE PERFORMED IN ACCORDANCE WITH CITY ORDINANCES.
- THE APPLICANT PROPOSES TO BUILD ON LOTS, BUT RESERVES THE RIGHT TO SELL LOTS.
- THIS TENTATIVE SUBDIVISION MAP IS A SUBDIVISION OF PARCEL NO. 431-270-005.
- THE APPLICANT RESERVES THE RIGHT TO PHASE PROJECT PER THE SUBDIVISION MAP ACT.

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		CATCH BASIN
		DRAIN INLET
		ELECTRIC METER/BOX
		ELECTRICIAN
		ELEVATION W/ DESCRIPTION
		FIRE HYDRANT
		IRRIGATION VALVE
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		STREET/LITE LIGHT PULL BOX
		TREES W/ DHP LINE
		UNDERGROUND UTILITY LINE LABEL AND DIRECTION
		UTILITY POLE
		WATER METER/BOX
		WATER VALVE
		WALL

TRACT NO. 2016- 02  
**HILL PROPERTY**  
 LOS BANOS, CALIFORNIA

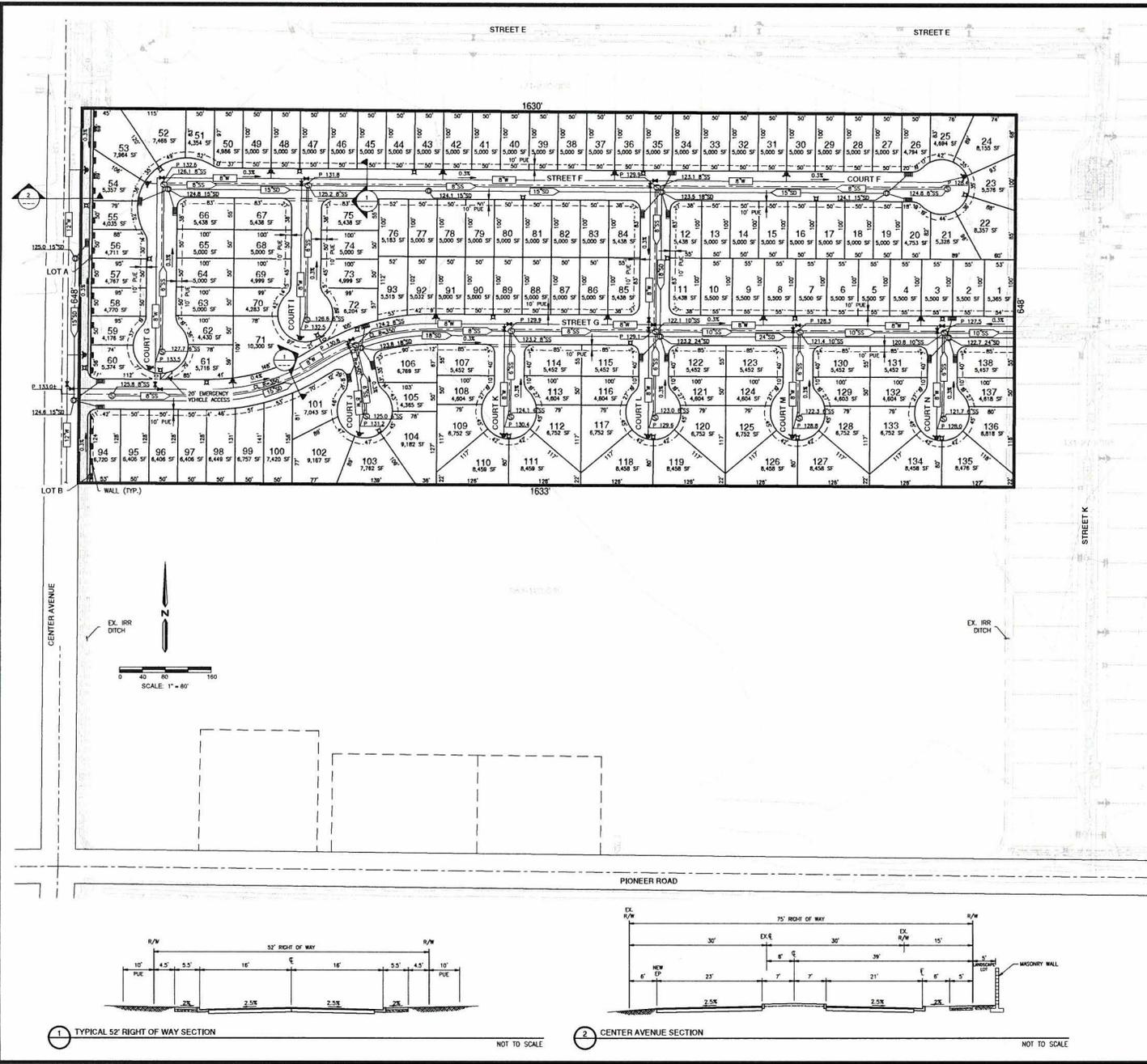
VESTING TENTATIVE MAP



APPROVED:

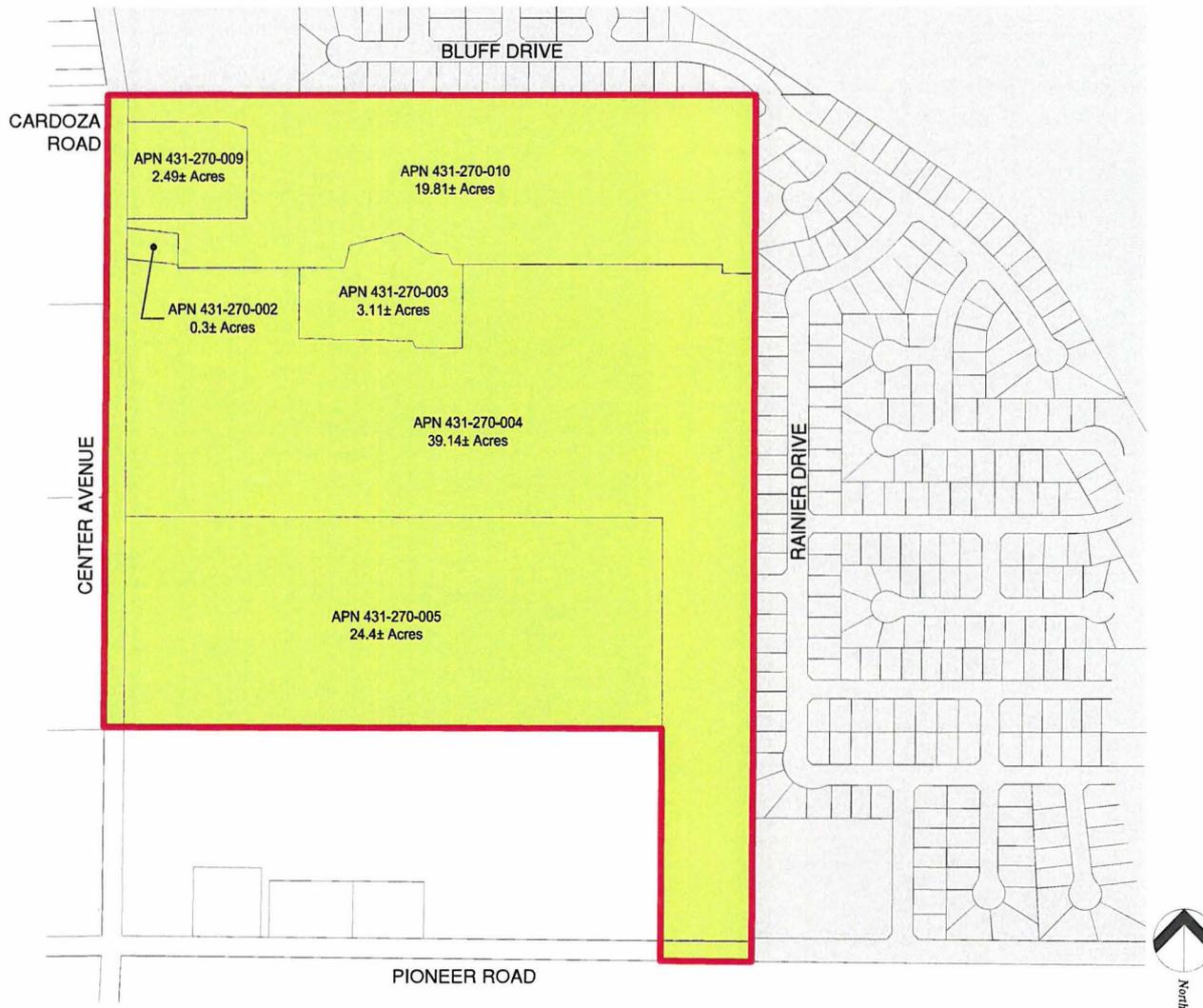
DESIGNED: MW  
 DRAWN: EV  
 CHECKED: MW  
 SCALE: 1"=80'  
 DATE: 2/18/2016  
 JOB NO.: 29042  
 FILE NO.: 29042-TM.dwg

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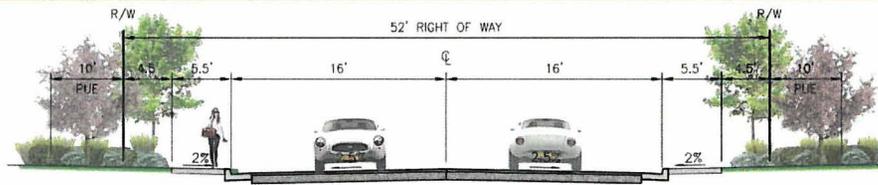




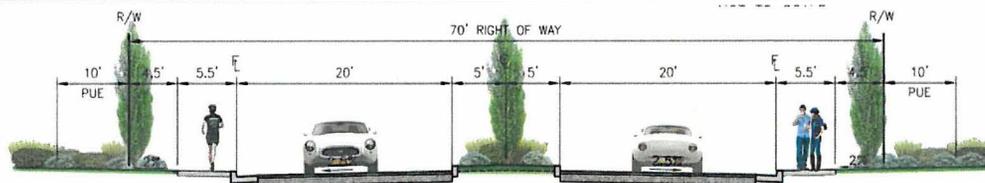
Reference Map

**Legend**

-  Area Plan Boundary
-  Within Current City Limits

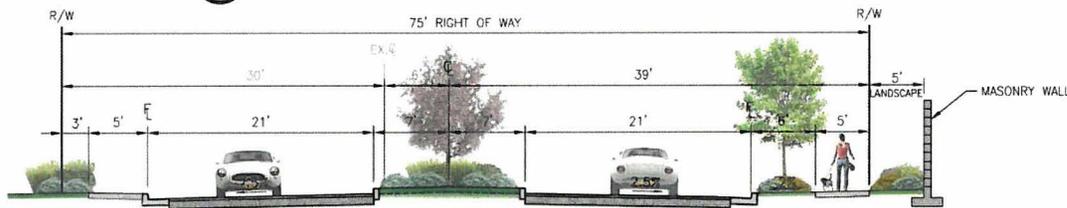


1 TYPICAL 52' RIGHT OF WAY SECTION



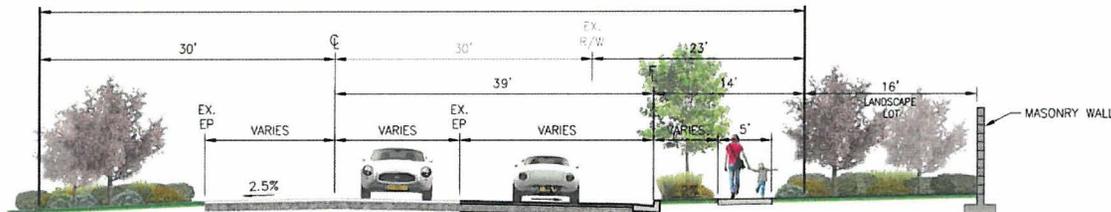
2 STREET D SECTION

NOT TO SCALE



3 CENTER AVENUE SECTION

NOT TO SCALE



4 PIONEER ROAD SECTION

NOT TO SCALE



Reference Map

Legend

 The Villas FDP Boundary

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# PIONEER DEVELOPMENT COMPANY

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March 4, 2019

City of Los Banos, Planning Commission  
520 J Street  
Los Banos, CA 93635

To Whom It May Concern,

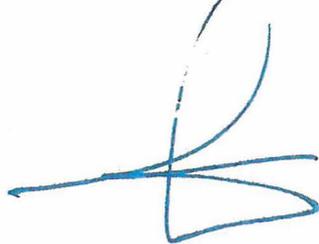
Pioneer Development Company requests the approval of the City of Los Banos, Planning Commission to defer Conditions of Approval numbers fifty three of Resolution 2016-40, which states; Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan, and also requests to defer Condition of Approval, number fifty two of Resolution 2016-18, which states; Prior to occupancy of the first residence, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.

Pioneer Development Company requests to defer the conditions to complete the street widening improvements to the two hundred fiftieth home of this three phase subdivision, in efforts to first implement a power pole relocation on Center Avenue that directly affects the commencement of construction for the street widening.

Sincerely,

Greg Hostetler

President



3-12-19



**RESOLUTION NO. 2016-18**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE HILL PROPERTY VESTING TENTATIVE TRACT MAP NO. 2016-02 FOR THE SUBDIVISION OF APPROXIMATELY 24.4 ACRES INTO 138 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED GENERALLY EAST OF CENTER AVENUE, SOUTH AND WEST OF THE VILLAS SUBDIVISION, AND NORTH OF THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 431-270-005**

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos City Council on July 15, 2009; 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 (R-2) by the Los Banos Zoning Map; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos City Council in January 18, 2006; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. Staff 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; and

WHEREAS, Vesting Tentative Tract Map #2016-02 was reviewed by the Project Review Board on March 15, 2016 and March 22, 2016 and was determined to be in compliance with State laws and the Los Banos Subdivision Code; and

WHEREAS, a public hearing was duly noticed for May 11, 2016, 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 April 29, 2016 to consider and take testimony regarding Vesting Tentative Tract Map #2016-02; and

WHEREAS, at the May 11, 2016 Planning Commission meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Vesting Tentative Tract Map 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 Tentative Tract Map criteria established in Title 9, Chapter 2, Article 15 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 Vesting Tentative Tract Map #2016-02 subject to the conditions of approval attached hereto in Exhibit C for the subdivision of approximately 24.4 acres into 138 single-family residential lots located east of the City

limit line; more specifically identified as Assessor's Parcel Number: 431-270-005, and specifically conditioned upon approval by the City Council of Final Development Plan #2016-02.

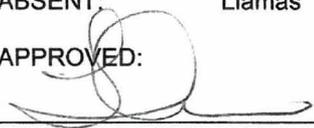
The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 11<sup>th</sup> day of May 2016, by Commissioner Cates, who moved its adoption, which motion was duly seconded by Commissioner Faktorovich, and the Resolution recommended for approval by the following vote:

AYES: Cates, Faktorovich, Limon, McCoy, Spada, Toscano

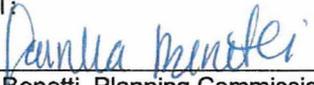
NOES: None

ABSENT: Llamas

APPROVED:

  
\_\_\_\_\_  
Tom Spada, Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR VESTING TENTATIVE TRACT MAP #2016-02 – HILL PROPERTY

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The Project will have significant impacts on air quality, and the City adopted a Statement of Overriding Considerations when adopting the Los Banos General Plan, with which this project is consistent with. Feasible mitigation measures identified in the MND will reduce the project impacts on air quality;
4. All potentially significant effects were analyzed adequately in the MND, and subject to the mitigation measures presented in the MND attached hereto in Exhibit D, and will reduce potentially significant impacts, to a less than significant level;
5. The proposed project was adequately described, examined, and evaluated in the MND;
7. The MND contemplated a build-out of 694 residential units within the East Center Avenue Area Plan (The Villas and Hill Property). The proposed project is the last project of residential development within the Area Plan and will bring cumulative residential development within the Area Plan to 369 units, and therefore, the proposed project is within the development density anticipated in the East Center Avenue MND;
8. 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;

10. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND;
11. The project was adequately noticed on April 29, 2016, and considered at a public hearing on May 11, 2016;
13. The project will be subject to the applicable mitigation measures presented in the MND;
14. The City will monitor the implementation of mitigation measures in accordance with the East Center Avenue Area Plan Mitigation Monitoring Program;
15. The MND and the CEQA findings for the East Center Avenue Area Plan MND are incorporated herein by reference; and
15. The City of Los Banos Community and Economic 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 MND was based.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF VESTING TENTATIVE TRACT MAP #2016-02 – HILL PROPERTY

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

1. The Los Banos General Plan was adopted by the City in July 2009 and the East Center Area Plan was prepared pursuant to the Los Banos General Plan and adopted by the City January 18, 2006.
2. The proposed project is consistent with the City of Los Banos General Plan “Low Density Residential” land use designation for the site, and with the East Center Area Plan “Planned Development” designation for the site.
3. The Vesting Tentative Tract Map, as conditioned, complies with the Los Banos Subdivision Ordinance and the State Subdivision Map Act.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
5. The designs of the Hill Property Vesting Tentative Tract Map, as conditioned, are consistent with the Los Banos General Plan and the East Center Area Plan goals, policies, and programs.
6. The proposed Vesting Tentative Tract Map 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, and the specific types, densities, and configuration of residential uses are compatible with the surrounding residential and educational uses and will not result in detrimental effects to neighboring properties or to City services.
7. The project will provide adequate pedestrian and bicycle routes within the project as conditioned.
8. The project, as condition, will provide for minimum water flow rates and fire response times, and meet the requirements of the Los Banos Fire Department.
9. The project, as condition, will provide adequate storm water detention.



## EXHIBIT C

### CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-02 – HILL PROPERTY

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-02 and approved Final Development Plan #2016-02, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-02.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect 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."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects 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 approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. 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 and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet 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.

30. 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.

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, 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 approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-

way of designated access roads;

- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
  - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
  - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
  - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.

Air Quality:

45. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and construction of new buildings. Examples include, but are not limited to, increased wall and ceiling insulation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

46. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
47. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
48. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
49. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
50. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
51. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

52. Prior to occupancy of the first residence, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.
53. Street G shall be designed and constructed in accordance with the East Center Area Plan approved January 18, 2006, which consists of 60 foot right-of-way and separated sidewalk with street trees.
54. The developer shall design and install traffic calming along Street G, provide a street stub at Court L for future development to the south, and open Court G or Court I to Street G as approved by the City Engineer.
55. Traffic calming may include, but is not limited to the following: raised intersections, speed cushions, stop signs, varied cross sections, and round-bouts as approved by the City Engineer.
56. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.

57. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
58. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
59. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
60. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
61. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
62. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
63. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.
64. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
65. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.

Landscape and Lighting District:

66. Prior to approval of any final or parcel map, 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.

Utilities:

67. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.
68. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
69. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
70. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.
71. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
72. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
73. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.

Water:

74. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
75. Approved backflow devices shall be installed as required.
76. Domestic water services shall not be placed in driveways.
77. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
78. No building permit shall be issued prior to certification by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.

Sewer:

79. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.
80. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
81. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
82. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
83. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.
84. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

85. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.

86. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
87. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
88. All development shall comply with the Phase II storm water regulations.
89. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
90. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
91. The storm drainage basin within The Villas Subdivision shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes) within VTTM #2016-02.
92. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
93. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.
94. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

95. Prior to recordation of a Final Map, 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.
96. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.

97. Emergency access to private property/ common areas shall be assured.
98. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
99. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
100. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
101. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
102. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
103. Street names shall be approved by the Fire Department.
104. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
105. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

106. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
107. The developer shall comply with the adopted street tree ordinance.
108. Masonry walls shall be landscaped with vines to discourage graffiti.
109. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
110. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize

water use and spillage onto paved areas.

111. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.



## EXHIBIT D

### The Villas Area Plan Mitigation Monitoring Program

#### *Introduction*

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

#### *Monitoring Program*

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

#### *Monitoring Program Procedures*

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been

complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.

3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

Villas Area Plan

Mitigation Measure Checklist

The following mitigation measure shall be implemented **prior to approval of final maps**:

- 4. Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

- 2. If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

- 1. Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM<sub>10</sub>) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- 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.*
  - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*

- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development Department

The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department; Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

This measure has already been completed as of the date of adoption of the monitoring program.

**RESOLUTION NO. 2016-40**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE VILLAS VESTING TENTATIVE TRACT MAP NO. 2016-01 FOR THE SUBDIVISION OF APPROXIMATELY 58.8 ACRES INTO 231 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED GENERALLY EAST OF CENTER AVENUE, SOUTH OF THE CRESTHILLS #1 SUBDIVISION, WEST OF THE CRESTHILLS #2 SUBDIVISION, AND NORTH OF PIONEER ROAD AND THE CITY LIMIT LINE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 431-270-004 AND 431-270-010**

WHEREAS, the Los Banos General Plan was adopted by the City of Los Banos City Council on July 15, 2009; and

WHEREAS, the subject property has a land use designation of Low Density Residential pursuant to the Los Banos General Plan and is zoned Low Density Residential (R-1) by the Los Banos Zoning Map; and

WHEREAS, the East Center Area Plan was adopted by the City of Los Banos on January 18, 2006, and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), certified by the City on December 21, 2005. Staff 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; and

WHEREAS, Vesting Tentative Tract Map #2016-01 was reviewed by the Project Review Board on March 15, 2016 and March 22, 2016 and was determined to be in compliance with State laws and the Los Banos Subdivision Code; and

WHEREAS, a public hearing was duly noticed for May 11, 2016, and continued to July 27, 2016, and August 10, 2016, 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 April 29, 2016 to consider and take testimony regarding Vesting Tentative Tract Map #2016-01; and

WHEREAS, at the May 11, 2016, July 27, 2016, and August 10, 2016, Planning Commission meetings the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Vesting Tentative Tract Map 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 Tentative Tract Map criteria established in Title 9, Chapter 2, Article 15 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 Vesting Tentative Tract Map #2016-01 subject to the conditions of approval attached hereto in Exhibit C for the subdivision of approximately 58.8 acres into 231 single-family residential lots located east of Center Avenue, south of the Cresthills #1 Subdivision, west of Cresthills #2 Subdivision, and north of Pioneer Road and the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-004 and 431-270-010, and specifically conditioned upon approval by the City Council of Final Development Plan #2016-01.

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 10<sup>th</sup> day of August 2016, by Commissioner McCoy, who moved its adoption, which motion was duly seconded by Commissioner Limon and the Resolution recommended for approval by the following vote:

AYES: Cates, Faktorovich, Limon, McCoy, Spada Toscano  
NOES: None  
ABSENT: Llamas

APPROVED:



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Tom Spada, Chairman

ATTEST:



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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

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, the project was evaluated within the context of the East Center Avenue Area Plan Mitigated Negative Declaration (MND), State Clearinghouse Number: 2002081111, certified by the City on December 21, 2005;
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council;
3. The Project will have significant impacts on air quality, and the City adopted a Statement of Overriding Considerations when adopting the Los Banos General Plan, with which this project is consistent with. Feasible mitigation measures identified in the MND will reduce the project impacts on air quality;
4. All potentially significant effects were analyzed adequately in the MND, and subject to the mitigation measures presented in the MND attached hereto in Exhibit D, and will reduce potentially significant impacts, to a less than significant level;
5. The proposed project was adequately described, examined, and evaluated in the MND;
7. The East Center Avenue Area Plan MND contemplated a build-out of 694 residential units within the revised East Center Area Plan, the project is the last map of residential development within the East Center Area Plan, and will utilize 231 of the contemplated units, bringing the cumulative total of development within the Area Plan to 369 and therefore, the proposed project is within the development density anticipated in the East Center Avenue MND;
8. 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;

10. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND;
11. The project was adequately noticed on April 29, 2016, and considered at a public hearing on May 11, 2016 and continued to July 27, 2016 and August 10, 2016;
13. The project will be subject to the applicable mitigation measures presented in the MND;
14. The City will monitor the implementation of mitigation measures in accordance with the East Center Avenue Area Plan Mitigation Monitoring Program;
15. The MND and the CEQA findings for the East Center Avenue Area Plan MND are incorporated herein by reference; and
15. The City of Los Banos Community and Economic 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 MND was based.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

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

1. The Los Banos General Plan was adopted by the City in July 2009 and the East Center Area Plan was prepared pursuant to the Los Banos General Plan and adopted by the City January 18, 2006.
2. The proposed project is consistent with the City of Los Banos General Plan “Low Density Residential” land use designation for the site, and with the East Center Area Plan “Planned Development” designation for the site.
3. The Vesting Tentative Tract Map, as conditioned, complies with the Los Banos Subdivision Ordinance and the State Subdivision Map Act.
4. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
5. The designs of The Villas Vesting Tentative Tract Map, as conditioned, are consistent with the Los Banos General Plan and the East Center Area Plan goals, policies, and programs.
6. The proposed Vesting Tentative Tract Map 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, and the specific types, densities, and configuration of residential uses are compatible with the surrounding residential and educational uses and will not result in detrimental effects to neighboring properties or to City services.
7. The project will provide adequate pedestrian and bicycle routes within the project as conditioned.
8. The project, as condition, will provide for minimum water flow rates and fire response times, and meet the requirements of the Los Banos Fire Department.
9. The project, as condition, will provide adequate storm water detention.



## EXHIBIT C

### CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2016-01 – THE VILLAS

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2016-01 and approved Final Development Plan #2016-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2016-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect 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."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property. A maintenance easement shall be provided as required by the Public Works Director.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with the City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform to the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects 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 approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community and Economic Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. 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 and Economic Development Department:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet 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.

30. 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.

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within 200 feet of a residence, 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 approval by the City of Los Banos Community and Economic Development Department.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
  - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
  - b. Confine all vehicular traffic associated with construction to the right-of-

- way of designated access roads;
- c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
  - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
  - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
  - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
  - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
  - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
- 41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
  - 42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
  - 43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.
  - 44. Where the project boundary abuts existing good-neighbor residential fences, the Developer shall replace with new fences in accordance with the requirements of the Los Banos Municipal Code.
  - 45. The developer shall install a seven-foot continuous masonry wall to be built along Bluff Drive lots.

Air Quality:

- 46. All residences shall exceed Title 24 energy requirements. As many energy conserving features as possible shall be included in the design and

construction of new buildings. Examples include, but are not limited to, increased wall and ceiling installation, energy efficient lighting, high efficiency appliances, and solar assisted water heating.

47. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
48. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
49. Natural gas line and electrical outlets shall be included in the backyard or patio areas of residences to encourage the use of gas and/or electric barbecues.
50. Electrical outlets shall be installed around the exterior of residences to encourage use of electrical landscape maintenance equipment.
51. Only low emitting, EPA approved fireplace inserts and/or wood stoves or natural gas fireplaces shall be installed. No open hearth fireplaces shall be allowed.
52. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District. Developer shall prepare an air emissions reduction if required.

Access and Circulation:

53. Prior to occupancy of the first residence within the gated community, the developer shall construct Center Avenue for the full length of the Vesting Tentative Map. Frontage improvements shall be provided for the full width of right-of-way including curb/gutter improvements fronting the cemetery. The improvements shall include median, travel lanes, bike lane as applicable, sidewalk, 5' landscape lot, and decorative masonry in accordance with the East Center Area Plan.
54. Center Avenue shall be constructed with a double turn lane along the length of the cemetery and the Whitehurst Funeral Chapel, or equivalent design, as approved by the City Engineer.
55. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
56. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Map including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted.

Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.

57. The developer shall construct at least a half-section of any adjacent street on which the project borders, regardless of whether project access is taken from that street. The half-section shall be constructed in accordance with City standards, or as otherwise approved in the Vesting Tentative Tract Map, including, but not limited to curb, gutter, sidewalk, one-half of the planned travel lanes, median, decorative masonry wall, and landscaping.
58. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
59. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
60. Prior to approval of Final Improvement Plans, street sections for all streets shall be approved by the City Engineer.
61. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
62. Prior to approval of the Final Improvement Plan(s), all curb return radii less than 40 feet shall be reviewed for adequacy for turning movements of moving vans, fire apparatus, and other large vehicles, and adjusted accordingly.
63. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
64. Traffic calming measures throughout the project area shall be provided by the developer and approved by the Public Works Director.
65. All streets within private property shall be privately owned and maintained.

Landscape and Lighting District:

66. Prior to approval of any final or parcel map, 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 XIII D 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.

Utilities:

67. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.
68. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
69. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
70. Easements shall be provided across public property for the purpose of providing access for maintenance of public infrastructure.
71. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
72. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
73. All street lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic. Streetlight locations shall be shown on Improvement Plans. Developer shall utilize decorative streetlights meeting the illumination standards required in the City street light standards, except that cobra-head streetlights shall be used on arterial streets.

74. All street lights within private property shall be privately owned and maintained.

Water:

75. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
76. Approved backflow devices shall be installed as required.
77. Domestic water services shall not be placed in driveways.
78. Final Improvement Plans shall indicate the locations of water line elbows and manholes.
79. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.
80. All water lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Sewer:

81. The existing Bluff Drive Sewer Pump Station capacity shall be upgraded to 1,900 gpm as identified in the Area Plan.
82. The existing force main in Page Avenue may need upgrades as determined by the Public Works Director as identified in the Area Plan.
83. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
84. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.
85. Final Improvement Plans shall indicate the locations of sewer line elbows and manholes.

86. All sewer lines within the private property or common lots shall be privately owned and maintained, except that mains within private property may be publicly owned if an easement is provided for maintenance.

Storm Drainage:

87. The development shall provide storm drainage to the new basin, and then discharge directly to CCID Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
88. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
89. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
90. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
91. All development shall comply with the Phase II storm water regulations.
92. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
93. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
94. The storm drainage basin shall be complete to the satisfaction of the Public Works Director prior to occupancy of the first house (except model homes).
95. The applicant shall pay reimbursements as applicable for the Gardens storm drainage improvements; and shall be entitled to reimbursement for future development elsewhere within the plan area.
96. The applicant and City shall revise the drainage agreement with CCID as necessary to accommodate drainage flow into the Main Canal.

97. All storm drain lines within the private property or common lots shall be privately owned and maintained.

Public Safety:

98. Prior to recordation of a Final Map, 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.
99. On-street parking shall be prohibited in locations where a minimum 20-foot travel lane will not be maintained.
100. Emergency access to private property/ common areas shall be assured.
101. Gates at private streets shall be equipped with SOS Sire control System, Click to Enter controls, and Knox Box entry system approved by the Fire Chief. Manual operation or alternate access shall be provided for use in the event of a power outage.
102. The developer shall enter into an agreement with the City to assure that the developer or successor shall perform water system maintenance and maintain the required fire flow.
103. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
104. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
105. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
106. Each residence shall have 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
107. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
108. Street names shall be approved by the Fire Department.

109. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
110. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout, hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

Landscaping:

111. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
112. The developer shall comply with the adopted street tree ordinance.
113. Masonry walls shall be landscaped with vines to discourage graffiti.
114. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
115. A park dedication and improvement fee shall be paid with each building permit. Upon completion of public park improvements and dedication, the developer may be subject to reimbursement of park improvement fees for the expansion of Cresthills Park.
116. The developer shall include the following utilities in the parks: electrical, sewer, connections, storm drainage, and water service.
117. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
118. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

Notice: This approval may contain fees, dedications, reservations or other exactions as defined by the Mitigation Fee Act (Government code sections 66000 et seq.) This notice triggers the 90 day protest period as provided for by the Mitigation Fee Act.



## EXHIBIT D

### The Villas Area Plan Mitigation Monitoring Program

#### *Introduction*

CEQA Guidelines section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to an environmental impact report or a negative declaration that includes mitigation measures to avoid significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure that mitigation measures and subsequent conditions of project approval are implemented.

#### *Monitoring Program*

The basis for this monitoring program is the mitigation measures included in the project negative declaration. These mitigation measures are designed to eliminate or reduce significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the proposed project.

The attached list is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all appropriate mitigation measures in the environmental impact report.

#### *Monitoring Program Procedures*

The City of Los Banos shall use the attached monitoring list for the proposed project. The monitoring program should be implemented as follows:

1. The Los Banos Community Development Department should be responsible for coordination of the monitoring program, including the monitoring list. The Community Development Department should be responsible for completing the monitoring list and distributing the list to the responsible individuals or agencies for their use in monitoring the mitigation measures.
2. Each responsible individual or agency will then be responsible for determining whether the mitigation measures contained in the monitoring list have been

complied with. Once all mitigation measures have been complied with, the responsible individual or agency should submit a copy of the monitoring list to the Community Development Department to be placed in the project file. If the mitigation measure has not been complied with, the monitoring list should not be returned to the Community Development Department.

3. The Los Banos Community Development Department will review the list to ensure that appropriate mitigation measures included in the monitoring list have been complied with at the appropriate time, e.g. prior to issuance of a use permit, etc. Compliance with mitigation measures is required for project approvals.
4. If a responsible individual or agency determines that a non-compliance has occurred, a written notice should be delivered by certified mail to the project proponent within 10 days, with a copy to the Community Development Department, describing the non-compliance and requiring compliance within a specified period of time. If a non-compliance still exists at the expiration of the specified period of time, construction may be halted and fines may be imposed at the discretion of the City of Los Banos.

**Villas Area Plan**

**Mitigation Measure Checklist**

The following mitigation measure shall be implemented **prior to approval of final maps**:

- 4. Prior to project approval, the project proponent shall pay the nexus of the cost of widening Mercey Springs Road and Pioneer Road intersection to create northbound and southbound left turn lanes and construction a dedicated southbound right turn lane. The payment shall be in the form of a City Traffic Fee or a pro rata payment, as determined by the City. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

The following mitigation measures shall be implemented **prior to issuance of a demolition or grading permit** or commencement of demolition or grading activities:

- 2. If human remains or artifacts are encountered during construction, the project proponent shall immediately halt construction, notify the City Planning Department. Construction shall not resume until a qualified archaeologist determines the significance of the resource and approves resuming construction activities.*

Party Responsible for Implementation: Applicant; Qualified Archeologist

Party Responsible for Monitoring: Los Banos Community Development Department

- 1. Dust control requirements shall be included in all construction contract specifications. These construction contract specifications shall include the following SJVAPCD Regulation VIII, Rule 8020 fugitive dust mitigation requirements for the control of fine particulate matter (PM<sub>10</sub>) from construction activities. The measures shall be implemented as necessary to adequately control dust subject to the review and approval of the City of Los Banos Planning Department.*
- 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.*
  - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.*

- *All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut & fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *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.*
- *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.)*
- *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.*

Party Responsible for Implementation: Applicant

Party Responsible for Monitoring: Los Banos Community Development Department

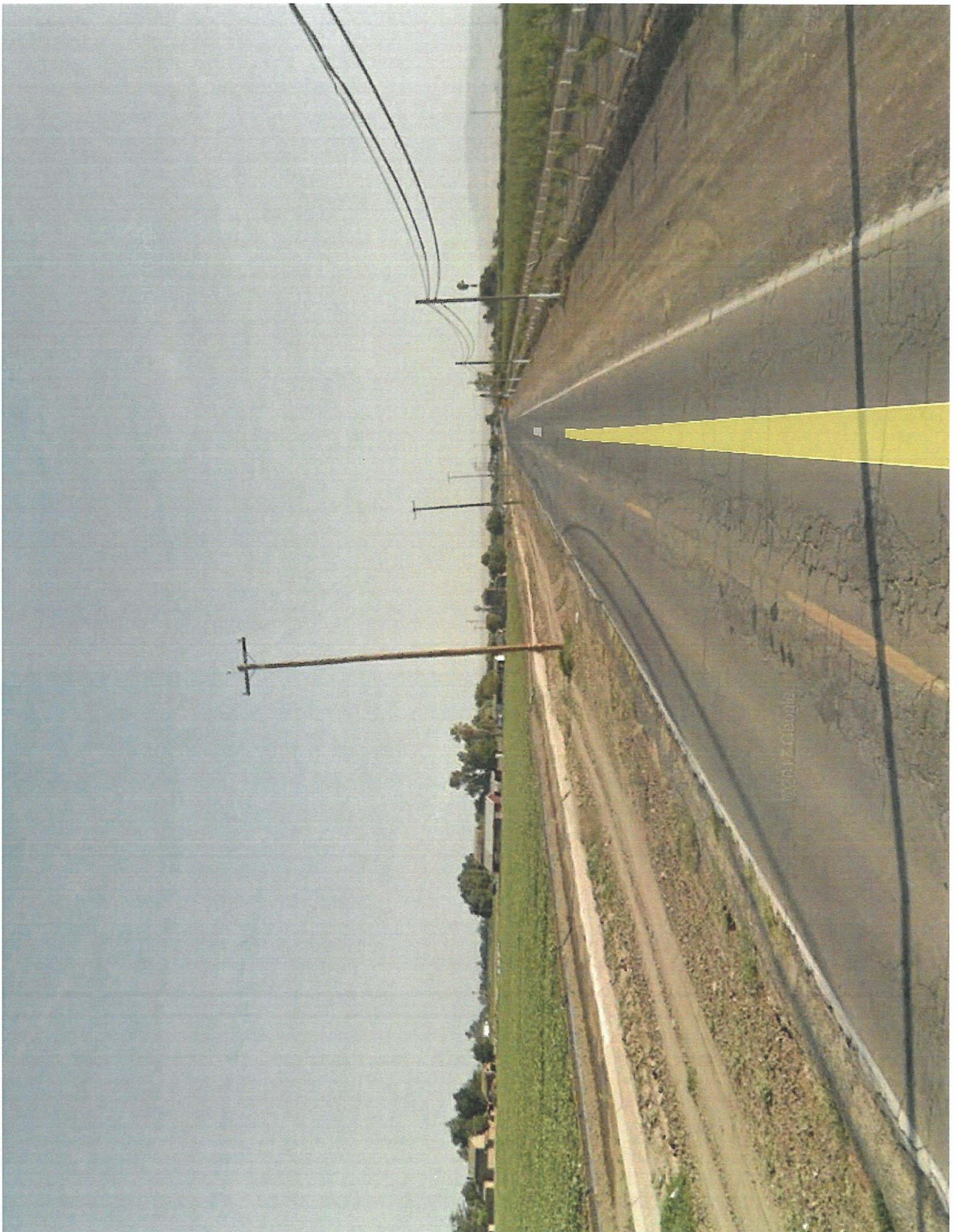
The following mitigation measure shall be implemented **annually until such time as the left turn restriction has been implemented:**

3. *The City and Caltrans shall monitor the Pacheco Boulevard/Center Avenue intersection and restrict left turns when the LOS drops below LOS D. The City and Caltrans shall monitor the completion and success of this measure.*

Party Responsible for Implementation: Los Banos Public Works Department;  
Applicant

Party Responsible for Monitoring: Los Banos Public Works Department

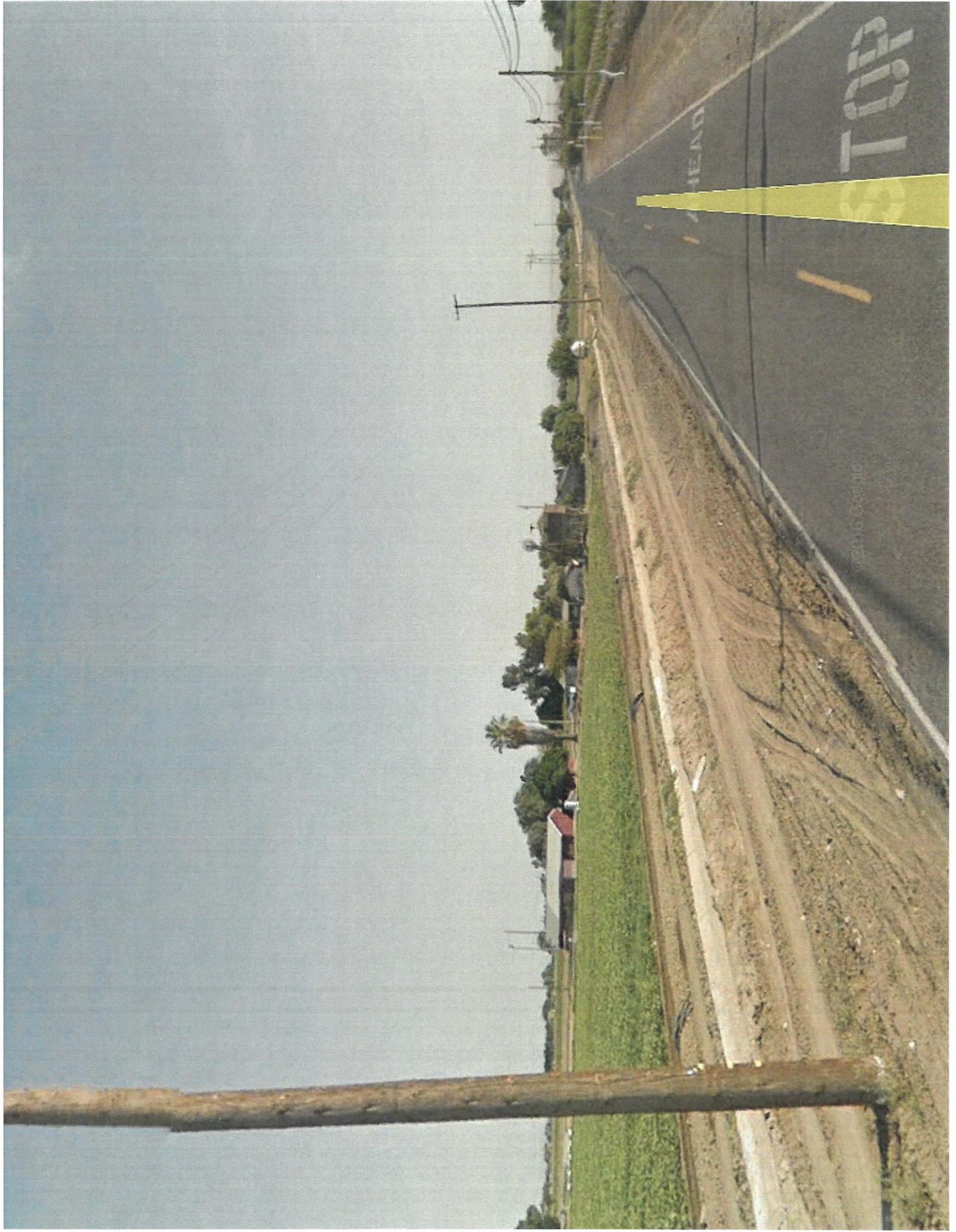
This measure has already been completed as of the date of adoption of the monitoring program.







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

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**COMMUNITY DEVELOPMENT DEPARTMENT**

Date: March 29, 2019

Re: Notice of Public Hearing

Proposal: Vesting Tentative Tract Map #2016-01 & Vesting Tentative Tract Map #2016-02 Revision to Conditions of Approval – The Villas and The Hill Subdivisions

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider revisions to the Conditions of Approval for Vesting Tentative Tract Map #2016-01 and #2016-02 for The Villas and The Hill Subdivisions within the East Center Area Plan. The proposed project is located east of Center Avenue, south of Bluff Drive, west of Cresthills #2 Subdivision and north of the City limit line; more specifically identified as Assessor's Parcel Numbers: 431-270-010, 431-270-004, and 431-270-005.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, April 10, 2019 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 Stacy Souza Elms, Community & Economic Development Director at City Hall or at (209) 827-2433.

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 Ordinance 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 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

Stacy Souza Elms

Community & Economic Development Director