



# City of Los Banos

At the Crossroads of California

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## AGENDA

### PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**WEDNESDAY, JUNE 12, 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 Deshabilidad (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 MAY 8, 2019

*Recommendation: Approve the minutes as submitted.*

6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE ADJOURNED JOINT CITY COUNCIL/ PLANNING COMMISSION MEETING OF MAY 22, 2019.

*Recommendation: Approve the minutes as submitted.*

7. 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.

8. 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 a Categorical Exemption from the California Environmental Quality Act (CEQA) and Mobile Food Vendor Permit #2019-02 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Jaidel Perez dba El Grullense Jal #6 Located within the Highway-Commercial Zoning District at 1301 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 430-010-019.

1) Planning Commission Resolution No. 2019-10 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-02 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 1301 West Pacheco Boulevard, Suite B, More Specifically Identified as Assessor's Parcel Number: 430-010-019.

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

B. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15301 (Existing Facilities) and Conditional Use Permit #2019-02 to Allow the Use of a Type 40 Alcohol License for the On-Sale of Beer in Conjunction with a Bona-Fide Eating Establishment for La Esperanza Food Center Located at 937 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-020-002.

- 1) Planning Commission Resolution No. 2019-11 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2019-02 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 40 On-Sale Beer License at La Esperanza Food Center Located at 937 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 431-020-002.

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

- C. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15332, In-Fill Development Projects, and Site Plan Review #2019-01 for the Development of One (1) 1,800 Square Foot Commercial Structure with Site Improvements within the Highway-Commercial Zoning District Located at 1419 Place Road, More Specifically Identified as Assessor's Parcel Number: 083-130-030.

- 1) Planning Commission Resolution No. 2019-09 – Approving Site Plan Review #2019-01 for the Development of One (1) 1,800 Square Foot Commercial Structure with Site Improvements within the Highway-Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, Located at 1419 Place Road, More Specifically Identified as Assessor's Parcel Number: 083-130-030.

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

9. DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF TWO (2) COMMERCIAL STRUCTURES TOTALLING 4,662 SQUARE FEET FOR A CAR WASH FOR RAINFLOW DEVELOPMENTS LLC LOCATED IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT SOUTH OF 1415 BADGER FLAT ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 430-010-014.

*Recommendation: Receive staff analysis and provide initial feedback to the applicant.*

10. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT

11. COMMISSIONER REPORTS

- A. Cates
- B. Dees
- C. Giuliani

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

12. ADJOURNMENT.

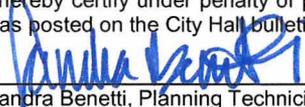
**APPEAL RIGHTS AND FILING PROCEDURES**

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 7<sup>th</sup> day of June 2019

**CITY OF LOS BANOS  
PLANNING COMMISSION MEETING MINUTES  
MAY 8, 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 Limon.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Members John Cates, David Dees, Mona Giuliani, Thomas Higby III, Erik Limon, and Tom Spada; Susan Toscano absent.

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

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

**CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF APRIL 10, 2019.** Motion by Dees, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; 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 CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2019-01 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR ELISEO JARRILLO DBA TACOS LA BONITA LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 140 WEST PACHECO BOULEVARD, MORE SPECIFICALLY**

**IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-154-019.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Spada inquired about the distance between this unit and the nearest Mobile Food Vendor unit.

Associate Planner Luquin responded that the applicant meets the minimum requirements set forth in the Los Banos Municipal Code.

Commissioner Spada inquired if there is a requirement that units must be located at least 500 feet from one another.

Community & Economic Development Director Elms responded that this particular ordinance was revised during a period in which Commissioner Spada was not seated on the Planning Commission, and that requirement was removed at the time the ordinance was revised.

Commissioner Giuliani stated that she could not decipher what the notes say on the site plan near stall 7.

Associate Planner Luquin responded that it would be the trash enclosure and the parking was approved by the Public Works Department.

Community & Economic Development Director Elms clarified that the notes say "remove parking line" because the Public Works Department didn't approve that to be a parking stall.

Commissioner Dees inquired if there is parking sufficient for this unit that doesn't take away from the existing business.

Associate Planner Luquin stated that the applicant meets the Los Banos Municipal Code requirement for parking.

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

Motion by Dees, seconded by Higby to adopt Planning Commission Resolution No. 2019-07 – Approving Mobile Food Vendor Permit #2019-01 for the Operation of a Mobile Food Vendor Unit on Private Commercial Property Located at 140 West Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 027-154-019. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

**PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301 (EXISTING FACILITIES) AND CONDITIONAL USE PERMIT #2019-01 TO ALLOW THE USE OF A TYPE 41 ALCOHOL LICENSE FOR THE ON-SALE OF BEER AND WINE IN CONJUNCTION WITH BONA-FIDE EATING ESTABLISHMENT**

**FOR ZAFIRO'S SEAFOOD AND GRILL LOCATED AT 650 I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 025-201-009.**

Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired about the closing time and other facilities that are able to close at 11:00 p.m.

Associate Planner Luquin responded that the bar across the street closes at 2:00 a.m.

Commissioner Higby inquired if the camera located behind the bar is a moveable camera or if it is fixed.

Frank Sanchez, applicant, responded that the cameras inside have a 360 degree view and the cameras outside stay fixed.

Commissioner Spada inquired about the license type from the previous business at this location.

Community & Economic Development Director Elms responded that it was a type 47 alcohol license, and this one proposed tonight is a type 41 alcohol license and less intense.

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

Commissioner Spada spoke of how he is very happy that this will be more of a restaurant instead of a bar and wished the applicant much success.

Commissioner Dees wished the applicant well and spoke of his concern regarding issues that arise from bars on I Street and questioned why this establishment is closing after 10:00 p.m.

Associate Planner Luquin responded that in order to compete with other eating establishments that stay open later, they requested to be able to stay open until 12:00 a.m.

Commissioner Dees inquired what the difference was between a restaurant and a bar.

Community & Economic Development Director Elms responded that this project is just for beer and wine in conjunction with eating establishment as a family restaurant and spoke of how the applicant is willing to cease music or live entertainment by 10:00 p.m. in respect for the residential units locate on the floor above, and looking at surrounding areas this was least intense and a reasonable accommodation.

Commissioner Giuliani responded that it sounds reasonable, how two nights a week is doable, and we can monitor if we have to but she thinks it will do well.

Community & Economic Development Director Elms stated that there is a Condition of Approval that allows for staff to look at adverse effects if complaints come forward.

Motion by Spada, seconded by Limon to adopt Planning Commission Resolution No. 2019-08 – Finding the Proposed Project to Be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15301 and Recommending Approval of Conditional Use Permit #2019-01 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 41 On-Sale of Beer and Wine License for Zafiro's Seafood and Grill Located at 650 I Street, More Specifically Identified as Assessor's Parcel Number: 025-201-009. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

**DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF AN 1,800 SQUARE FOOT COMMERCIAL BUILDING FOR A STANDALONE RESTAURANT FOR CRISOFORO HERNANDEZ LOCATED IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1419 PLACE ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 083-130-030.** Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

Joe Lyons, applicant's representative, introduced himself.

There was discussion among Commissioners and staff regarding architecture including the color of the building as a medium tan with light rock work at the bottom and how the applicant originally proposed a drive thru for this location but size constraints of the lot led them to scale it back.

There was discussion among Commissioners and staff regarding landscaping including the fencing around residential area as a type of redwood fence at six feet high.

Commissioner Spada suggested an eight foot fence out of respect to the adjacent residential neighbors.

Mr. Lyons responded that they could do six foot solid fencing with a two foot lattice.

Chairperson Cates commented that the vegetation surrounding and along the backside of parking lot will grow and create sound barrier.

Commissioner Dees inquired if the sidewalks will be put in as it is developed.

Mr. Lyons confirmed that would be the case.

Commissioner Dees commented that we've encountered situations with landscaping in the past that it doesn't provide the level of privacy expected.

Community & Economic Development Director Elms responded that there will be a security fence around the perimeter as well.

There was discussion among Commissioners and staff regarding lighting.

Community & Economic Development Director Elms stated that the lighting does meet City standards and it is part of the engineering process that they submit lumin dispersion plan to Public Works to ensure it does meet requirements, and how staff will also condition that there is no light pollution and that the lighting is hooded and face downward.

Feedback was given to the applicant only; no action was taken.

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

Community & Economic Development Director Elms reported that City Attorney is out of town at a conference tonight, how today is the City of Los Banos' 112<sup>th</sup> birthday, we will have a joint Planning Commission & City Council workshop regarding state mandated requirements, how she will be at the ICSC RECon conference with the Mayor and City Manager on May 19<sup>th</sup>-22<sup>nd</sup>, we will be advocating and marketing for new retailers, and how she will return in time for the May 22<sup>nd</sup> workshop.

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

**CATES:** Thanked staff, spoke of how it is great to see infill projects, he is glad to see some revitalization on I Street, and sent well wishes to the mobile food vendor.

**DEES:** Congratulated Mr. Sanchez on his endeavors with opening his restaurant, how he is enthusiastic about how we have grown, his concern regarding traffic issues, how improving Pioneer will be important, and reminded all about the Special City Council meeting tomorrow.

**GIULIANI:** Thanked the community for coming out to our meeting and the applicants for putting their projects here in Los Banos.

**HIGBY:** Spoke of how the fair was good and mentioned that the City Council will have a Special Meeting tomorrow at 3:30 p.m. to discuss the allocations of Measure V.

**LIMON:** Spoke of the annual spring clean up on May 18<sup>th</sup> at fairgrounds parking lot.

**SPADA:** Inquired if there were any efforts to upgrade the healthcare facility in town.

Community & Economic Development Director Elms stated that she couldn't elaborate much but confirmed that staff is focused on that in terms of long range projects, and how it would include either relocating Sutter Health for expansion or bringing in a new medical facility.

**TOSCANO:** Absent.

**ADJOURNMENT:** The meeting was adjourned at the hour of 8:00 p.m. to Conduct a Joint Study Session with the City Council Regarding Legislative Updates to the General Plan Update 2040 at 6:00 p.m., Wednesday, May 22, 2019 at the Los Banos Community Center Located at 645 Seventh Street, Los Banos, California.

APPROVED:

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John Cates, Chairperson

ATTEST:

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Sandra Benetti, Planning Technician

**CITY OF LOS BANOS  
ADJOURNED JOINT CITY COUNCIL/  
PLANNING COMMISSION MEETING MINUTES  
MAY 22, 2019**

*ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council and 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 – CITY COUNCIL:** Mayor Villalta called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 6:04 p.m.

**CALL TO ORDER – PLANNING COMMISSION:** Chairperson Cates called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 6:04 p.m.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Mayor Mike Villalta and City Council Members Tom Faria, Daronica Johnson-Santos, Brett Jones, and Deborah Lewis.

**ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT:** Planning Commission Chairperson John Cates and Commissioners David Dees, Mona Giuliani, Thomas Higby III, and Erik Limon; Tom Spada and Susan Toscano absent.

**STAFF MEMBERS PRESENT:** City Manager Alex Terrazas, City Attorney William A. Vaughn, Police Chief Gary Brizzee, Fire Chief Mason Hurley, Public Works Director/City Engineer Mark Fachin, Community & Economic Development Director Stacy Elms, Planning Technician Sandra Benetti, and Associate Planner Rudy Luquin.

**CONSIDERATION OF APPROVAL OF AGENDA – CITY COUNCIL:** Motion by Faria, seconded by Johnson-Santos to approve the agenda as submitted. The motion carried by the affirmative action of all City Council Members present.

**CONSIDERATION OF APPROVAL OF AGENDA – PLANNING COMMISSION:** Motion by Limon, seconded by Higby to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commissioners present; Spada and Toscano absent.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL AND PLANNING COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY COUNCIL AND PLANNING 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.**

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

**JOINT STUDY SESSION REGARDING LEGISLATIVE UPDATES TO THE GENERAL PLAN UPDATE 2040.**

Joanna Jansen and Eric Panzer, PlaceWorks, facilitated the study session, which included a PowerPoint presentation.

Discussion item only; no action taken.

**ADJOURNMENT – CITY COUNCIL:** The meeting was adjourned at the hour of 7:22 p.m.

**ADJOURNMENT – PLANNING COMMISSION:** The meeting was adjourned at the hour of 7:22 p.m.

APPROVED:

\_\_\_\_\_  
John Cates, Planning Commission Chairperson

ATTEST:

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



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

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS**

**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** 

**FOR: JUNE 12, 2019**

**SUBJECT: MOBILE FOOD VENDOR PERMIT #2019-0 – EL GRULLENSE JAL  
#6- JAIDEL PEREZ**

**RECOMMENDATION:**

That the Planning Commission adopt Resolution No. 2019-10 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-02 for the operation of a mobile food vending unit to vend on private commercial property located at 1301 West Pacheco Boulevard, Suite B, Assessor's Parcel Number: 430-010-019.

**PROJECT BACKGROUND/DESCRIPTION:**

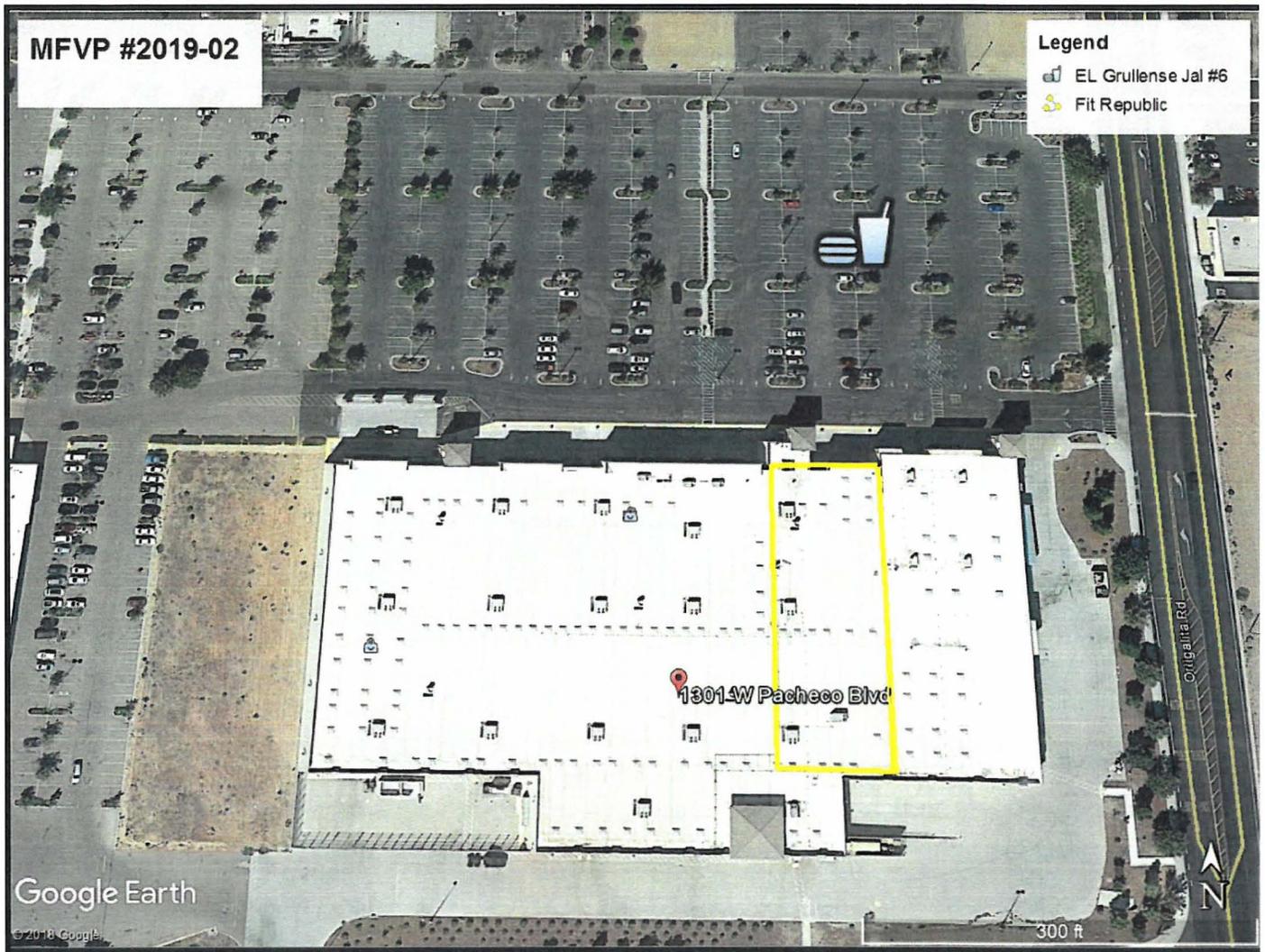
In accordance with the Los Banos Municipal Code Title 9 Chapter 3 Article 36 Mobile Food Vending, the general purpose is to promote the health, safety, comfort, convenience, prosperity and general welfare of the citizens, businesses and visitors of the City of Los Banos by requiring that mobile food vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security. This article also provides mobile food vendors with clear and concise regulations to prevent safety, traffic and health hazards as well as to preserve the peace, safety and welfare of the community.

On May 3, 2019, the City of Los Banos Community & Economic Development Department received a request for a mobile food vendor permit for the operation of a mobile food vending unit to vend on private commercial property located at 1301 West Pacheco Boulevard, Suite B (Fit Republic). The proposed mobile food vending unit will operate seven (7) days a week, Monday through Sunday from 8:00 A.M. to 9:00 P.M. The proposed mobile food vending operation will consist of one (1) employee at this

time. The mobile vending unit will be on site during proposed business hours and off site when not operating.

**LOCATION AND ACCESS:**

The proposed mobile vending location is at 1301 West Pacheco Boulevard; APN: 430-010-019. The mobile food vending unit will be located in parking stall within the parking lot approximately two hundred feet (200') to the north of the existing commercial structure. The Fit Republic highlighted in yellow in the aerial below. The project site can be accessed from Pacheco Boulevard and Ortigalita Road. The specific location of the proposed mobile unit is detailed in the white marker below.



**VENDOR PERMIT ANALYSIS**

**Code Requirements**

According to the Los Banos Municipal Code, the Planning Commission is the decision making authority for any initial application of a permit to operate a mobile vending unit, once the initial permit is approved, subsequent permits are approved by the Community

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and Economic Development Director. Furthermore, mobile vendors located on private property are subject to the following conditions Section 9-3.3606(b):

1. Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile vending units shall not be permitted as an accessory use to a standalone parking lot.

*The primary use of the property is a fitness facility/ gym (Fit Republic), which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial/ retail use of the property.*

2. Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

*The subject property site is located at 1301 West Pacheco Boulevard, Suite B which is within the Highway Commercial (H-C) Zoning District, which is private property that is used for commercial purposes.*

3. Not be located on a vacant parcel.

*The mobile food vending unit will be located in the parking stall approximately two hundred feet (200') north of the existing commercial structure.*

4. Be located on pavement/concrete per City standards.

*The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.*

5. Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.

*The project site contains more than sufficient parking as the proposed mobile food vendor location is within a shopping center that has a reciprocal parking agreement amongst the tenants and neighboring parcels.*

6. Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

*The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit will operate in safe manner as determined by the Community and Economic Development Department.*

7. Comply with the requirements of the Merced County Environmental Health Department.

*The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.*

8. Not interfere with pedestrian movement or create a hazard for pedestrians.

*The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.*

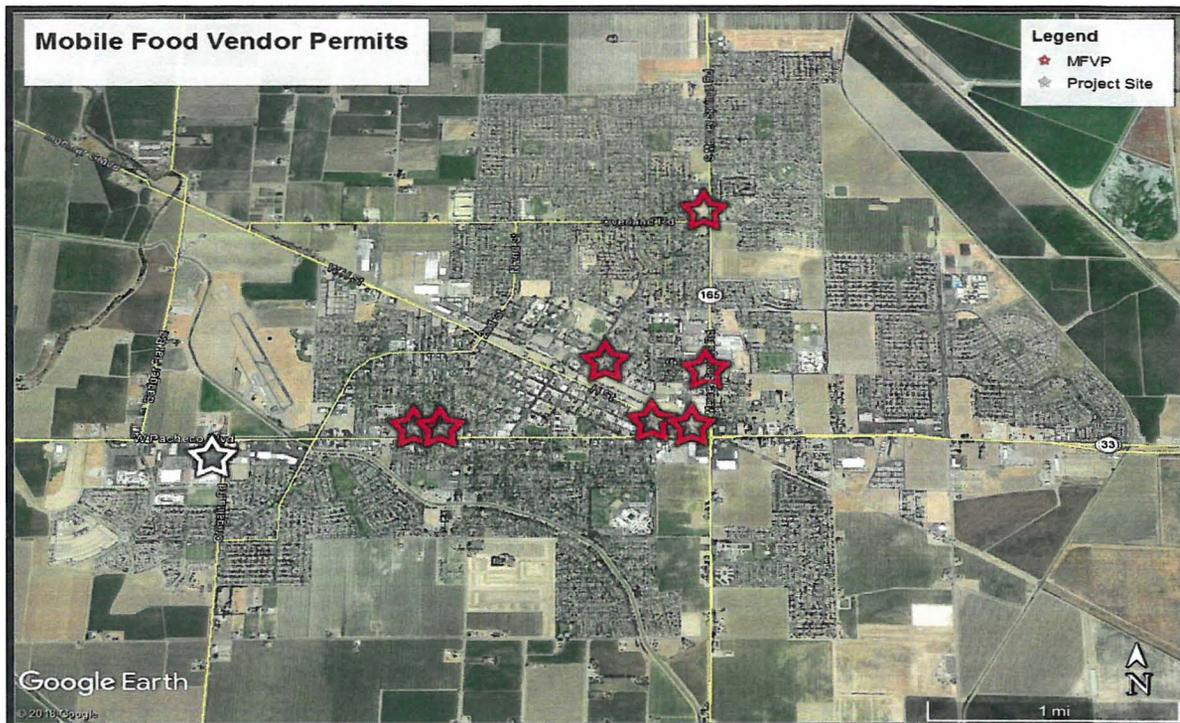
Staff has determined that the proposed vendor permit is consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 36. Conditions of approval have been incorporated into the project to make certain that the applicant conforms to the required level of cleanliness, quality, safety and security required by the Los Banos Municipal Code.

**Existing Vendor Permits**

Currently there are six (7) active mobile vendor permits in the City. The following is a list of Vendor Permits approved by the Planning Commission for operation on private property:

<b>Business Name</b>	<b>Business Owner</b>	<b>Location</b>	<b>Vendor Type</b>
Junior's Tacos	Antemio & Gabriela Cortes	740 G St	Taco Truck
El Grullense, Jal	Leobardo Oliva	531 Mercey Springs Rd.	Taco Truck
Tacos & Mariscos Las Brasas	Natividad Parra	403 N. Mercey Springs Rd.	Taco Truck
Tacos El Jefe	Christian Mendoza	1155 I St.	Taco Truck
Taco Face	Rosa Orozco	310 W. Pacheco Blvd.	Taco Truck
A-1 Water Quality	Roger Pires	1248 E. Pacheco Blvd.	Water Truck
Tacos La Bonita	Eliseo Jarrillo	140 W. Pacheco Blvd.	Taco Truck

The existing mobile vendor locations are marked in red and the proposed mobile unit is marked in white on the following map:



**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise on Friday, May 31, 2019. As of the date of this staff report no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos Municipal Code – LBMC Title 9 Chapter 3 Article 36

**RECOMMENDATIONS:**

That the Planning Commission adopt Resolution No. 2019-10 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2019-02 for the operation of a mobile food vending unit to vend on private commercial property located at 1301 West Pacheco Boulevard, Suite B, Assessor's Parcel Number: 430-010-019.

**ATTACHMENTS:**

1. Resolution #2019-10  
Exhibit A CEQA Findings  
Exhibit B Project Findings  
Exhibit C Conditions of Approval
2. Truck Photos
3. Site Plan
4. Merced County Environmental Health Permit

5. Public Hearing Notice – May 31, 2019

## RESOLUTION NO. 2019-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING THE PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES AND APPROVING MOBILE FOOD VENDOR PERMIT #2019-02 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE COMMERCIAL PROPERTY LOCATED AT 1301 WEST PACHECO BOULEVARD, SUITE B, ASSESSOR'S PARCEL NUMBER: 430-010-019.**

WHEREAS, the applicant, Jaidel Perez, d.b.a: El Grullense Jal #6, has filed an application with the City of Los Banos for a Mobile Food Vendor Permit to allow the operation of a mobile food vending unit on private commercial property located within the City of Los Banos; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2019-02 for El Grullense Jal #6 was determined to be Categorically Exempt from the provisions of CEQA per Article 19, Section 15332 as the project meets all the criteria for an in-fill project and it can be seen with certainty that the proposed project would not have a significant effect on the environment; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on May 31, 2019, in accordance with the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission held a public hearing on June 12, 2019, at which time interested persons had an opportunity to provide testimony; and

WHEREAS, the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard, and reviewed said Vendor Permit request and staff report, and considered the applicant's request in accordance with the Vendor Permit criteria established in the Los Banos

Municipal Code Title 9 Chapter 3 Article 36; and

BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING the Planning Commission of the City of Los Banos hereby makes the findings set forth in Exhibit A attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing the Planning Commission of the City of Los Banos does hereby approve Mobile Food Vendor Permit #2019-02 to permit the use of a mobile food vending unit to operate on private commercial property, located at 1301 West Pacheco Boulevard, Suite B, APN: 430-010-019, within the City of Los Banos, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of June 2019 by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
John Cates, Planning Commission Chairman

ATTEST:

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

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR MOBILE FOOD VENDOR PERMIT #2019-02 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)**

Pursuant to the requirements of California Public Resources Code Section 21000 et seq. (CEQA) and Title 14, California Code of Regulations 15000 et seq. (the CEQA Guidelines), the City 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 the proposed mobile vendor permit appropriate for the Highway Commercial Zoning District (H-C) as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Mobile Food Vendor Permit #2019-02 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15311.
2. Mobile Food Vendor Permit #2019-02 was adequately noticed and circulated for public review and comment on May 31, 2019 for consideration at a public meeting on June 12, 2019 and no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.



## EXHIBIT B

### FINDINGS FOR APPROVAL FOR MOBILE FOOD VENDOR PERMIT #2019-02 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)

#### FINDINGS FOR APPROVAL:

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

1. The applicant has provided all of the information to the Community and Economic Development Department as required by the Mobile Food Vendor Ordinance.
2. The proposed operation is consistent with the criteria and requirements of the Mobile Food Vendor Ordinance as follows:

- a) Be incidental to a primary use with a valid Business License; a mobile vending unit shall not be the primary use of a parcel. Mobile food vending units shall not be permitted as an accessory use to a standalone parking lot.

*The primary use of the property is a fitness facility/ gym (Fit Republic), which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial/ retail use of the property.*

- b) Be located in a Commercial or Industrial zoning district. Mobile vendors shall not be located on private property in a residential zoning district.

*The subject property site is located at 1301 West Pacheco Boulevard, Suite B which is within the Highway Commercial (H-C) Zoning District, which is private property that is used for commercial purposes.*

- c) Not be located on a vacant parcel.

*The mobile food vending unit will be located in the parking stall approximately two hundred feet (200') north of the existing commercial structure.*

- d) Be located on pavement/concrete per City standards.

*The mobile food vending unit will be stationed on a parking lot that is consistent with City Standards and Specifications.*

- e) Not utilize, or be located on, parking spaces required for the primary use. At least two onsite parking spaces, in addition to those required for the primary use, shall be provided for the mobile vending unit operation.

*The project site contains more than sufficient parking as the proposed mobile food vendor location is within a shopping center that has a reciprocal parking agreement amongst the tenants and neighboring parcels.*

- f) Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.

*The operation and location of the proposed mobile food vending unit will not interfere or obstruct any of the access, driveways, aisles, traffic circulation, or fire lanes and hydrants within the property. The proposed mobile food vending unit will operate in safe manner as determined by the Community and Economic Development Department.*

- g) Comply with the requirements of the Merced County Environmental Health Department.

*The applicant presently has a Merced County Department of Environmental Health Permit to operate the proposed mobile food vehicle. The applicant will comply with all the rules, regulations and requirements presented by the Merced County Environmental Health Department.*

- h) Not interfere with pedestrian movement or create a hazard for pedestrians.

*The proposed mobile food vending unit will not disrupt pedestrian movement nor will it create a hazard for pedestrians as the proposed site location for the mobile vending unit is on private property within a parking stall and will not obstruct any pedestrian walkways.*

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR MOBILE VENDOR PERMIT #2019-02 – EL GRULLENSE JAL #6 (JAIDEL PEREZ)

#### Community and Economic Development:

1. The operation of the Mobile Vending Unit shall at all times comply with the requirements of the Los Banos Municipal Code, the Conditions of Approval for Mobile Food Vendor Permit #2019-02 including but not limited to the application on file with the Community and Economic Development Department. Should there be a conflict, the Municipal Code and the Conditions of Approval shall control.
2. The Mobile Food Vendor Permit is to allow for a mobile food vending unit to operate on private commercial property, in the location depicted in the application, located at 1301 West Pacheco Boulevard, Suite B; the permit shall expire one (1) year from date of issuance.

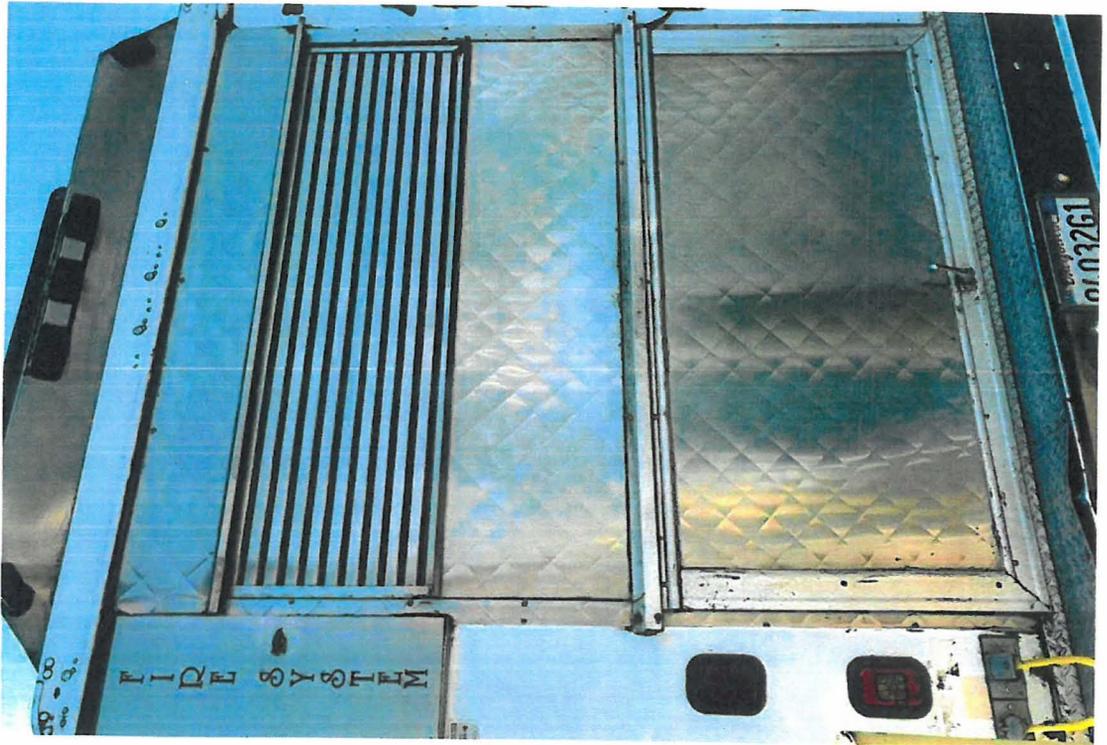
The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business including the Merced County Environmental Health Department.

3. The mobile food vendor shall have a valid City of Los Banos Business License and renew such license each year.
4. The mobile food vending unit shall be moved off-site when not in operation.
5. A background check through the Los Banos Police Department must be obtained for the mobile food vendor and each person operating or vending out of the mobile unit prior to issuance of a Business License.
6. The applicant shall comply with the applicable requirements of the Los Banos Municipal Code including but not limited to the following:
  - a. The operation shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.
  - b. The mobile food vendor shall display, in plain view and at all times, current permits and licenses.

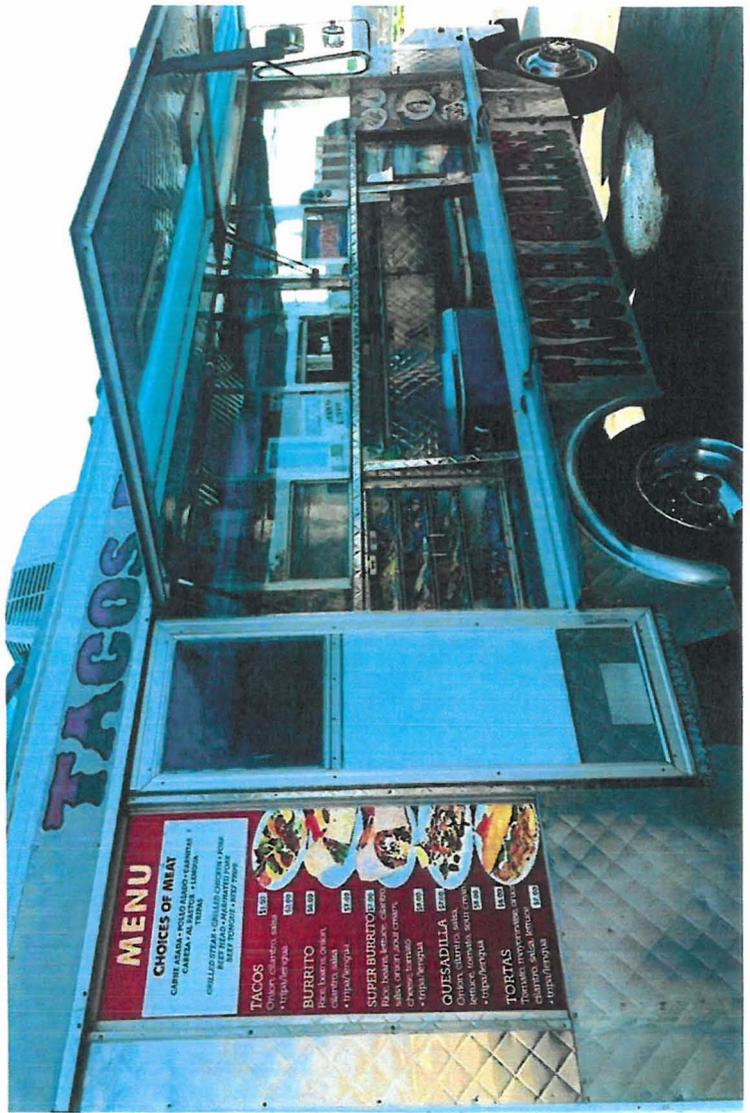
- c. While vending, drive wheels of the mobile food vending unit shall be chocked in such a manner as to prevent movement.
- d. The permitted hours of operation are from 8:00 a.m. to 9:00 p.m.
- e. The mobile food vending unit shall be entirely self-sufficient in regard to gas, water and telecommunications.
- f. The mobile food vendor shall not discharge items onto the sidewalk, gutter, storm drainage inlets or streets.
- g. The mobile food vending unit shall be maintained in a safe and clean manner at all times.
- h. No tables, chairs, fences, shade structures or other site furniture, (permanent or otherwise) or any free standing signs shall be permitted in conjunction with the mobile food vendor.
- i. Any site improvements required for mobile vendor operations shall require application for the appropriate permits to ensure building and public safety and consistency.
- j. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.
- k. The mobile food vendor operating the mobile food vending unit as defined by the Health and Safety Code shall operate out of a commissary pursuant to Health and Safety Code Section 114295.
- l. The mobile food vending unit shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a unit, and the vendor of the mobile unit shall pick up all refuse generated by such operation on the lot before such unit is moved at the close of business each day. The mobile vendor shall not dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such vendor.
- m. The mobile food vendor shall install signage in a visible location on the mobile vending unit indicating that loitering is not permitted.
- n. The mobile food vendor shall enforce the no loitering rule.
- o. The mobile food vending unit shall be located on an improved surface at all times.

7. The mobile food vending unit shall obtain Fire Department approval and shall be subject to inspection by the Los Banos Fire Department prior to issuance or renewal of a business license involving use of the mobile vending unit if the unit contains any combustibles (i.e. propane, natural gas).
8. The mobile food vending unit shall comply with California Fire Code, California Code of Regulations, and California Mechanical Code. Should any utility hook-ups or connections to on-site utilities be used or required, the mobile food vendor shall be required to apply for appropriate permits or receive approval by the appropriate City department to ensure building and public safety and consistency with applicable building and zoning regulations.
9. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
10. The mobile food vending unit shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved vendor permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject unit.
11. The operation of Mobile Food Vendor Permit 2019-02 shall be located at 1301 West Pacheco Boulevard approximately 200' north of the existing commercial structure not obstructing parking, pedestrian walkways or vehicular traffic. Relocation of the mobile unit on site shall only occur with prior approval by the Community and Economic Development Director or designee or Planning Commission.
12. At least two (2) onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.









## MENU

### CHOICES OF MEAT

CHICKEN • PORK • BEEF • TURKEY  
VEGETARIAN • LAMBDA  
VEGETARIAN

GRILLING STEAK • CHILLED CHICKEN • PORK  
BURRITO • BURRITO



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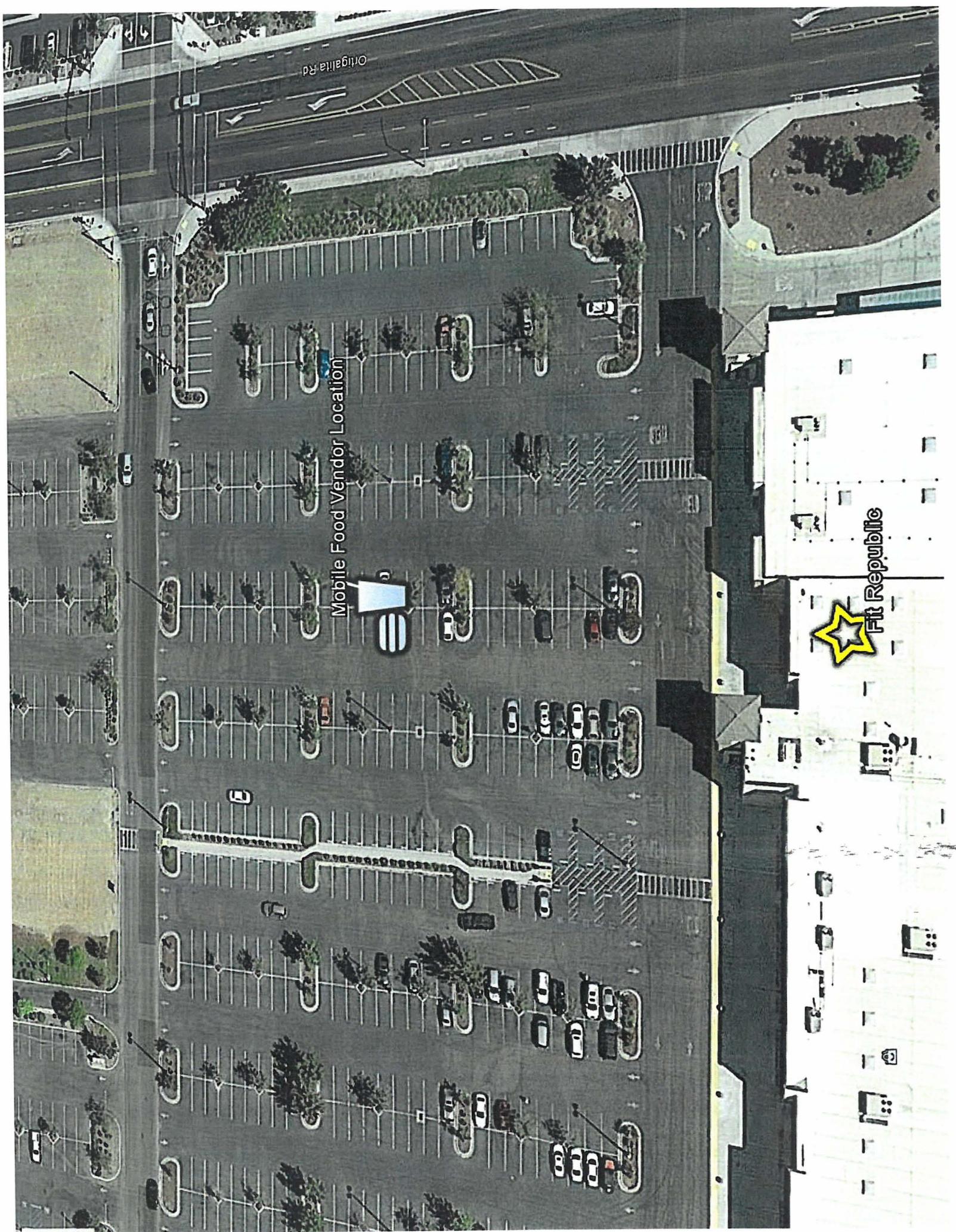
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Origallita Rd

Mobile Food Vendor Location

Fit Republic





H90500  
Merced County Public Health  
Division of Environmental Health  
260 E. 15th Street  
Merced, CA 95341-6216

El Grullense Jal #6 (94652R2)  
1024 E. Pacheco  
Los Banos, CA 93635

Attached to the bottom of this letter is your Health Permit to Operate. **The permit is valid only upon receipt of all required invoiced fees and penalties (if any), AND compliance with state, federal and local regulations.**

Facilities operating without a valid permit will be subject to **administrative penalties equal to three times the full annual permit fee** and/or potential late payment penalties. Facilities operating without a valid permit may be subject to closure. After 90 days, any unpaid invoice balances will be sent to Revenue and Reimbursement (collections).

This permit and the permit fees are **ONLY** valid for the business and owner named below and are **not transferable** to any other person, business, or facility.

If you have any questions regarding this matter, please call our office at (209) 381-1100.

**RECEIVED**  
MAY 01 2019  
CITY OF LOS BANOS

Run 4/25/2019 10:27:13AM

FOLD FORM HERE AND DISPLAY PROMINENTLY WITHIN CUSTOMER VIEW ON THE PREMISES

5303.rpt (updated 4/25/2019)



**MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH**

260 E. 15th Street, Merced, CA 95341  
(209) 381-1100 Fax (209) 384-1593

<http://www.co.merced.ca.us/eh>

Equal Opportunity Employer

**Health Permit to Operate**

**Valid from 4/25/2019 to 12/31/2019**

REGULATED FACILITY :

**El Grullense Jal #6 (94652R2)  
1301 W. Pacheco Blvd  
Los Banos, CA 93635**

Facility ID: FA0009031  
Account ID: AR0018797  
Issued: 4/25/2019

OWNER NAME :

**Jaidel Perez Oliva**

Program Element Number and Description

**0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)**

Permit ID # Units

**PT0015072 PR0019268**

Permit is not valid until all permit fees are paid in full. Permits to operate and Annual Fee Payments are NOT TRANSFERABLE. This permit is valid ONLY for this owner: Jaidel Perez Oliva. New owners must apply and pay for a new Permit(s) PRIOR to beginning operation or penalties will be assessed.

**MOBILE FOOD PREP UNITS MUST COMPLY WITH LOCAL PLANNING REGULATIONS.**

**THIS FORM MUST BE CONSPICUOUSLY DISPLAYED ON THE PREMISES**

Vicki Jones, MPA, REHS  
Environmental Health Director





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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 31, 2019

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2019-02 – Jaidel Perez (dba El Grullense Jal #6)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2019-02 to allow the operation of a mobile food vending vehicle on private property for Jaidel Perez dba El Grullense Jal #6. The subject property is located within the Highway Commercial Zoning District at 1301 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 430-010-019.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 12, 2019 at 7:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

  
Rudy Luquin  
Associate Planner





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

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND COMMISSIONERS**

**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** *RL*

**DATE: JUNE 12, 2019**

**SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT #2019-02 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 40 ON-SALE BEER LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR LA ESPERANZA FOOD CENTER LOCATED AT 937 WEST PACHECO BOULEVARD: 431-020-002**

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. 2019-11 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and recommending approval of Conditional Use Permit #2019-02 to the Los Banos City Council to allow for the sale of alcohol under a Type 40 on-sale beer license at La Esperanza Food Center located at 937 West Pacheco Boulevard, APN: 431-020-002.

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant, Jose Ramirez (d.b.a La Esperanza Food Center), has requested a Conditional Use Permit to allow the sale of beer for on-site consumption subject to a Type 40 alcohol license in conjunction with a bona fide public eating place (casual restaurant) located at 937 West Pacheco Boulevard. La Esperanza Food Center has a small restaurant within the existing grocery store.

La Esperanza Food Center presently has a Type 20 ABC License for the off-sale of beer and wine and is in good standing. The restaurant within La Esperanza Food Center conducts business seven (7) days a week, Monday through Friday from 7:30 AM until 6:00 PM and Saturday and Sunday from 7:00 AM until 6:00 PM. The on-site beer consumption will cease when the kitchen closes at 6:00 PM.

The property is located within the Highway Commercial Zoning District. The intended eating establishment/ restaurant use, is an allowed use and is consistent with the Los

Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and the 2030 Los Banos General Plan.

**LOCATION AND ACCESS:**

The project site is located at 937 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002. The project site is located within the Highway Commercial Zoning District (H-C) and consists of various commercial uses. The project site can be accessed from Pacheco Boulevard and West I Street.



**LAND USE:**

Property	Land Use	Zone	General Plan
Project site	Commercial	H-C	C
North	Vacant	H-C	C
South	Residential	R-1	LDR
East	Residential	R-1	LDR
West	Commercial	H-C	C

H-C = Highway Commercial  
 R-1= Low Density Residential

C= Commercial  
 LDR= Low Density Residential

**ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, it has been determined that this project is found to be categorically exempt from the provisions of CEQA – Article 19, Section 15301. The applicant's request for the on-sale of beer for a bona fide public eating place involves the permitting and licensing of an existing private structure and involves no expansion at

937 West Pacheco Boulevard, APN 431-020-002.

## **USE PERMIT ANALYSIS**

### ***Code Requirements***

Pursuant to the Los Banos Municipal Code Section 9-3.2326 (b); a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits regarding the on-sale and off-sale of alcoholic beverages pursuant to Los Banos Municipal Code Section 9-3.2314 (c). A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

#### **General Use Permit Criteria:**

1. That the proposed use and project is consistent with the City of Los Banos General Plan, and Los Banos Municipal Code;
2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use;
3. That the proposed use is compatible with the adjacent uses, properties and neighborhoods and will not be detrimental or injurious to property and improvement in the neighborhood or to the general welfare of the City.

#### **Specific On-Sale and Off-Sale Alcoholic Beverages Criteria:**

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
3. That the proposal will not interfere with the movement of people along an important pedestrian street; and
4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 P.M. and 7:00 A.M.

Staff has evaluated the proposal pursuant to the above criteria set forth in the Municipal Code and offers the following observations:

1. The primary use is a grocery store/casual family restaurant (dine in).
2. The surrounding area, adjacent uses, and function are primarily Commercial uses in nature. A restaurant providing for the on-sale and serving of beer in this

location is consistent with the commercial uses of the Highway Commercial Zoning District.

3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the on-sale of beer at this location.
4. The approval of the on-sale of beer will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. The location presently has a Type 20 ABC license for the off sale of beer and wine. The entitlement will include conditions of approval which will regulate the operational characteristics of allowing the serving of beer and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.
5. The proposed use is not located within the immediate vicinity to any churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.
6. The project is located on Pacheco Boulevard which is primarily occupied by commercial uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.
7. There are single family residential units located to the south and east of the project site. The applicant will serve beer for onsite consumption Monday through Friday from 7:30 AM until 6:00 PM and on Saturday and Sunday from 7:00 AM until 6:00 PM, when the kitchen closes. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

All sales and consumption of alcohol will be conducted inside the premises and in conjunction with the serving of food. In addition, the project will be subject to conditions which will mitigate any adverse effects on the surrounding neighborhood and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity. The restaurant will also be subject to the Los Banos Municipal Code Noise Ordinance.

### ***Alcoholic Beverage Control***

The California Department of Alcoholic Beverage Control (ABC) is the issuing authority for a Type 40 alcohol license. ABC has the authority pursuant to Section 23801 of the

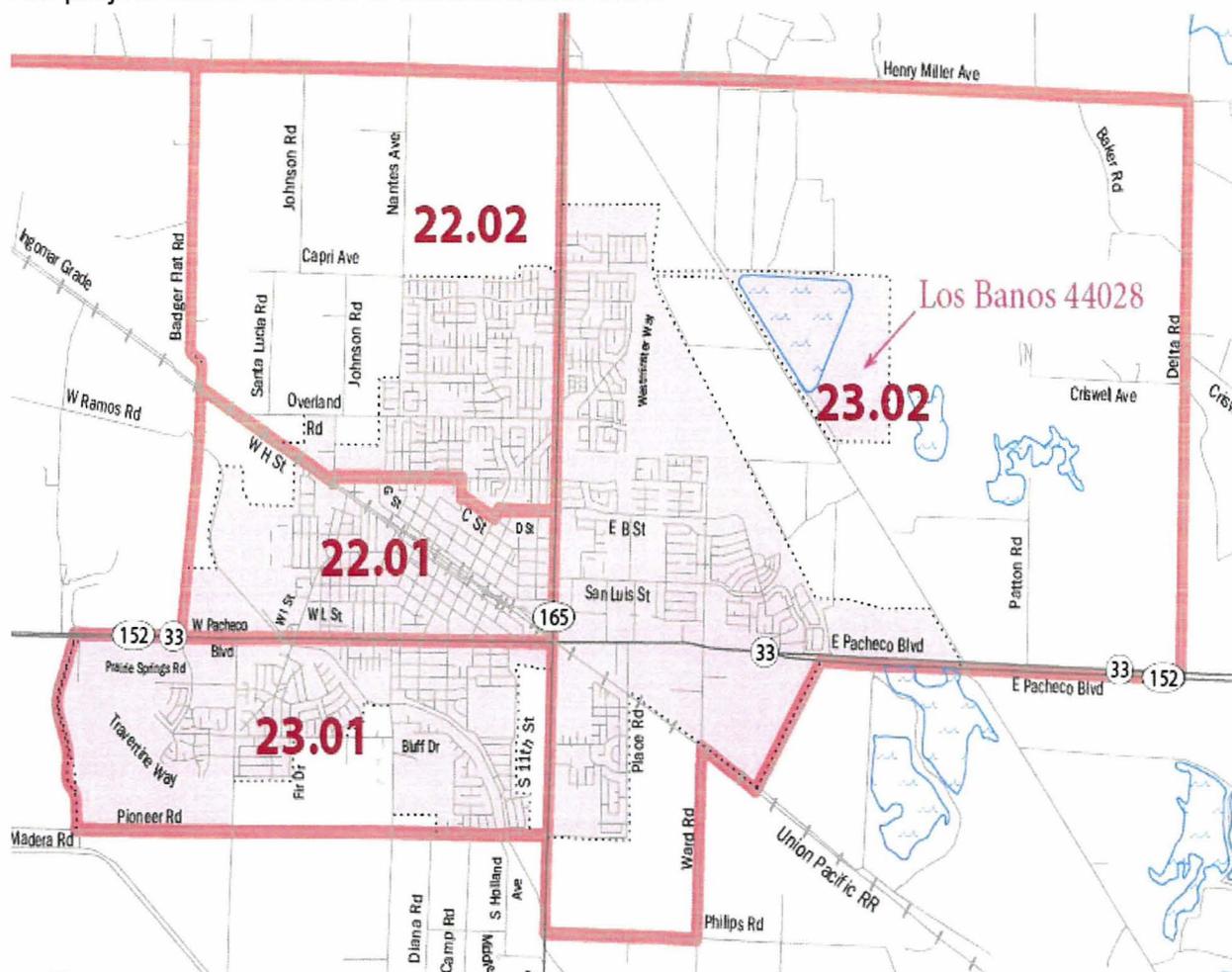
California Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- a) Restrictions as to hours of sale
- b) Display of signs
- c) Employment of designated persons
- d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law
- e) The portion of the privileges to be exercised under the license
- f) The personal conduct of the licensee

ABC may also refuse to issue a license to any person who has violated the Alcoholic Beverage Control Act, has a disqualifying criminal record, or is otherwise disqualified.

**Census Tract**

The project site is located in census tract 23.01.



As of the date of this report, there are twelve (12) on-sale licenses currently active in this specific census tract. The nearest active on-sale alcohol license to the project site within the same census tract is Aqua Entertainment Center located directly east of the

project site within the same shopping center, approximately 125 feet away. Approval of this on-sale license would make the thirteenth (13) on-sale license.

License Type	Business Name	Address
41	China Garden	829 W. Pacheco Blvd.
41	Mountain Mikes Pizza	509 Pacheco Blvd
41	Hot City BBQ & Bistro	1313 S. Sixth St.
41	Eddie's Famous Cafe	401 W. Pacheco Blvd.
41	Pizza Hut	419 Pacheco Blvd
41	Black Bear Diner	955 W. Pacheco Blvd.
41	Taqueria El Rodeo	1313 E. Pacheco Blvd., Ste D
41	Sugoi Sushi	1245 E. Pacheco Blvd.
41	China #1 Buffet	1313 E. Pacheco Blvd., Ste A
40	Aqua Entertainment Center	923 W. Pacheco Blvd., Ste B
41	Courthouse Diner	245 W. Pacheco Blvd., Ste A & B
41	Blaze Fast Fire'd Pizza	1335 W. Pacheco Blvd., Ste B

Type 41 license = On-sale Beer and Wine for Bona Fide Public Eating Place  
Type 40 license = On-sale Beer

**PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were provided to adjacent property owners within a 300 foot radius of the subject property on May 31, 2019. As of the date of this staff report, no comments have been received.

**APPLICABLE ORDINANCES/GUIDELINES:**

Los Banos General Plan – ED-G-7, LU-G-10

Los Banos Municipal Code – Section 9-3.2322

ABC Act, California Business and Professions Code

**RECOMMENDATION:**

Staff recommends that the Planning Commission adopt Resolution No. 2019-11 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15301 and recommending approval of Conditional Use Permit #2019-02 to the Los Banos City Council to allow for the sale of alcohol under a Type 40 on-sale beer license at La Esperanza Food Center located at 937 West Pacheco Boulevard, APN: 431-020-002.

**ATTACHMENTS:**

1. Resolution 2019-11

- Exhibit A    CEQA Findings
- Exhibit B    Project Findings
- Exhibit C    Conditions of Approval
- 2. Floor Plan
- 3. Site Photos
- 4. Public Hearing Notice – May 31, 2019



## RESOLUTION NO. 2019-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS FINDING THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 AND RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2019-02 TO THE LOS BANOS CITY COUNCIL TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 40 ON-SALE BEER LICENSE AT LA ESPERANZA FOOD CENTER LOCATED AT 937 WEST PACHECO BOULEVARD, APN: 431-020-002.**

WHEREAS, the applicant, Jose Ramirez (d.b.a. La Esperanza Food Center), has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 40 alcohol license for the on-sale of beer in conjunction with a bona-fide public eating place located at 937 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on May 31, 2019, and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a duly noticed public hearing on June 12, 2019, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2322 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2019-02 for La Esperanza Food Center was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15301 as the project site is an existing facility; and

WHEREAS, the request/proposed use satisfies the criteria of the Los Banos Municipal Code.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby affirm the determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and recommends the approval of Conditional Use Permit #2019-02 to the Los Banos City Council to allow the on-sale of beer in conjunction with a bona-fide public eating place, Type 40, located at 937 West Pacheco Boulevard, APN: 431-020-002, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of June 2019, by Planning Commissioner \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Planning Commissioner \_\_\_\_\_, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
John Cates, Planning Commission Chairman

ATTEST:

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

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2019-02 – JOSE RAMIREZ- LA ESPERANZA FOOD CENTER**

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, Conditional Use Permit #2019-01 was evaluated and determined to be categorically exempt per Article 19, Section 15301 as the request for the on-sale of beer involves the permitting and licensing of an existing private structure and involves no expansion at 937 West Pacheco Boulevard, APN 431-020-002.
2. Conditional Use Permit #2019-02 was adequately noticed on May 31, 2019, for consideration at a public meeting on June 12, 2019.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.



## EXHIBIT B

### FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2019-02 – JOSE RAMIREZ- LA ESPERANZA FOOD CENTER

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

1. General Findings:

- a. The project is consistent with the City of Los Banos General Plan.

The existing General Plan land use designation for the project site is Commercial, which is intended for commercial development, located off of Pacheco Boulevard within the San Luis Shopping Center, allowing for commercial uses.

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

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

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

**LAND USE POLICY LU-G-10:**

Foster viable, pedestrian-oriented neighborhood centers and strong, visually attractive regional commercial centers with a mix of tenants to serve both local and regional needs.

Evidence/Analysis: Jose Ramirez (d.b.a. La Esperanza Food Center) will have the ability to provide a wider range of service for customers and allows the restaurant to compete with similar type businesses. The proposed use would continue a commercial use that is compatible with and complementary of existing commercial uses adjacent to the project site. In addition, the project would also be consistent with General Plan land use policies as set forth above.

- b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their

character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 13 as the use will be consistent with the surrounding area, adjacent uses, and function are primarily commercial in nature. A restaurant providing for the on-sale and serving of beer is permitted in this location.

2. That the proposed use or project will not be a nuisance or detrimental to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use.

Evidence/Analysis: The on-sale of beer will be conducted in accordance with ABC regulations and therefore, will not be a nuisance or detrimental to the neighborhood in which the store is located. The project contains conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

3. That the proposed use is compatible with the adjacent uses, properties, and neighborhoods and will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Evidence/Analysis: The proposed use will be conducted in the within the a commercial structure in which houses a grocery store and the restaurant operate in. The grocery store has a type 20 off-sale beer and wine ABC license in which is in good standing. The project sites function and character is Commercial, which includes uses that serve alcohol. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

## 2. Specific Findings

1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable with consideration given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.

Evidence/Analysis: The primary use in conjunction with the serving of beer is a grocery store and restaurant. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently twelve (12). The project sites function is primarily commercial in nature, and is entirely consistent with a restaurant and the on-sale and serving of beer. The proposed on-sale of beer is complementary to the restaurant use that is compatible with and complementary of existing commercial uses in the area. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the on-sale of beer at this location.

2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.

Evidence/Analysis: Conditions of Approval have been incorporated into the project which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity. The project is not located within the immediate proximity of any sensitive uses.

3. That the proposal will not interfere with the movement of people along an important pedestrian street.

Evidence/Analysis: Alcohol will not be allowed to be consumed beyond the premises of the restaurant at any time and it is not anticipated that persons will congregate on sidewalks or streets as a result of the proposed use. Signage will also be provided on the property and building which prohibit loitering. It is not anticipated that the on-sale of beer at this location will adversely affect any important pedestrian right of ways.

4. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, the use will be limited in hours of operation, or designed operated so as to avoid the disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.

Evidence/Analysis: There are single family residential units located to the south and east of the project site. The applicant will serve beer for onsite consumption Monday through Friday from 7:30 AM until 6:00 PM and on Saturday and Sunday from 7:00 AM until 6:00 PM, when the kitchen closes. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2019-02 – JOSE RAMIREZ- LA ESPERANZA FOOD CENTER

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2019-02 is for Jose Ramirez (d.b.a. La Esperanza Food Center) located at 937 West Pacheco Boulevard, Assessor's Parcel Number: 431-020-002 and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 40 "on-sale of beer for a bona-fide public eating place" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the California Department of Alcoholic Beverage Control to the city of Los Banos Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of

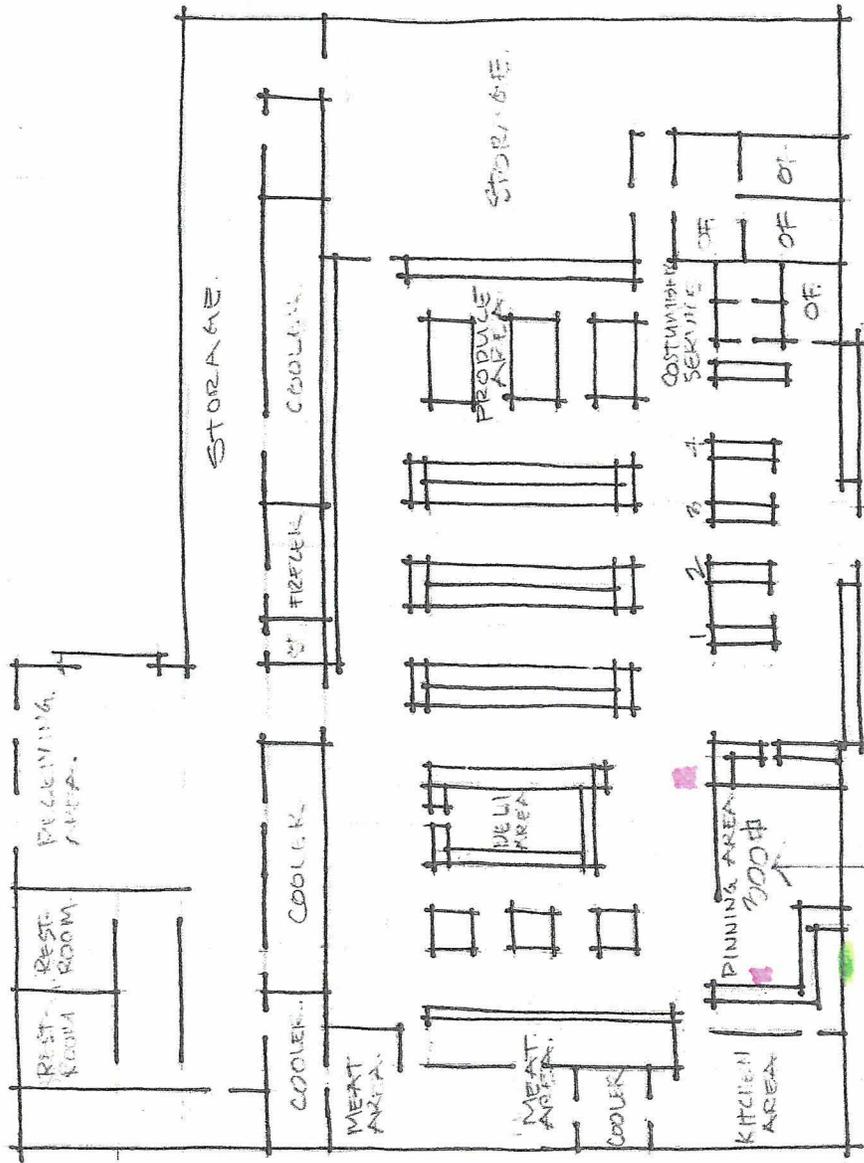
any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.

7. The Planning Commission reserves the right to review and/or revoke this permit should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse effects in the neighborhood resulting from the use of alcohol on the premises.
8. The applicant/operator agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
9. The exterior of the premises, including parking lot areas (front and rear), shall be sufficiently illuminated, to the satisfaction of the Police Chief, during all hours of darkness when the premises are open for business in a manner so that persons accessing those areas at night are identifiable by law enforcement personnel.
10. The premises shall be operated primarily as a grocery store and restaurant as described in the application prepared by the applicant and filed with the Community and Economic Development Department. Any substantial or significant changes in use or operation of the premises from the Operational Statement may cause a review, amendment or revocation of the Conditional Use Permit. The applicant shall notify the Community and Economic Development Department of any substantial or significant changes in use or operation of the premises from the Operational Statement. The onsite consumption and sale of beer shall be ancillary to the primary use as a grocery store and restaurant.
11. The use of the premises of the subject site shall be consistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Conditional Use Permit filed application and operational statement, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject site.
12. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2322 of the Los Banos Municipal Code continue to be valid upon change of ownership of the site or structure which was the subject of the Conditional Use Permit application provided the use shall be subject to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met. The applicant shall immediately

notify the Community and Economic Development Department of any changes in ownership.

13. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
  - a. Conditions of approval have not been fulfilled;
  - b. A significant change or intensification of the approved use;
  - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
14. Consumption of alcohol shall only be allowed on the premises of the restaurant. If the applicant would like to pursue outside patio consumption of alcohol, where permissible, shall only be permitted with a barrier between the public right-of-way and restaurant patrons to be approved by the Community and Economic Development Director.
15. No loud amplification of music or voice shall be allowed outside.
16. The applicant/operator shall have monitoring cameras in the exterior and interior of the restaurant at all times to the satisfaction and approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.
17. The premises shall be operated in accordance with the Los Banos Municipal Code Noise Ordinance.
18. The applicant shall acknowledge and execute receipt of a copy of the foregoing Conditions of Approval.
19. The applicant/operator shall provide signs prohibiting loitering on the property and/or building subject to the approval of the Community and Economic Development Director.
20. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**





DESIGNATED ALCOHOL CONSUMPTION

■ : Camera

■ Beer Refrigerator

LA ESPERANZA FOOD CENTER  
19000 sq. ft. NO SCALE







**LA ESPERANZA**  
FOOD CENTER



**LAS VERDURAS**

**CARNES FRESCAS**

**TAQUERIA**

**LONCHERIA**

**PARKING ONLY**  
ADA ACCESSIBLE







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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 31, 2019

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2019-02 – Type 40 Alcohol License

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) to allow the use of a Type 40 Alcohol License for the on-sale of beer in conjunction with a bona-fide eating establishment. The requested Conditional Use Permit is for La Esperanza Food Center located at 937 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number 431-020-002.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, June 12, 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 Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

Rudy Luquin  
Associate Planner





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

**PLANNING COMMISSION STAFF REPORT**

**TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS**

**FROM: RUDY LUQUIN, ASSOCIATE PLANNER** 

**FOR: JUNE 12, 2019**

**SUBJECT: SITE PLAN REVIEW #2019-01 – CRISOFORO HERNANDEZ**

**RECOMMENDATIONS:**

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

1. Approve Resolution No. 2019-09, approving Site Plan Review #2019-01 for the development of one (1) 1,800 square foot commercial structure along with site improvements within the Highway Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects. The proposed project site is located at 1419 Place Road; more specifically identified as Assessor's Parcel Numbers: 083-130-030.

**PROJECT DESCRIPTION:**

The City of Los Banos Community and Economic Development Department received an application requesting a Site Plan Review entitlement. The applicant, Crisoforo Hernandez and his project designer, Joe Lyons, have been working with staff to meet certain City Standards to achieve a Site Plan Review application for the proposed project. The proposed project site is a 10,146 square foot interior lot immediately west of Place Road. The adjacent parcels to the north and south are both presently used residentially, with functioning single family dwellings. The zoning for the proposed project site is Highway Commercial. The proposed project site has an existing single family dwelling as do the neighboring parcels. The residential uses and structures are preexisting non-conforming to the zoning for the area. The proposed project consists of the demolition of the existing non-conforming residential structure and the development of a commercial building to be used as a dine-in restaurant which is permitted and will conform to the existing Highway Commercial Zoning District.

The proposed commercial structure will measure to be 1,800 square feet and will be constructed to be twenty feet (20') tall. The proposed project also consists of improvements to the parcel such as paving, landscaping, and lighting.

**PROJECT LOCATION:**

The project site is located at a 10,146 square foot lot at 1419 Place Road., APN 083-130-030.



**LAND USE:**

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

H-C = Highway Commercial

C= Commercial

**ENVIRONMENTAL ASSESSMENT:**

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

## **PROJECT ANALYSIS:**

### **Existing Setting**

The proposed project site presently has an existing single family residential structure. The parcels immediately to the north, south, and west of the project all have single family residential structures. The zoning for the area is Highway Commercial and the General Plan Land Use Designation is Commercial. The existing single family residential structures are considered to be non-conforming. The project will be conforming to a use that is consistent with the Highway Commercial Zoning District.

## **SITE PLAN REVIEW ANALYSIS:**

### ***Code Requirements***

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

### ***Project Design***

The proposed project consists of the development of a 1,800 square foot commercial building along with associated site improvements and landscaping. The project site currently contains a single family dwelling; which will be demolished prior to development of the proposed structure. .

Despite the fact that the applicant is near Pacheco Boulevard, the applicant has proposed an acceptable design for the proposed commercial structure that is consistent with the Commercial Design Standards and the preferred Spanish mission theme along Pacheco Boulevard corridor. The applicant has incorporated Spanish/ Mission architectural characteristics directly from the Design Standards such as red tile roof, stucco walls, arched door and window openings, wood fascias, accentuated corner elements with bellied trimming, stone veneer accents at the base of the building, thick walls and deeply recessed windows.

The proposed building materials are going to be compatible to the commercial developments to the east. The applicant is proposing to have three (3) colors; Cinnamon Crunch (trim), Clay Dust (elevations), mesquite powder (doors), and terra rosa for the stone veneer color combination. The proposed color patterns are compatible and consistent with the City of Los Banos preferred color palate and are also complimentary to the surrounding area, specifically the shopping center immediately north of home depot.

The proposed development will add value and compliment the shopping center to the east of the project site as this project will be consistent with the Highway Commercial Zoning District and the General Plan Commercial Land Use Designation.

The architecture includes detailed site plans and elevations.

The site plan is designed with 15 off-street parking spaces with two (2) designated as handicap parking. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces are 14 in regards to the commercial use. Thus the proposed total of 15 off-street parking spaces exceeds the required amount and is consistent Los Banos Municipal Code Title 9 Article 20.

### ***Land Use***

The project site's land use designation is Commercial in according with the Los Banos 2030 General Plan and is zoned Highway Commercial in consistency with the Los Banos Municipal Code. The proposed project will bring the parcel to consistency with the General Plan land use designation and the Los Banos Municipal Code Title 9, Chapter 3, Article 13, Highway Commercial Zoning District.

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

The applicant is proposing landscaping throughout the development, mainly along the street frontages, proposed parcel lines and parking lot. The landscape plan consists of four (4) tree species and seven (7) shrubs and ground cover species to be used throughout the project site. The landscape plan was designed in consistency with the City's "Water Efficient Landscape Ordinance". The applicant has proposed standard exterior down facing lighting fixtures for the project. The project will also have exterior wall lighting fixtures which will compliment the aesthetic nature of the elevations. The proposed light pole fixtures are consistent with the City of Los Banos Standards and Specifications. The lighting/ photometric plan shall include a Lumen Dispersion Map and comply with the City of Los Banos Standards and Specifications. Maintenance of the landscape and lighting areas will be financed through a Landscape and Lighting District. The developer will be required to form or annex to an existing Landscape and Lighting District.

### ***Circulation***

It is not anticipated that the proposed project will affect circulation on Place Road, as Place Road does not presently have circulation issues. The proposed project of a dine-in restaurant will have a minimal increase in traffic, but not to the extent to consider a Traffic Impact Study for the project. In consistency with the Los Banos 2030 General Plan in accordance with Circulation Implementing Action C-I-12, it is not required for the project to perform a Impact Traffic Study as the proposed project will not generate 100 or more peak hour trips.

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

**Water:** The City of Los Banos presently serves the existing single family residential structure and will continue the water service for the project.

**Sewer:** The City of Los Banos presently serves the existing single family residential structure with wastewater services and will continue to provide service to the new development.

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

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

### ***Signage***

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

### **DESIGN REVIEW**

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on May 8, 2019, to provide the applicant with feedback early on in the design process. The Planning Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

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

### **PROJECT REVIEW BOARD**

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

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

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

### **FINDINGS FOR APPROVAL:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Evidence/Analysis:* *The proposed project is located near commercial development and uses. The proposed commercial structure will be compatible with the existing area. As noted previously, the project is not required to perform a Traffic Impact Study, in compliance with the Los Banos 2030 General Plan in accordance with Circulation Implementing Action C-I-12, it is not required for the project to perform a Impact Traffic Study as the proposed project will not generate 100 or more peak hour trips.*

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

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

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

*Evidence/Analysis:* The design of the proposed commercial structure is consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish, and the proposed design has a Spanish theme. The applicant has incorporated Spanish/ Mission architectural characteristics directly from the Design Standards such as red tile roof, stucco walls, arched door and window openings, wood fascias, accentuated corner elements with bellied trimming, stone veneer accents at the base of the building, thick walls and deeply recessed windows. The proposed building materials are going to be compatible to the commercial developments to the east. The applicant is proposing to have three (3) colors; Cinnamon Crunch (trim), Clay Dust (elevations), mesquite powder (doors), and terra rosa for the stone veneer color combination. The proposed color patterns are compatible and consistent with the City of Los Banos preferred color palate and are also complimentary to the surrounding area, specifically the shopping center immediately north of home depot.

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

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

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

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

#### **PUBLIC COMMENT:**

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on May 31, 2019. As of the date of this report no comments have been received.

#### **RECOMMENDATION:**

1. Approve Resolution No. 2019-09, approving Site Plan Review #2019-01 for the development of one (1) 1,800 square foot commercial structure along with site improvements within the Highway Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects. The proposed project site is located at 1419 Place Road; more specifically identified as Assessor's Parcel Numbers: 083-130-

030.

**ATTACHMENTS:**

1. Resolution 2019-09
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Plan Set
3. Public Hearing Notice – May 31, 2019



## RESOLUTION #2019-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN REVIEW #2019-01 FOR THE DEVELOPMENT OF ONE (1) 1,800 SQUARE FOOT COMMERCIAL STRUCTURE ALONG WITH SITE IMPROVEMENTS WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AND A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS. THE PROPOSED PROJECT SITE IS LOCATED AT 1419 PLACE ROAD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 083-130-030.**

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

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, project was considered and adequately reviewed and evaluated in the initial study and was deemed to be categorically exempt pursuant to Section 15332, In-Fill Development Projects; and

WHEREAS, a public hearing was duly noticed for June 12, 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 May 31, 2019 to consider and take testimony regarding Site Plan Review #2019-01; and

WHEREAS, at the June 12, 2019 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan Review #2019-01 for the development of one (1) 1,800 square foot commercial structure along with site improvements within the Highway Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects. The proposed project site is located at 1419 Place Road; more specifically identified as Assessor's Parcel Numbers: 083-130-030.subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 12<sup>th</sup> day of June 2019, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was duly seconded by Commissioner \_\_\_\_\_, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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John Cates, Planning Commission Chair

ATTEST:

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Sandra Benetti, Planning Commission Secretary

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2019-01 – CHRISOFORO HERNANDEZ**

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2019-01 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 32, Section 15331 In-Fill Development Projects as the comprehensive project qualifies as an in-fill development project as determined in the Initial Study and further elaborated in the Notice of Exemption..
2. Site Plan Review #2019-01 was adequately noticed on May 31, 2019, for consideration at a public meeting on June 12, 2019.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.



## EXHIBIT B

### FINDINGS FOR APPROVAL OF SITE PLAN #2019-01 – CRISOFORO HERNANDEZ

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Evidence/Analysis: The proposed project is surrounded by commercial development and uses. The proposed commercial structure will be compatible with the existing area. As noted previously, the project is not required to perform a Traffic Impact Study, in consistency with the Los Banos 2030 General Plan in accordance with Circulation Implementing Action C-I-12, it is not required for the project to perform an Impact Traffic Study as the proposed project will not generate 100 or more peak hour trips.*

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

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

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

Evidence/Analysis: The design of the proposed commercial structure is consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish, and the proposed design has a Spanish theme. The applicant has incorporated Spanish/ Mission architectural characteristics directly from the Design Standards such as red tile roof, stucco walls, arched door and window openings, wood fascias, accentuated corner elements with bellied trimming, stone veneer accents at the base of the building, thick walls and deeply recessed windows. The proposed building materials are going to be compatible to the commercial developments to the east. The applicant is proposing to have three (3) colors; Cinnamon Crunch (trim), Clay Dust (elevations), mesquite powder (doors), and terra rosa for the stone veneer color combination. The proposed color patterns are compatible and consistent with the City of Los Banos preferred color palate and are also complimentary to the surrounding area, specifically the shopping center immediately north of home depot.

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

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

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

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



## EXHIBIT C

### CONDITIONS OF APPROVAL FOR SITE PLAN #2019-01 – CRISOFORO HERNANDEZ

#### Planning:

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

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

plans, subject to review and written approval by the Community and Economic Development Department.

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

“If archaeological resources or human remains are discovered during construction, work shall be halted from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”

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

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American

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

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

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

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

**Utilities and Drainage:**

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

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

**Landscape and Lighting:**

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

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

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

**Signage:**

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

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

**Design/Aesthetics:**

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

### **Fire Department**

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

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

### **Public Works**

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

per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.

62. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
63. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
64. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
65. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.
66. The applicant/developer shall install a public hydrant on Place Road.
67. The applicant/ developer shall install a minimum four (4') foot clear sidewalk on Place Road required pursuant to the Americans with Disabilities Act.
68. The applicant/developer shall ground power pole lines at the designated driveway and will require an easement and/or dedication.

### **Police Department**

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

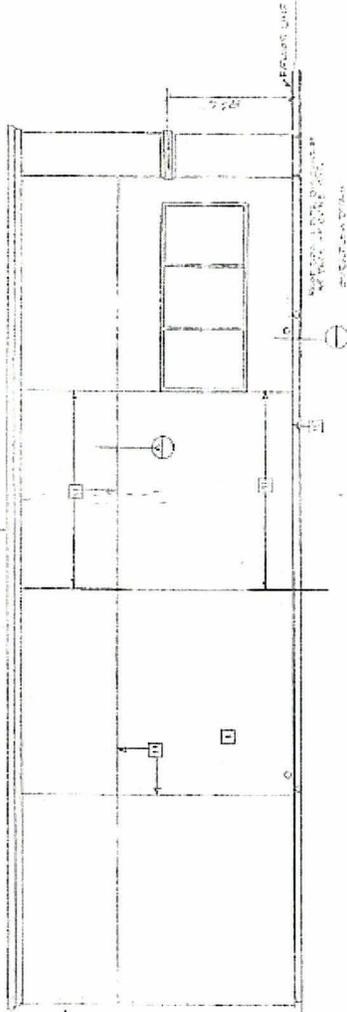
**70. This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**



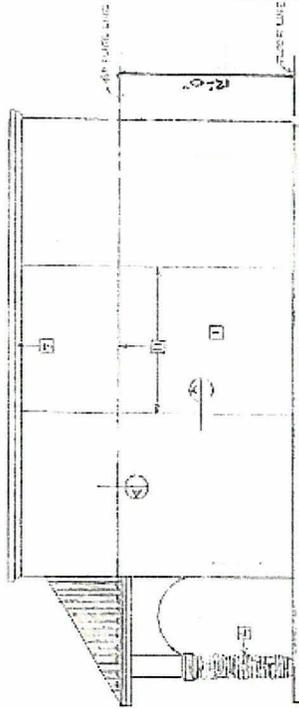




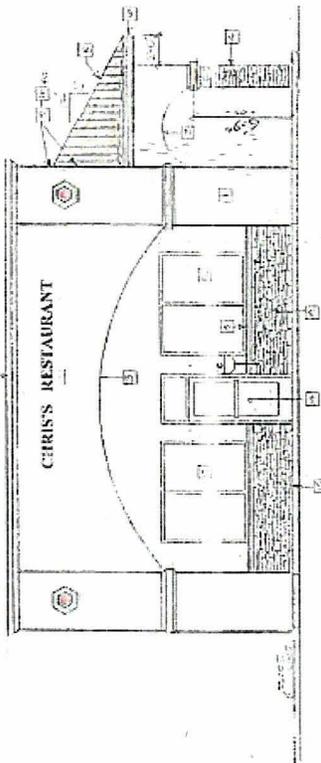




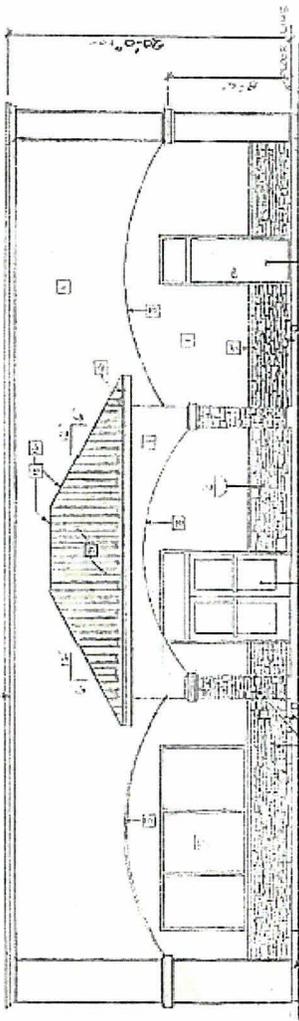
**SOUTH SIDE ELEVATION**  
SCALE 1/4"=1'-0"



**WEST SIDE ELEVATION**  
SCALE 1/4"=1'-0"



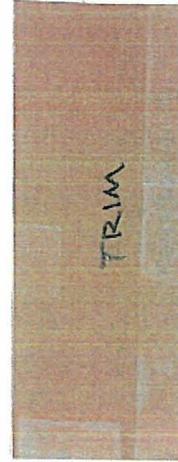
**EAST SIDE ELEVATION**  
SCALE 1/4"=1'-0"



**MAIN ELEVATION (North Side)**  
SCALE 1/4"=1'-0"

- Elevation Notes:**
1. ROOF TO BE SHINGLED
  2. BRICK GROUND FLOOR
  3. BRICK 2ND FLOOR
  4. BRICK 3RD FLOOR
  5. BRICK 4TH FLOOR
  6. BRICK 5TH FLOOR
  7. BRICK 6TH FLOOR
  8. BRICK 7TH FLOOR
  9. BRICK 8TH FLOOR
  10. BRICK 9TH FLOOR
  11. BRICK 10TH FLOOR
  12. BRICK 11TH FLOOR

- General Notes:**
1. FOUNDATION TO BE CONCRETE
  2. ALL WALLS TO BE BRICK
  3. ALL ROOFING TO BE SHINGLES
  4. ALL ROOFING TO BE SHINGLES
  5. ALL ROOFING TO BE SHINGLES
  6. ALL ROOFING TO BE SHINGLES
  7. ALL ROOFING TO BE SHINGLES
  8. ALL ROOFING TO BE SHINGLES
  9. ALL ROOFING TO BE SHINGLES
  10. ALL ROOFING TO BE SHINGLES
  11. ALL ROOFING TO BE SHINGLES
  12. ALL ROOFING TO BE SHINGLES



**WALLS**

**DOORS**

Chris's Restaurant	
DATE:	PROJECT:
SCALE:	NO.:
DRAWN BY:	
CHECKED BY:	
APPROVED BY:	





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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: May 31, 2019

Re: Notice of Public Hearing

Proposal: Site Plan Review #2019-01- Crisoforo Hernandez

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2019-01 for the development of one (1) 1,800 square foot commercial structure along with site improvements within the Highway Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects. The proposed project site is located at 1419 Place Road; more specifically identified as Assessor's Parcel Numbers: 083-130-030.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, June 12, 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 Rudy Luquin, Associate Planner at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

  
Rudy Luquin  
Associate Planner





## **DESIGN REVIEW STUDY SESSION**

**TO: Chairman Cates and Planning Commissioners**

**FROM: Rudy Luquin, Associate Planner** 

**DATE: June 12, 2019**

**SUBJECT: Project Study Session Review – 1415 Badger Flat Road**

---

### **Project Description**

The City of Los Banos Community and Economic Development Department received an application requesting a Site Plan Review entitlement. The applicant, Rainflow Developments LLC are proposing to develop two commercial buildings totaling to 4,662 square feet on the vacant portion of 1415 Badger Flat Road. The proposed commercial structures will serve as a carwash. The proposed project site presently consists of two commercial structures; one serving as a restaurant (Denny's) and the other as a multi-tenant commercial building (BAZ building). The project site is surrounded by various commercial uses within two neighboring shopping centers. The proposed car wash use is permitted within the Highway Commercial Zoning District.

The proposed commercial structure that will serve as the car wash is 4,462 square feet and will be constructed to be approximately twenty-nine feet (29') tall at the buildings highest point. The second commercial structure will serve as the ticketing/ attendant building and is proposed to be two hundred (200) square feet. The ticketing/ attendant building is proposed to be twelve feet and ten inches (12'-10") in height. The proposed project also consists of improvements to the project site such as paving, landscaping, and lighting.



### **Planning Commission Project Study Session Review**

The Community and Economic Development Department has referred the proposed project for a Design Review Study Session with the Planning Commission, in regards to the design of the proposed project in accordance with Los Banos Municipal Code, Section 9-3.2318(a), Planning Commission project study session review. Nonetheless, the proposed project will require final site plan approval by the Planning Commission through a public hearing at a later date.

The objective of the study session is to provide the applicant with analytical commentary from the Planning Commission in the forefront of the design process, prior to the applicant(s) becoming overly invested in a design that is inconsistent with the City of Los Banos Design Guidelines, in conformity with Los Banos Municipal Code Section 9-3.2318(a), Planning Commission project study sessions review. The design review study session is virtually a discussion between the Planning Commission and the applicant concerning the aesthetics of the proposed project, and does not constitute a final decision by the Planning Commission concerning the proposed development project.

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In accordance with Los Banos Municipal Code Section 9-3.2318(b), Planning Commission project study session review, the Planning Commission's purview of the design review study session is to review, consider, and provide commentary on the following design aspects of the proposed project in light of the City's General Plan and applicable policies:

- Architecture
- Landscaping
- Lighting

### **Architecture**

According to Los Banos Municipal Code Section 9-3.2318(c), Planning Commission project study session review, the Planning Commission shall evaluate and provide commentary on the following architectural elements:

- Architectural style and consistency
- Height
- Bulk
- Area
- Color of buildings
- Types of construction materials
- Physical and architectural relationships with existing and proposed structures
- Materials and variations of boundary walls
- Fences
- Exterior elevations of all sides of the buildings or structures
- Methods used to screen mechanical equipment from public view

The Los Banos Community Design Standards does contain specific design guidelines for commercial buildings. According to the Los Banos Community Design Standards, the preferred architectural theme along the Pacheco Boulevard corridor is Spanish/ Mission. The applicant has incorporated Spanish/ Mission architectural characteristics directly from the Design Standards such as plaster walls, towers at the entrance and exit of the car wash building, stone veneer accents at the base of the building, and earth tone colors.

The applicant is proposing to have a combination of three (3) earth tone colors. The proposed color patterns are compatible and consistent with the City of Los Banos preferred color palate and are also complimentary to the existing commercial structures within the same parcel.

The complete design of the structure will consist of a hip roof with asphalt shingles, pre-finished metal parapets, metal awnings at the entrance and exit of the car wash building. The body of the structure will consist of; plaster cement walls, two vertical trellis's for vine growing half inch (1/2") reveals throughout the building to break up the plaster walls and redwood trellis's at the entrance and exit and two towers at the entrance and exit also.

The smaller attendant building will be similar in design and building materials, though the building will not have as many aesthetical accents as the main car wash building mainly due to the small size.

The applicant is not proposing any perimeter fencing.

### **Landscaping**

In consistency with Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review,, the Planning Commission shall evaluate and provide commentary on the following landscaping and site treatment elements:

- Types of planting and vegetation;
- Rock groupings; and
- Topography and location of landscaping areas.

The applicant is proposing landscaping throughout the development, mainly along the street frontages, proposed parcel lines, and parking lot. The landscape plan consists of five (5) tree species totaling to 45 planted trees, seven (7) shrubs species totaling to 469 total shrubs planted, one (1) vine species totaling to 18 total vines planted, and four (4) ground cover species totaling to 2,515 ground cover plants to be planted throughout the project site.

### **Lighting**

In reference to Los Banos Municipal Code, Section 9-3.2318(c), Planning Commission project study review,, the Planning Commission shall evaluate and provide commentary on the following lighting elements:

- Aesthetics of exterior lighting

The exterior lightening will be part of the project, but no light fixtures or schematics regarding the lighting for the parking lot have been incorporated as of yet. It is anticipated that the proposed lighting will be equivalent to the lighting fixtures in the existing parking lot.

### **Project Review Board**

The proposed project will be reviewed by the Project Review Board (PRB) in regards to the following elements:

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

- Location and intensity of all onsite lighting; and
- Provision of municipal and public services.

The PRB will be providing a formal recommendation to the Planning Commission concerning the scope of their review during the Site Plan Review process.

**Recommendation**

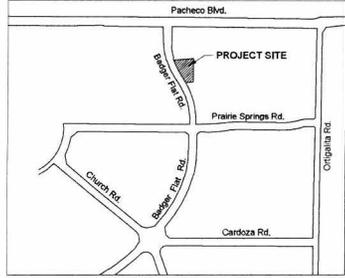
Staff is recommending that the Planning Commission evaluate the proposed projects architectural considerations, landscaping, site improvements and exterior lighting elements as described above and provide initial commentary to the applicant regarding the proposed design. No formal action will be taken at this juncture.

**Attachments:**

Plan Set  
Site Photos



# RAINFLOW EXPRESS CAR WASH



**1 VICINITY MAP**  
Scale: Not to Scale

**SHEET INDEX:**

T-1	COVER SHEET AND SHEET INDEX
SP-1	PRELIMINARY SITE PLAN
L1.0	LANDSCAPE PLAN
A1.1	PRELIMINARY FLOOR PLAN
A02	CAR WASH ELEVATIONS

**SCOPE OF WORK:**

THE SCOPE OF WORK FOR THIS PROJECT IS TO CONSTRUCT A NEW ATTENDED SELF-SERVE AUTOMATED CAR WASH. THE CAR WASH WILL CONSIST OF A 130' CAR WASH TUNNEL, (26) VACUUM STATIONS AND NEW SIGNAGE.

EXISTING BUILDINGS



EXISTING BUILDINGS

PROJECT SITE

EXISTING BUILDINGS

**BUILDING DESCRIPTIONS:**

NEW CAR WASH BUILDING:	MAIN OCCUPANCY
CONSTRUCTION TYPE:	V-B
USE GROUP:	B
AREA (GROSS)	4,462 SQ. FT.
HEIGHT:	29 FEET A.F.F.

**PROJECT DATA:**

LOCATION: 1415 BADGER FLAT ROAD  
LOS BANOS, CALIFORNIA 93635

ZONING: C-2

PROPOSED LOT AREA: ±55,421 SQ. FT. (1.27 AC)

**OWNER:**

RAINFLOW DEVELOPMENT, LLC  
1950 CABRAL PLACE  
MANTECA, CALIFORNIA 95337  
(925) 960-3797  
CONTACT: GARY GREWAL



ARCHITECT  
NJ ASSOCIATES  
233 HYPHEN STREET, SUITE #1  
LOS ANGELES, CA 90048  
213-460-0707  
www.njaarchitect.com

CLIENT  
RAINFLOW DEVELOPMENTS LLC  
1750 MIDVA PLACE  
ARLINGTON, CA 95927

PROJECT  
RAINFLOW CAR WASH  
1415 BADGER FLAT ROAD  
LOS BANOS, CA 93635

ARCHITECTS STAMP



REVISIONS

No.	Description	Date	By

Project No.:  
Drawn By:  
Checked By:

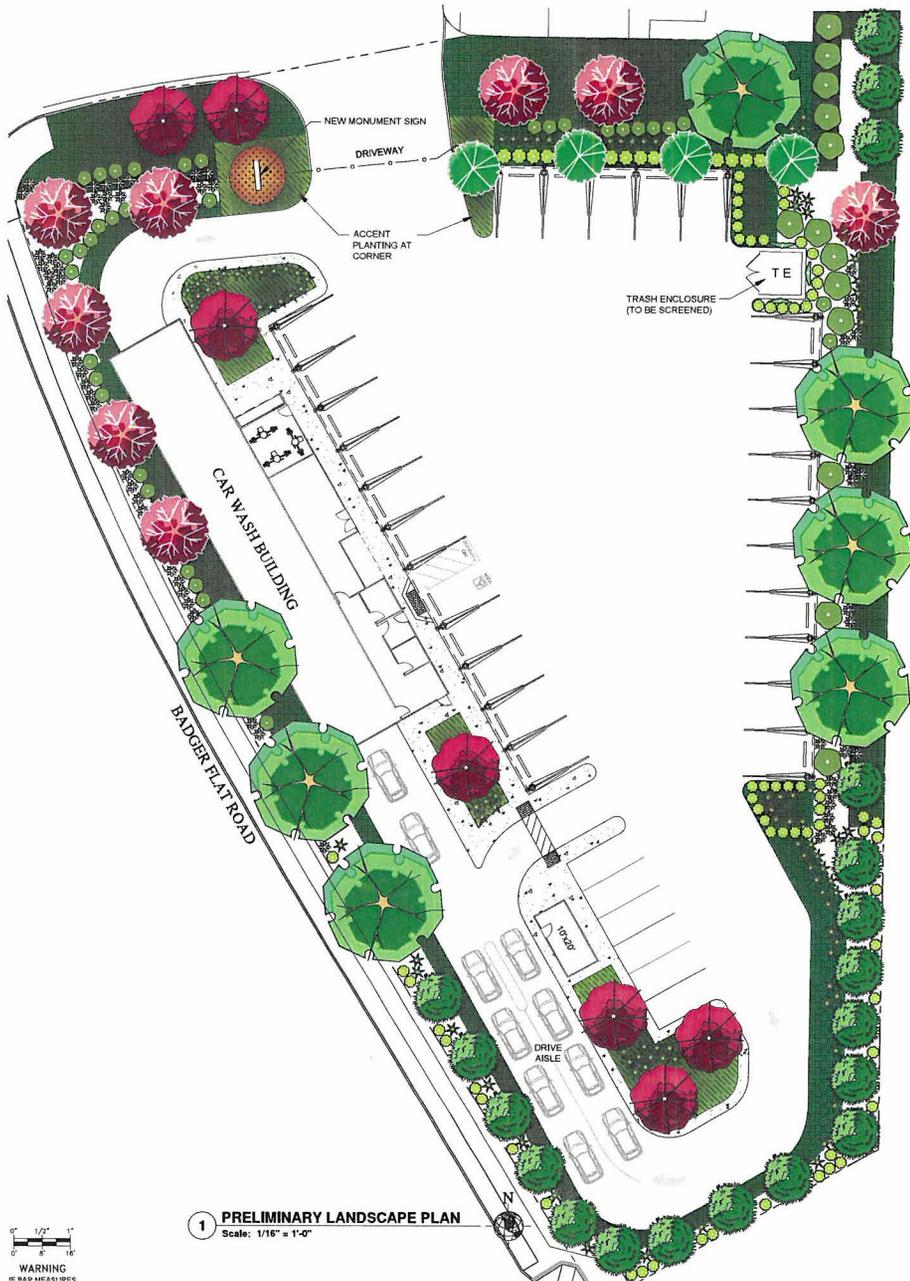
SITE APPROVAL  
05.13.19

COVER SHEET AND SHEET  
INDEX



WARNING  
IF BAR MEASURES  
1" THEN DRAWING  
IS TO SCALE





**1 PRELIMINARY LANDSCAPE PLAN**  
Scale: 1/16" = 1'-0"

**PLANT SCHEDULE**

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	WUCOLS	
	7	<i>Acer rubrum</i> / Red Maple	15 gal	Medium	
	19	<i>Calocedrus decurrens</i> / Inceuse Cedar	15 gal	Low	
	7	<i>Cercis canadensis</i> 'Forest Pansy' TM / Forest Pansy Redbud	15 gal	Low	
	8	<i>Lagerstroemia</i> x 'Cherokee' / Crape Myrtle Red	15 gal	Low	
	4	<i>Pyrus calleryana</i> 'Chanticleer' / Chanticleer Pear	15 gal	Moderate	
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	CONT	WUCOLS	
	99	<i>Callistemon viminalis</i> 'Little John' / Dwarf Weeping Bottlebrush	5 gal	Low	
	100	<i>Dietya</i> x 'Orange Drop' / Orange Drop Forsythia	1 gal	Low	
	80	<i>Grevillea</i> x 'Noellii' / Grevillea	5 gal	Low	
	13	<i>Myrica californica</i> 'Boxifolia' / Pacific Wax Myrtle	5 gal	Low	
	69	<i>Phormium</i> x 'Allison Blackman' / New Zealand Flax	5 gal	Low	
	68	<i>Raphirolepis umbellata</i> 'Eleanor Tabor' / Yedda Hawthorn	5 gal	Low	
	40	<i>Yucca</i> x 'Bright Star' / Variegated Spanish Dagger	5 gal	Low	
VINE/ESPALLER	QTY	BOTANICAL NAME / COMMON NAME	CONT	WUCOLS	
	18	<i>Magnolia grandiflora</i> 'Little Gem' Espallier / Dwarf Southern Magnolia	5 gal	moderate	
GROUND COVERS	QTY	BOTANICAL NAME / COMMON NAME	CONT	WUCOLS	SPACING
	1,995	<i>Carex pansa</i> / Sanddune Sedge	flat	Low	18" o.c.
	380	<i>Helictotrichon sempervirens</i> / Blue Out Grass	1 gal	Low	30" o.c.
	111	<i>Myoporum parvifolium</i> / Trailing Myoporum	1 gal	Low	96" o.c.
	29	<i>Rosa</i> x 'Peach Drift' / Drift Rose	1 gal	Moderate	36" o.c.

**Water Efficient Landscape Worksheet**

HYDROZONE/PLANTING DESCRIPTION	PLANT FACTOR (PF)	IRRIG. METHOD	IRRIG. EFFICIENCY (IE)	ETAF (PF/IE)	LANDSCAPE AREA (Sq. Ft.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU)	
<b>REGULAR LANDSCAPE AREA</b>								
LOW WATER USE PLANTS	.3	DRIP	.81	.37	21,856	8,087	342,173 GAL.	
MODERATE WATER USE PLANTS	.5	DRIP	.81	.62	656	407	12,188 GAL.	
<b>TOTALS</b>						(A) 22,512	(B) 8,494	
							ETWU Total	254,361 GAL.

Maximum Applied Water Allowance (MAWA):  $MAWA = \frac{ETWU}{(48.8) \cdot (1.62)} = \frac{(11 \cdot ETAF) \cdot (Landscaped Area)}{(45 \times 22,512)} = \frac{(11 \cdot 8,494) \cdot 550}{1,012,560} = 0.46$

Estimated Total Water Use (ETWU):  $ETWU = (ETAF) \cdot (Conversion Factor) \cdot (ETAF) \cdot (Area) = (8.494) \cdot (1.62) \cdot 22,512 = 303,365$  GALLONS

$ETWU = (ETAF) \cdot (Conversion Factor) \cdot (ETAF) \cdot (Area) = 8.494 \cdot 1.62 \cdot 22,512 = 303,365$  GALLONS

**GENERAL NOTES**

- A soil fertility analysis report and recommendations by a certified soils analysis laboratory shall be completed prior to construction. Soil samples shall be collected after site rough grading has been completed.
- All landscape planting areas shall receive a minimum 3" layer of organic mulch top dressing.
- All trees, shrubs and groundcover shall be irrigated with a drip system, smart controller, weather sensor, etc. and shall meet City of Los Banos's Water Efficient standards/regulations.
- All new trees located within 7' of pavement or permanent structure shall have a root barrier.

**ETAF Calculations**

Regular Landscape Areas	
Total ETAF x Area	(B) 8,494
Total Area	(A) 22,512
Average ETAF	(B/A) .38

Note:  
1. Average ETAF for Regular Landscape Areas must be below .35 for residential areas and .45 for non-residential areas.

**ARCHITECT:**  
NJA ASSOCIATES  
2520 PINE STREET, STE 41  
LOS ANGELES, CA 90029  
213-463-0000  
www.njaarch.com

**CLIENT:**  
RAINFLOW DEVELOPMENTS LLC  
1750 AMARILLO BLVD  
BARKLEY, CA 95020

**PROJECT:**  
RAINFLOW CAR WASH  
1415 MADISON (1415) RD  
LOS BANOS, CA 93605

**ARCHITECT'S STAMP**

**REVISIONS**

No.	Description	Date	By

Project No.:  
Drawn By:  
Checked By:

**SITE APPROVAL**  
05.13.19

**LANDSCAPE PLAN**

L 1.0



ARCHITECT  
 NJA ASSOCIATES  
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 916-881-0000  
 www.njaarch.com

CLIENT  
 RAINFLOW DEVELOPMENTS LLC  
 1700 MARINA PIKE  
 SAN DIEGO, CA 92107

PROJECT  
 RAINFLOW CAR WASH  
 1415 MARSHFIELD ROAD  
 LOS ANGELES, CA 90015



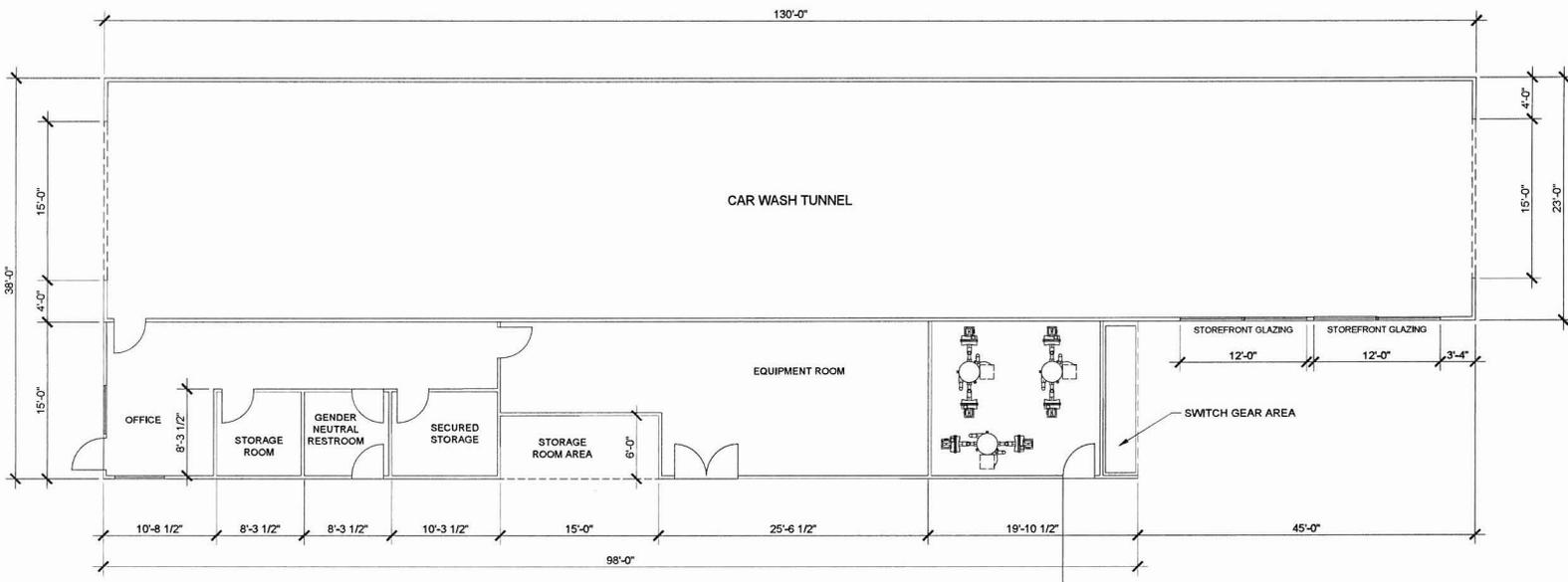
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Project No.:  
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SITE APPROVAL  
 05.13.19

PRELIMINARY FLOOR PLAN

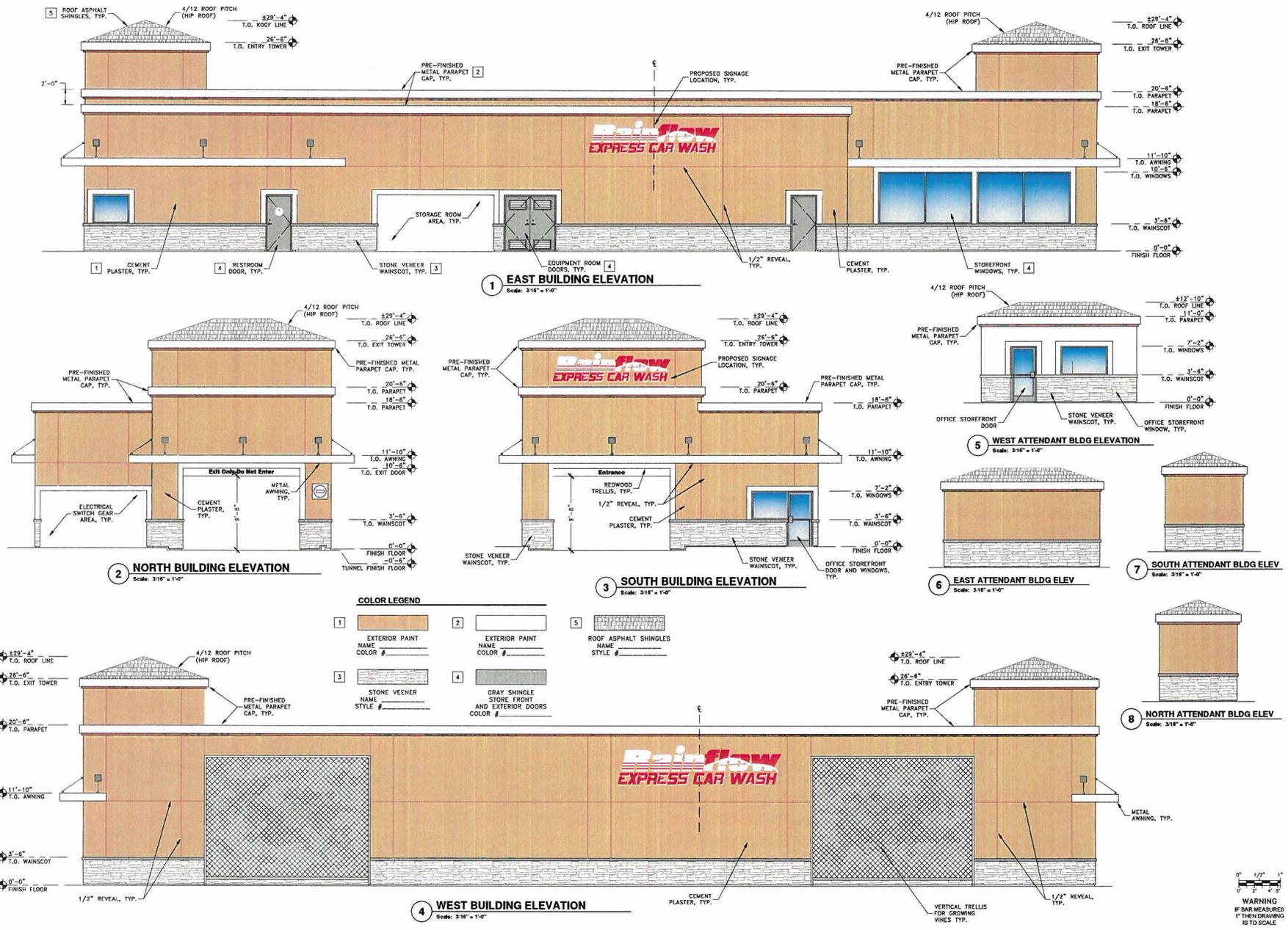
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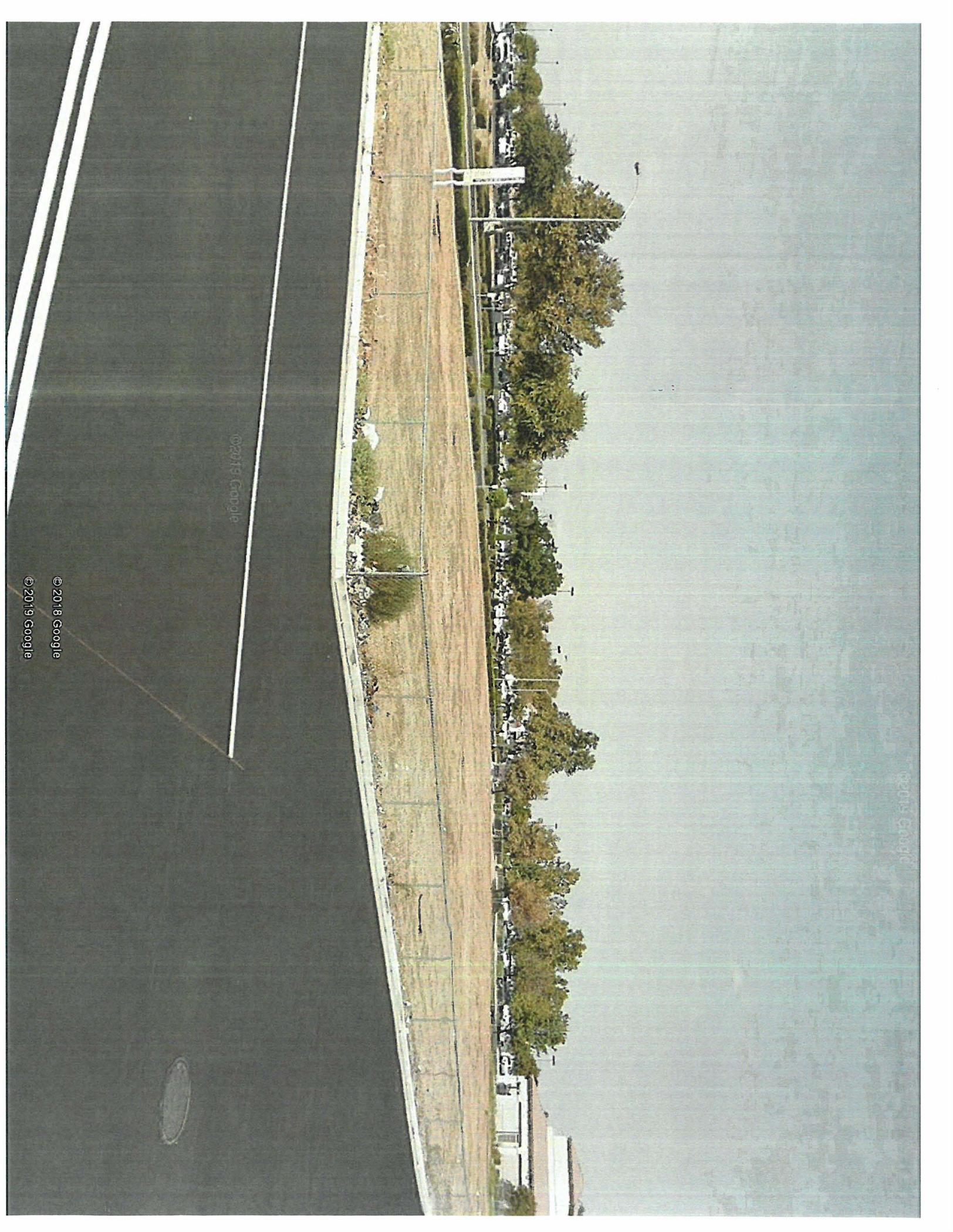
1 PRELIMINARY FLOOR PLAN  
 Scale: 3/16" = 1'-0" N

TOTAL BUILDING AREA = 4,462 SQ. FT.

0" 1/2" 1"  
 0' 2' 4' 6'  
 WARNING  
 IF DIM MEASURES  
 1" THEN DRAWING  
 IS TO SCALE







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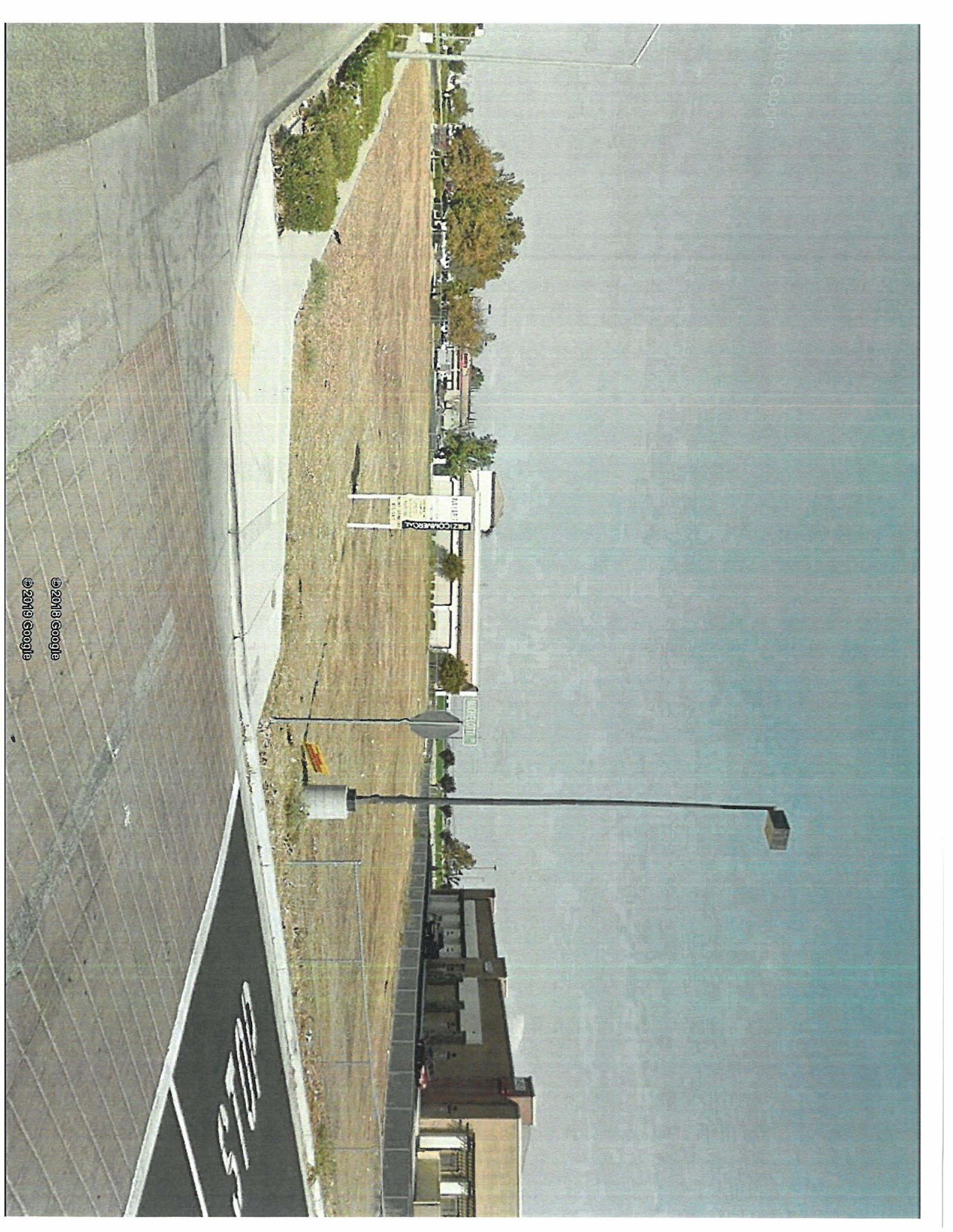
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