



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, OCTOBER 9, 2019

If you require special assistance to attend or participate in this meeting, please call the Planning Secretary @ (209) 827-7000 ext. 2431 at least 48 hours prior to the meeting.

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

Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria del Departamento de Planificación al (209) 827-7000 ext. 2431 a lo menos de 48 horas previas de la junta.

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

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the meeting and in the Community & Economic Development Department's office located at City Hall, 520 J Street, Los Banos, California during normal business hours.

In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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.

1. CALL TO ORDER **7:00 PM**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: (Planning Commission Members)
Cates __, Dees __, Giuliani __, Higby __, 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 SEPTEMBER 11, 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 SEPTEMBER 25, 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 Conditional Use Permit and Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15332 In-Fill Development Projects to Allow the Use of a Type 41 Alcohol License for the On-Sale of Beer and Wine in Conjunction with a Bona-Fide Eating Establishment Located at 1101 F Street, More Specifically Identified as Assessor’s Parcel Number 025-152-009.

- 1) Planning Commission Resolution No. 2019-21 – Finding the Proposed Project to be Categorically Exempt from the California Environmental Quality Act Pursuant to Section 15332, In-Fill Development Projects, and Recommending Approval of Conditional Use Permit #2019-03 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 41 On-Sale Beer and Wine License at a Proposed Restaurant to be Located at 1101 F Street, More Specifically Identified as APN: 025-152-009.

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 Site Plan Review #2017-03 for the Installation of One (1) Modular Structure Totaling 2,208 Square and a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15311 Accessory Structures Located at 809 D Street,

More Specifically Identified as Assessor's Parcel Numbers: 025-092-001, 002, 003, and 004.

- 1) Planning Commission Resolution No. 2019-20 – Approving Site Plan Review #2017-03 for the Placement of One (1) 2,208 Square Foot Modular Structure along with Site Improvements within the Low-Density Residential (R-1) Zoning District and a Categorical Exemption from the California Environmental Quality Act Pursuant to Section 15311, Accessory Structures, Located at 809 D Street, More Specifically Identified as Assessor's Parcel Numbers: 025-092-001,002,003, and 004.

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 – MODIFICATION OF THE EXTERIOR OF AN EXISTING MULTI-TENANT COMMERCIAL BUILDING TOTALLING APPROXIMATELY 3,540 SQUARE FEET LOCATED IN THE HIGHWAY-COMMERICAL (H-C) ZONING DISTRICT AT 25 W. PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 026-061-018.

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. Toscano
12. ADJOURNMENT.

APPEAL RIGHTS AND FILING PROCEDURES

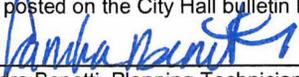
Any person dissatisfied with an act or determination of the Planning Commission may appeal such act or determination to the Planning Commission by filing written notice with the Planning Commission Secretary not later than five (5) business days (excluding holidays) after the day on which the act or 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 4th day of October 2019

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 11, 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 Dees.

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

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn (arrived at 7:31 p.m.), Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Planning Technician Sandra Benetti.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Giuliani, seconded by Dees 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 AUGUST 28, 2019. Motion by Higby, seconded by Giuliani 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.

Chairperson Cates announced that City Attorney Vaughn has recused himself from the upcoming public hearing item due to a conflict of interest and will return to the Council Chambers for the final public hearing item.

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND A MOBILE FOOD VENDOR PERMIT #2019-07 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE COMMERCIAL PROPERTY FOR JANA NAIRN DBA THE TRI-TIPERY LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1155 PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 026-280-007. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation, and noted that one comment letter of opposition was received which was distributed to the Commissioners and read into the record.

Commissioner Dees inquired if it is normal to have vague wording regarding the hours of operation.

Associate Planner Luquin stated that he reached out to the applicant regarding their hours of operation and they weren't able to specify particular hours/days at this time.

Commissioner Dees suggested adding a Condition of Approval to limit operations to one day a week.

Community & Economic Development Director Elms cautioned the Commission on limiting operational hours because that limitation would need to be justifiable, how she doesn't think it's reasonable to put those restrictions because it would prohibit them from expanding their operations, and stated that the existing Conditions of Approval will require them to operate within their operational statement.

Commissioner Giuliani spoke of this parking lot and inquired if this vendor would be a floating vendor going to different locations.

Associate Planner Luquin responded that the applicant hasn't disclosed how the business will operate or expand.

Community & Economic Development Director Elms stated that the applicant has a restaurant in Atwater, spoke of how they travel to other cities, and this location is just in addition to their other locations.

Commissioner Higby inquired how we can assure that litter won't be an issue per the comment letter.

Associate Planner Luquin responded that there is a Condition of Approval on the permit which addresses litter.

Chairperson Cates empathizes with the resident who submitted the comment letter, stated that this property is adjacent to commercial property, how there was no evidence presented to back up the resident's listed concerns, and how his concern might be traffic but just operating occasionally wouldn't be much of a concern.

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

Motion by Higby, seconded by Giuliani to adopt Planning Commission Resolution No. 2019-18 – Approving the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2019-07 for the Operation of a Mobile Food Vending Unit to Vend on Private Commercial Property Located at 1155 Pacheco Boulevard, More Specifically Identified as Assessor's Parcel Number: 026-280-007. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

City Attorney Vaughn arrived at 7:31 p.m. and took his seat at the staff table.

PUBLIC HEARING – TO CONSIDER AND MAKE A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO AMEND CHAPTER 3, TITLE 9, ARTICLE 34 OF THE LOS BANOS MUNICIPAL CODE RELATED TO DENSITY BONUS. ASSOCIATE PLANNER LUQUIN PRESENTED THE STAFF REPORT, WHICH INCLUDED A POWERPOINT PRESENTATION, AND NOTED THAT ONE COMMENT LETTER WAS RECEIVED. Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Commissioner Dees inquired if this is project based and if it is approved by the Planning Commission.

Community & Economic Development Director Elms responded that the ordinance and law is clear that it is a case-by-case basis.

Commissioner Dees inquired if each project would come to the Planning Commission on a case-by-case basis.

City Attorney Vaughn responded that the developer chooses the concession they want, they back it up by the cost reduction, the underlying entitlement would come forward with the density bonus, if the Planning Commission is the approving body for the underlying entitlement then the Planning Commission is the approving body on the concession or density bonus, and the same goes for the City Council, the discretion is very narrow on denial and specific findings have to be made, and stated that associated fees will need to be studied and adopted at a later time.

There was discussion among Commissioners and staff regarding how income levels are defined.

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

Motion by Dees, seconded by Giuliani to adopt Planning Commission Resolution No. 2019-19 – Recommending to the City Council Adoption of an Ordinance of the City

Council of the City of Los Banos Amending and Restating Article 34 Chapter 3 of Title 9 of the Los Banos Municipal Code Regarding Density Bonuses and Other Affordable Housing Development Incentives. The motion carried by the affirmative action of all Planning Commission Members present; Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked the Commission for being present so we can hold this meeting, spoke of how an item was discussed regarding Planning Commission attendance and terms during the last City Council meeting, how the City Council directed staff to reduced seats from 7 to 5 seats, how staff is currently drafting the ordinance language, how there will be district representation as 4 year terms and run concurrent with the appointing City Council Member, how the Commissioners expiring in 2019 will have terms extended to 2020 to run with the election, how there will be a more specific absence policy as well, how there was a retail recruitment presentation at the last City Council meeting, how Marshalls opened last week as well, how we have some great retail matches that will be coming forward for new commercial development, and how there are a several folks doing their due diligence for upcoming construction projects.

Chairperson Cates inquired if there was any news on the parking easement with Union Pacific and the Savemart Center parking lot.

Community & Economic Development Director Elms did not have an update on the status, but stated that this property just sold and believes that it will still happen.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff and counsel for putting together this ordinance.

DEES: Spoke of how the Rotary Club will have a fundraiser breakfast during the street fair on Saturday morning and how Nana Steph will be at the street fair as well.

GIULIANI: Thanked staff and counsel for their great work and commented how new housing standards will be good for our City.

HIGBY: Thanked staff and counsel for the work done and spoke of the upcoming street fair.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 8:37 p.m. to 5:00 p.m., Wednesday, September 25, 2019 at the Los Banos Community Center located at 645 Seventh Street, Los Banos, California to Conduct a Joint Study Session with the City Council Regarding Los Banos Downtown Strategic Plan.

APPROVED:

John Cates, Chairperson

ATTEST:

Sandra Benetti, Planning Technician

**CITY OF LOS BANOS
ADJOURNED JOINT CITY COUNCIL/
PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 25, 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 Pro Tem Johnson-Santos called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 5:01 p.m.

CALL TO ORDER – PLANNING COMMISSION: Chairperson Cates called the Adjourned Joint City Council/Planning Commission Meeting to order at the hour of 5:01 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Police Chief Brizzee.

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, and Thomas Higby III; Susan Toscano absent.

STAFF MEMBERS PRESENT: City Manager Alex Terrazas, 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 Jones 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 Dees, seconded by Higby to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commissioners present; 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 THE LOS BANOS DOWNTOWN STRATEGIC PLAN.

Bruce Brubaker 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 7:17 p.m.

ADJOURNMENT – PLANNING COMMISSION: The meeting was adjourned at the hour of 7:17 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 COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER *RL*

DATE: October 9, 2019

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT #2019-03 TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR A PROPOSED RESTAURANT TO BE LOCATED AT 1101 F STREET: 025-152-009

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 2019-21 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects and recommending approval of Conditional Use Permit #2019-03 to the Los Banos City Council to allow for the sale of alcohol under a Type 41 on-sale beer and wine license for a proposed restaurant to be located at 1101 F Street, APN: 025-152-009.

PROJECT BACKGROUND/DESCRIPTION:

The applicant, Juan C. Bustillos, has requested a Conditional Use Permit to allow the sale of beer and wine for on-site consumption contingent upon a Type 41 alcohol license in conjunction with a bona fide public eating place (casual restaurant) to be located at 1101 F Street.

The proposed restaurant/ eating establishment will conduct business seven (7) days a week, Monday through Friday from 9:00 a.m. until 9:00 p.m. and will be open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m. The on-site beer and wine consumption will cease when the restaurant closes at 9:00 p.m.

The property is located within the General 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 12 General Commercial Zoning District (C-1).

LOCATION AND ACCESS:

The project site is located at 1101 F Street, Assessor's Parcel Number: 025-152-009. The project site is located within the General Commercial Zoning District (C-1) and consists of various commercial uses. The project site will be able to be accessed from F Street and San Juan Avenue.



LAND USE:

| Property | Land Use | Zone | General Plan |
|--------------|--------------------------|------|--------------|
| Project site | Commercial | C-1 | I |
| North | High Density Residential | R-3 | MDR |
| South | Commercial | C-1 | I |
| East | Commercial | C-1 | I |
| West | Commercial | C-1 | I |

C-1 =General Commercial
 R-3=High Density Residential

I=Industrial
 MDR=Medium 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 15332, In-Fill Development Projects. The applicant's request for the on-sale of beer and wine for a bona fide public eating place involves the permitting and licensing of a proposed structure to be located at 1101 F Street, APN 025-152-009.

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 and wine, 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, the 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 will be a casual family eating establishment/ restaurant (dine-in).
2. The surrounding area, adjacent uses, and function are primarily Commercial uses and residential. A restaurant providing for the on-sale and serving of beer and wine in this location is consistent with the commercial uses of the General 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 and wine at this location.

4. The approval of the on-sale of beer and wine 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 entitlement will include conditions of approval which will regulate the operational characteristics of allowing the serving of beer and wine 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 F Street which is primarily occupied by commercial and residential 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 residential units located to the north of the project site. The applicant will serve beer and wine for on-site consumption Monday through Friday from 9:00 a.m. until 9:00 p.m. and will open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m., when the restaurant 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 41 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:

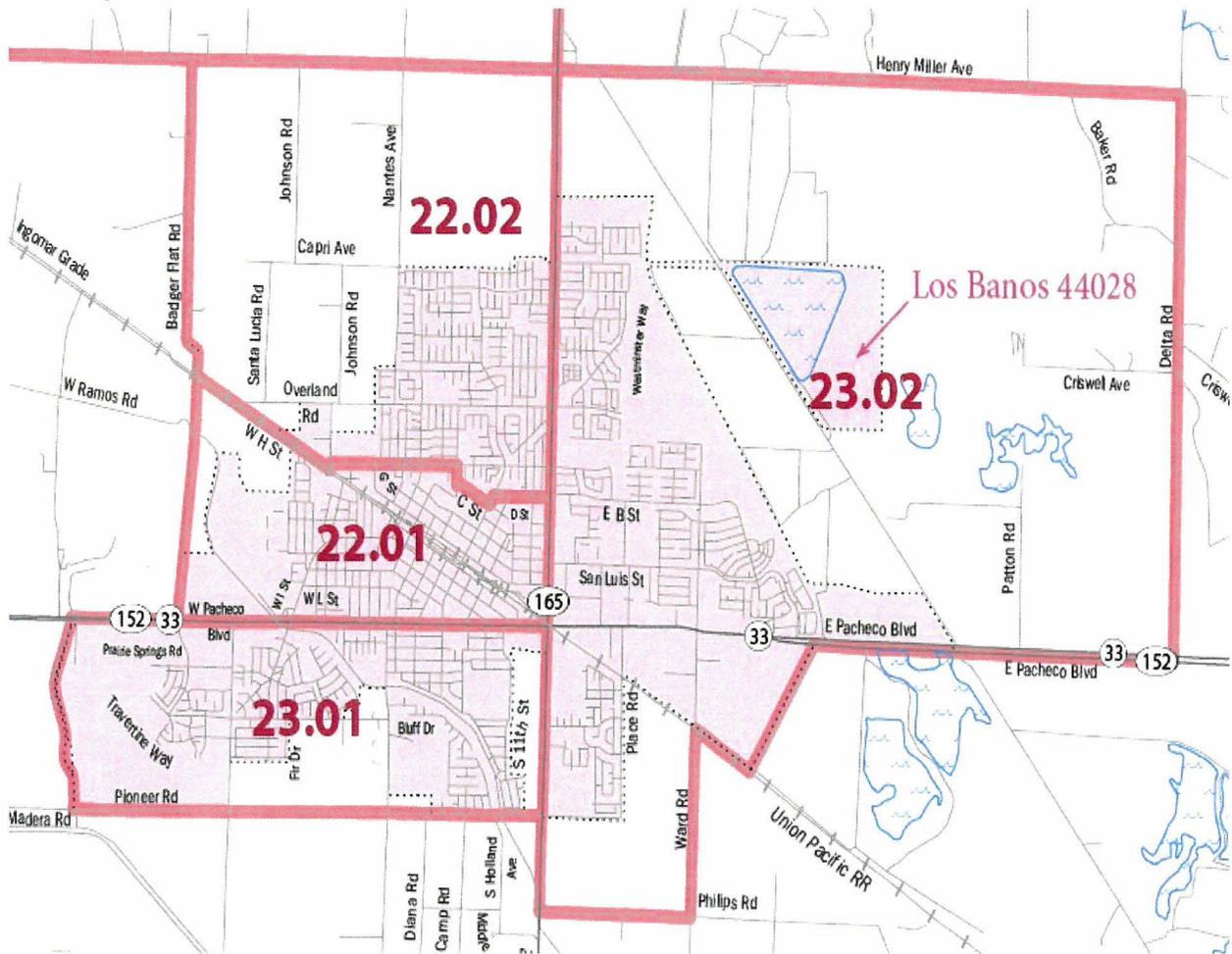
- a) Restrictions as to hours of sale
- b) Display of signs

- 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 22.01.



As of the date of this report, there are eleven (11) 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 The Quail Wine Bistro located a block away south west of the project site, approximately 780 feet away. Approval of this on-sale license would make the twelfth (12) on-sale license.

| License Type | Business Name | Address |
|--------------|---------------------------|----------------------|
| 41 | Jesus' Mexican Restaurant | 631 H St., Ste A |
| 41 | Me N Ed's Pizzeria | 846 W. Pacheco Blvd. |

| | | |
|----|---|-----------------------|
| 41 | Cecilia's Market & Deli | 455 H St. |
| 41 | The 6 th Street Diner | 925 Sixth St. |
| 41 | Tacos El Grullense Jal | 1024 E. Pacheco Blvd. |
| 47 | M & M Restaurant | 400 Pacheco Blvd. |
| 41 | Little Diamond's Pizza | 933 Sixth St., Ste B |
| 41 | La Pupusa Loca y Antojitos Mexicanos Restaurant | 651 I St. |
| 41 | Quail Wine Bistro | 936 Ninth St. |
| 47 | Wool Growers Restaurant and Tavern | 609 H St. |
| 41 | Delicia's Las Palmas Taquería y Mariscos | 502 Pacheco Blvd. |

Type 41 license = On-sale Beer and Wine for Bona Fide Public Eating Place
Type 47 license = On-sale General Alcohol for Bona Fide Public Eating Place

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 Friday, September 27, 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. 2019-21 finding the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15332, Infill Development Projects, and recommending approval of Conditional Use Permit #2019-03 to the Los Banos City Council to allow for the sale of alcohol under a Type 41 on-sale beer and wine license at proposed restaurant to be located at 1101 F Street, APN: 025-152-009.

ATTACHMENTS:

1. Resolution 2019-21
 - Exhibit A CEQA Findings
 - Exhibit B Project Findings
 - Exhibit C Conditions of Approval
2. Floor Plan
3. Site Photos
4. Public Hearing Notice – September 27, 2019

RESOLUTION NO. 2019-21

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 15332, IN-FILL DEVELOPMENT PROJECTS AND RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2019-03 TO THE LOS BANOS CITY COUNCIL TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE AT A PROPOSED RESTAURANT TO BE LOCATED AT 1101 F STREET, APN: 025-152-009.

WHEREAS, the applicant, Juan C. Bustillos, has requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with a bona-fide public eating place to be located at 1101 F Street, Assessor's Parcel Number: 025-152-009; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on Friday, September 27, 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 Wednesday, October 9, 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 conformance 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 #2019-03 for Juan C. Bustillos was determined to be categorically exempt from the provisions of CEQA per Article 19, Section 15332, In-Fill Development Projects as the project site has not been developed; 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 15332, In-Fill Development Projects and recommends the approval of Conditional Use Permit #2019-03 to the Los Banos City Council to allow the on-sale of beer and wine in conjunction with a bona-fide public eating place, Type 41, located at 1101 F Street, APN: 025-152-009, 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 9th day of October 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 #2019-03 – JUAN C. BUSTILLOS

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 #2019-03 was evaluated and determined to be categorically exempt per Article 19, Section 15332, In-Fill Development Projects as the request for the on-sale of beer and wine involves the permitting and licensing of a proposed commercial structure to be located at 1101 F Street, APN 025-152-009.
2. Conditional Use Permit #2019-03 was adequately noticed on Friday, September 27, 2019, for consideration at a public meeting on Wednesday, October 9, 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 #2019-03 – JUAN C. BUSTILLOS

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 Industrial, which allows primary manufacturing, R & D, wholesale and warehouse distribution, agricultural sales and services, and similar activities including those with outdoor facilities. The Industrial land use designation also accommodates warehousing and distribution, with support commercial services and ancillary office space. No large-scale retail uses are allowed to minimize land use conflicts and provide support for commercial areas.

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: Juan C. Bustillos 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 create a commercial use that is compatible with and complementary of existing commercial uses and existing residential uses adjacent to the project site. In addition, the project would also be consistent with the General Plan land use policies as set forth above.

- b. The zoning designation for the project site is General Commercial (C-1). The purpose of the General Commercial Zoning District is

to provide a district for the sale of goods and services which meet the needs of a broad trade area.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 12, General Commercial Zoning District, 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 and wine is permitted in this zone.

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 and wine 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 a proposed commercial structure to be located at 1101 F Street. The project site is zoned General 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 and wine will be a restaurant. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently eleven (11). The project site will function primarily as commercial in nature, and is entirely consistent with a restaurant and the on-sale and serving of beer and wine. The proposed on-sale of beer and wine is complementary to the proposed 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 and wine 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 and wine 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 north of the project site. The applicant will serve beer and wine for on-site consumption Monday through Friday from 9:00 a.m. until 9:00 p.m. and will open on Saturday and Sunday from 10:00 a.m. until 9:00 p.m., when the restaurant 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.

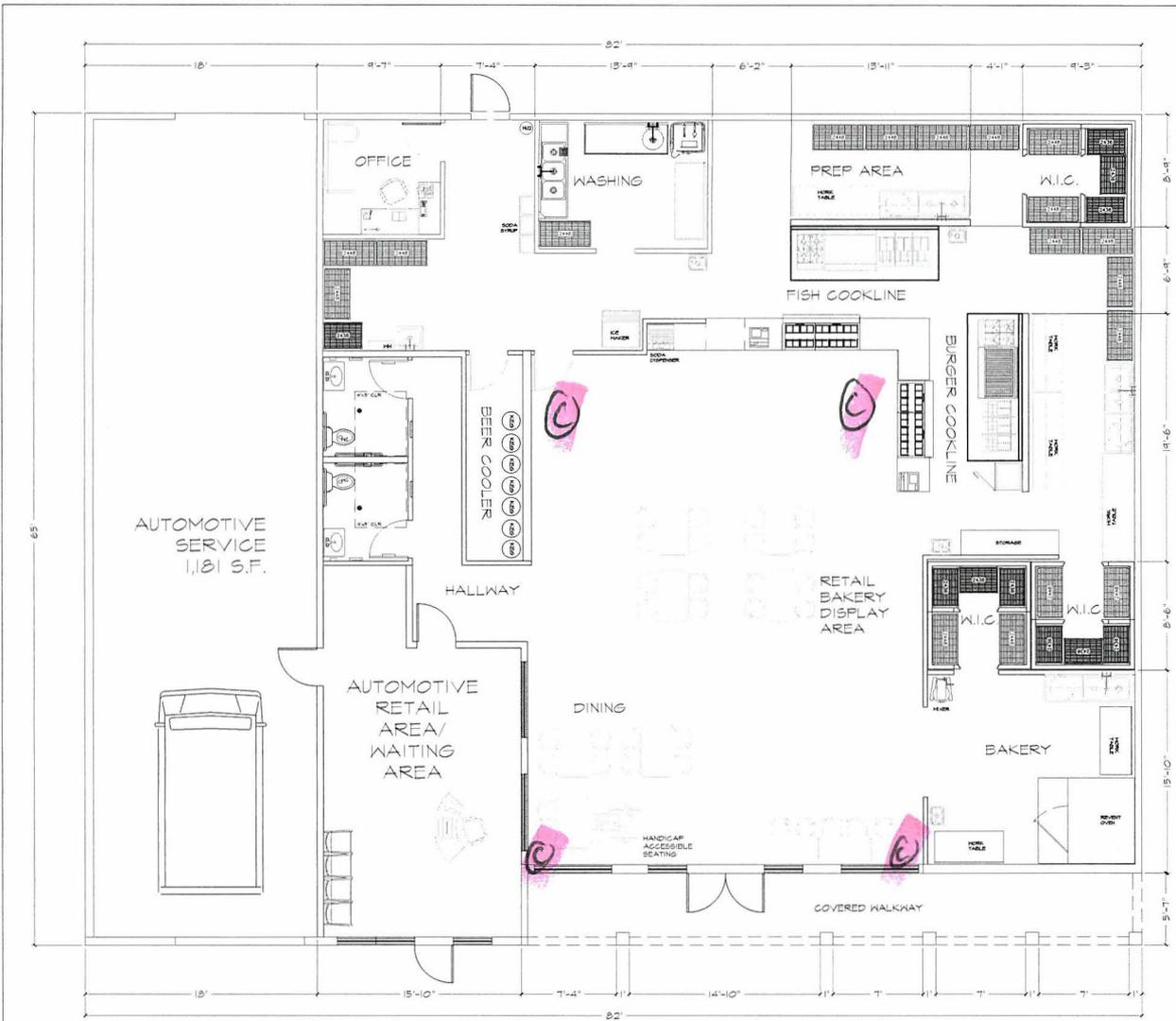
EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2019-03 – JUAN C. BUSTILLOS

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 2019-03 is for Juan C. Bustillos, for a proposed restaurant to be located at 1101 F Street, Assessor's Parcel Number: 025-152-009 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 41 "on-sale of beer and wine 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 restaurant/ eating establishment 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 and wine shall be ancillary to the primary use as a restaurant/ eating establishment.
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.**



Camelina

A PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

OCCUPANT LOAD TABLE

| ROOM NAME | AREA | OCC | OCCUPANT LOAD FACTOR | # OCC. | REQ'D EXIT WIDTH |
|-----------------------|--------------|-----|----------------------|-----------|------------------|
| KITCHEN/PANADERIA | 1981 | B | 1.200/SERV | 10 | 36" |
| RETAIL/BAKERY DISPLAY | 250 | B | 1.500/RETAIL | 5 | 36" |
| DINING AREA | 354 | A-2 | 1.50/DINING | 12 | 36" |
| WAITING AREA | 40 | B | 1.50/WAITING | 3 | 36" |
| AUTO RETAIL AREA | 391 | B | 1.200/RETAIL | 2 | 36" |
| AUTO REPAIR SHOP | 540 | SI | 1.200/SERVICE | 5 | 36" |
| AUTO REPAIR/STORAGE | 630 | SI | 1.500/STOR. | 2 | 36" |
| PUBLIC ADA RESTROOM | 150 | B | ACCESSORY | 0 | 36" |
| TOTAL | 5,025 | | | 37 | |

B OCCUPANT LOAD CALC'S
SCALE: N.A.

OFFSITE PARKING REQUIREMENTS

| ROOM NAME | AREA | OCC | PARKING REQ'T FACTOR | PARKING REQ'T |
|-----------------------|--------------|-----|----------------------|---------------|
| KITCHEN/PANADERIA | 1981 | B | 1.400/SERV | 5 |
| RETAIL/BAKERY DISPLAY | 250 | B | 1.500/RETAIL | 2 |
| DINING AREA | 354 | A-2 | 1.50/DINING | 6 |
| WAITING AREA | 40 | B | 1.50/WAITING | 2 |
| AUTO RETAIL AREA | 391 | B | 1.500/RETAIL | 1 |
| AUTO REPAIR SHOP | 500 | SI | 1.500/SERVICE | 1 |
| AUTO REPAIR/STORAGE | 670 | SI | 1.500/STOR. | 1 |
| PUBLIC ADA RESTROOM | 150 | B | ACCESSORY | 0 |
| TOTAL | 4,481 | | | 18 |

C PARKING REQUIREMENTS
SCALE: N.A.

Revisions

| | |
|--|--|
| | |
| | |

Proposed Commercial Development;
Tellez Plaza
 1101 F Street
 Los Banos, Calif. 95635

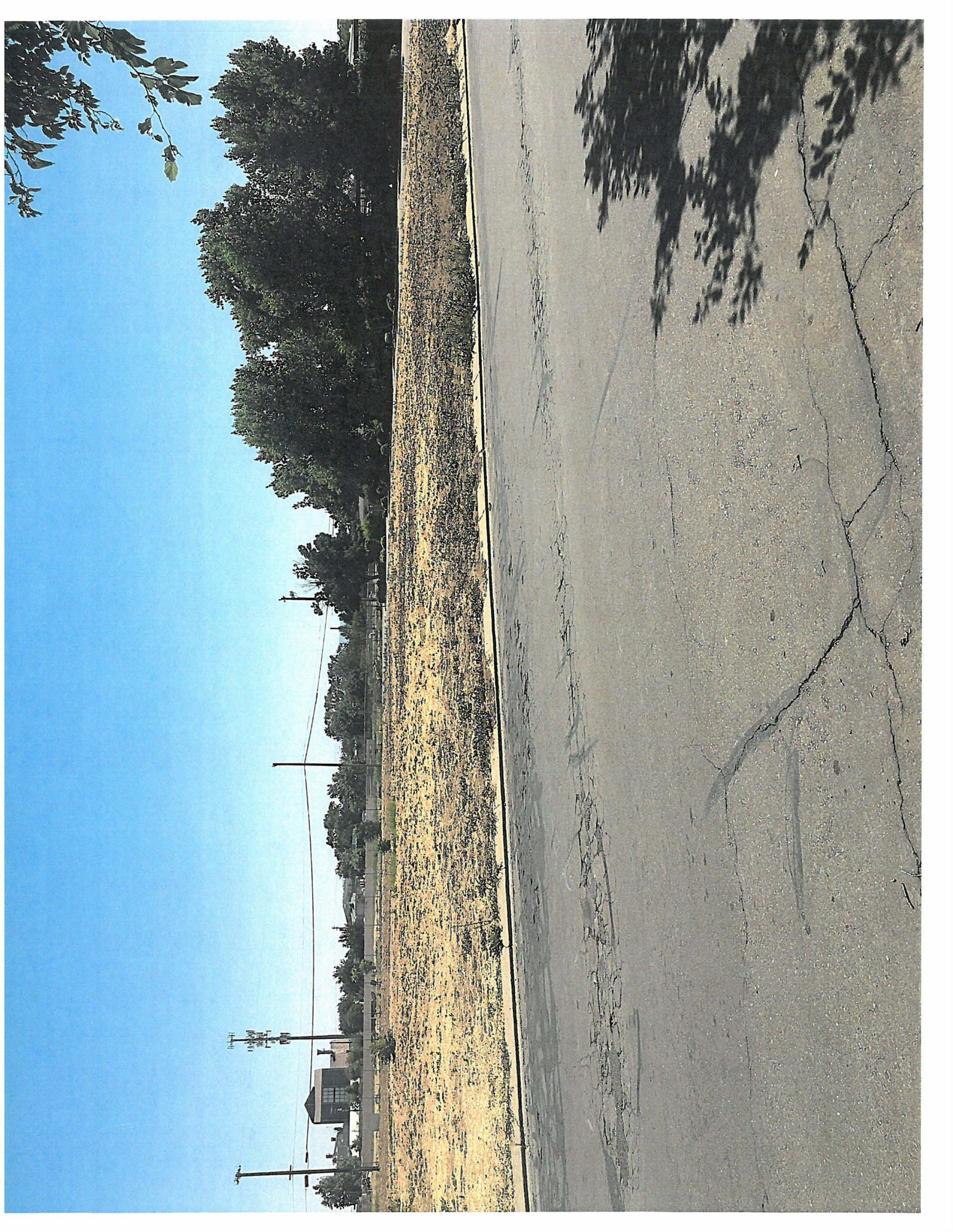
J.M. PEREZ
 design and consulting
 2348 Redwood Road
 Hughson, Calif. 95326
 phone: (209) 345-9383
 e-mail: jperzarch@gmail.com

Job No. _____ Date _____
 Job No. _____ Checked By _____
REVISIONS
 No. _____ Description _____ Date _____ Check _____

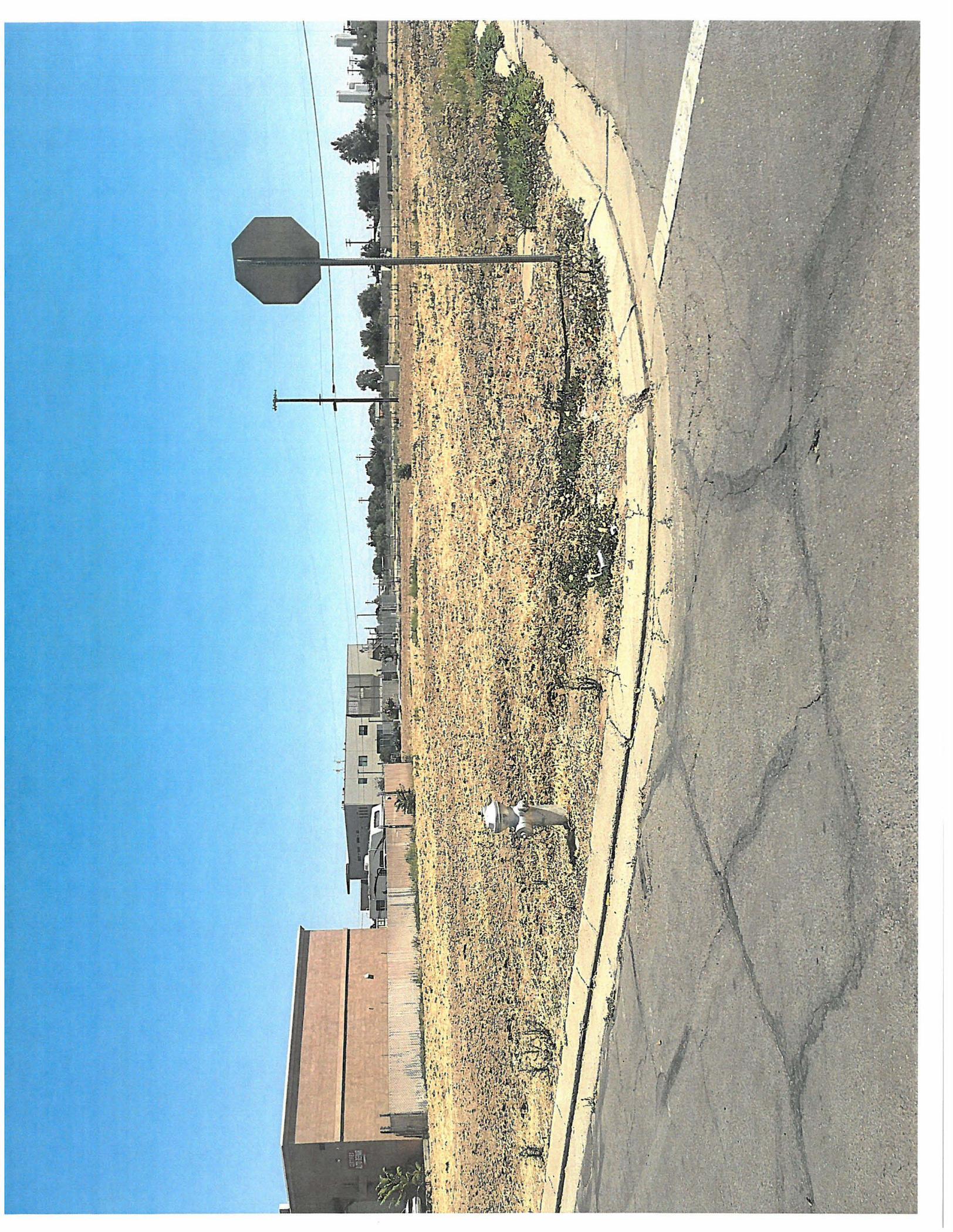
PROPOSED FLOOR PLAN
 EXISTING FLOOR PLAN

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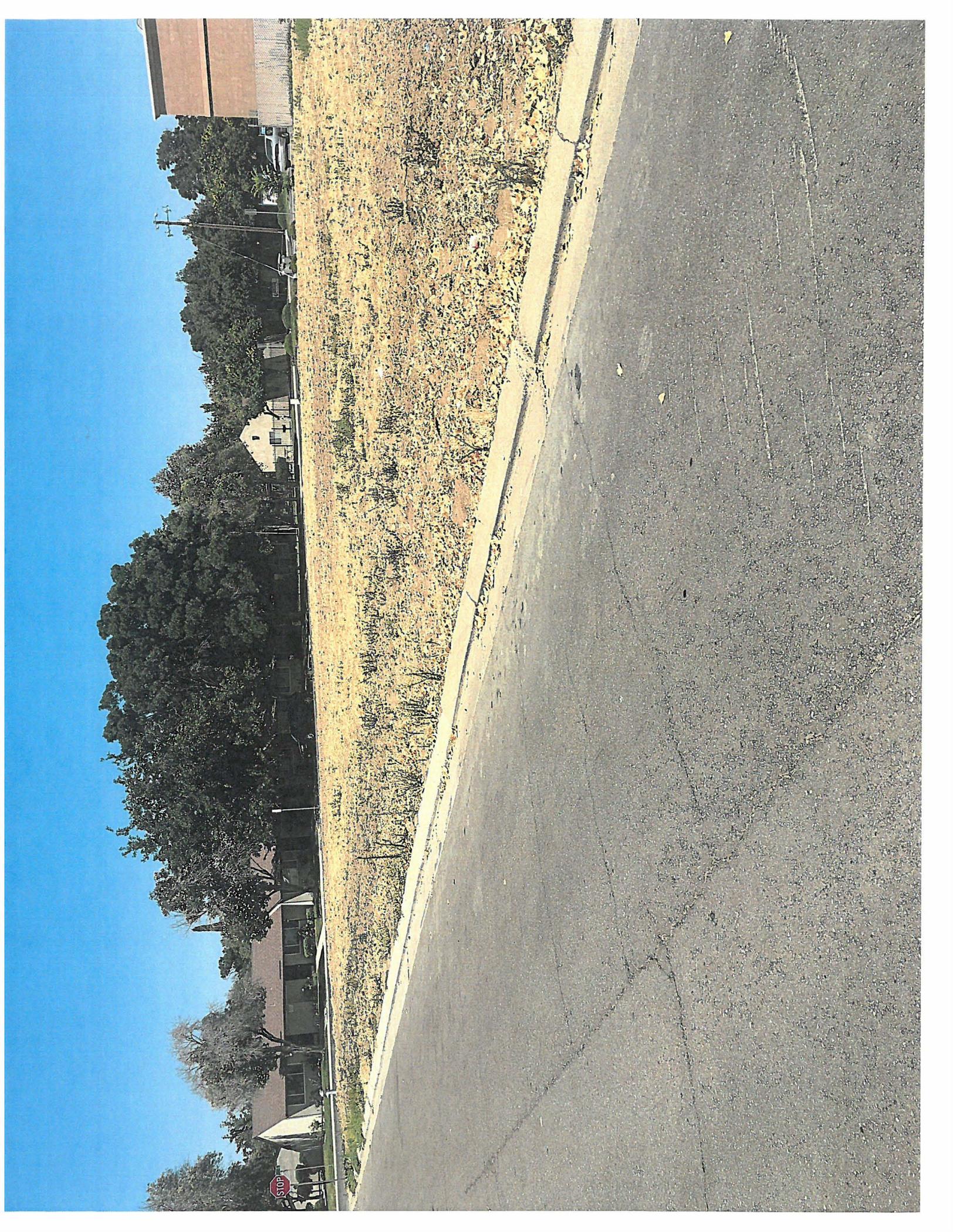
THESE DRAWINGS ARE THE INSTRUMENT OF SERVICE AND ARE THE PROPERTY OF JOSE M. PEREZ. ANY USE, REUSE OR DISCLOSURE OF SAID PLANS IS PROHIBITED WITHOUT EXPRESSED WRITTEN PERMISSION OF JOSE M. PEREZ.













City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 27, 2019

Regarding: Notice of Public Hearing

Proposal: Conditional Use Permit #2019-03 – Type 41 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 15332 In-Fill Development Projects to allow the use of a Type 41 Alcohol License for the on-sale of beer and wine in conjunction with a bona-fide eating establishment. The requested Conditional Use Permit is for a proposed restaurant to be located at 1101 F Street, more specifically identified as Assessor's Parcel Number 025-152-009.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, October 9, 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: OCTOBER 9, 2019

SUBJECT: SITE PLAN REVIEW #2017-03 – FIRST BAPTIST CHURCH

RECOMMENDATIONS:

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

1. Approve Resolution No. 2019-20, approving Site Plan Review #2017-03 for the placement of one (1) modular structure along with site improvements within the Low Density Residential Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures. The proposed project site is located at 809 D Street; more specifically identified as Assessor's Parcel Numbers: 025-092-001,002, 003, and 004.

PROJECT DESCRIPTION:

On March 8, 2017, the City of Los Banos Community and Economic Development Department received an application in request for a Site Plan Review entitlement from the applicant First Baptist Church. When staff reviewed the application, it was determined to be incomplete as staff requested a further detailed plan set for the project and as the proposed modular structure still needed to be approved, certified and registered by the state of California Department of Housing and Community Development (HCD). More recently, in November/ December 2018 staff was contacted by the representative for First Baptist Church, Roy Mitchell, regarding the approval, certification, and registration of the modular by HCD. Staff worked with closely Mr. Mitchell and the engineering consultants to get the modular structure approved, certified, and registered by HCD and also in facilitating City of Los Banos standards to be implemented into the proposed project. First Baptist Church is proposing to permanently place one (1) modular structure totaling 2,208 square feet and various site improvements on vacant adjoining parcels located at 809 D Street. The proposed

modular structure is proposed to serve as a Community Hall for First Baptist Church. The project site is surrounded by existing residential uses immediately to the north, east, west and to a vacant lot directly south. The proposed Community Hall is an accessory use to the existing church. The procedure for the church to have been operative within the Low Density Residential Zoning District, a Conditional Use Permit must have been obtained pursuant to the Los Banos Municipal Code Title 9, Chapter 3, and Article 6, Low Density Residential. Thus, the uses are permitted through a Conditional Use Permit. The site has historically been used for church uses. The first Use Permit to allow church uses at 809 D Street was approved on April 22, 1970. More recently, on May 25, 1977, First Baptist Church was granted a Use Permit to allow the existing church uses on the subject property.

The proposed modular structure will be an accessory structure to the church. The modular structure will be utilized as a Community Hall for First Baptist Church members. The modular structure will consist of, bathrooms, a kitchen area and the Community Hall space. .

PROJECT LOCATION:

The project site is located on four (4) adjoining parcels totaling approximately 22,498 square feet lot at 809 D Street, APN 025-152-001, 002, 003, and 004.



LAND USE:

| <u>Property</u> | <u>Land Use</u> | <u>Zone</u> | <u>General Plan</u> |
|-----------------|-------------------------|-------------|---------------------|
| Project site | Low Density Residential | R-1 | LDR |
| North | Low Density Residential | R-1 | LDR |
| South | Low Density Residential | R-1 | LDR |
| East | Low Density Residential | R-1 | LDR |
| West | Low Density Residential | R-1 | LDR |

R-1 = Low Density Residential

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an Initial Study was prepared to identify and assess potential environmental impacts as a result of this project. Through the Initial Study, staff determined that the project would not result in any significant adverse effects and the project can be categorically exempt pursuant to Section 15311, Accessory Structures.

PROJECT ANALYSIS:

Existing Setting

The proposed project site consists of four (4) adjacent parcels. The main parcel addressed 809 D Street, has an existing church structure along with a couple of storage units. The other three adjacent parcels are vacant. The project site is surrounded by existing residential uses. The zoning for the proposed project site is Low Density Residential (R-1) and the General Plan Land Use Designation is Low Density Residential (LDR). The topography of the project site is relatively flat with some vegetation throughout the vacant lot. The vegetation will be removed as part of the proposed project.

SITE PLAN REVIEW ANALYSIS:

Code Requirements

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

Project Design

The proposed project will consist of the placement of a 2,208 square foot modular building along with associated site improvements and landscaping. There is no particular design theme for the project area; however, the applicant will be continuing the existing architectural theme features from the church. The applicant has incorporated stucco walls, to match the existing church structure aesthetics and will paint the proposed modular structure with the same color pattern as the church, white body with blue trim.

The proposed building materials are going to be compatible to the existing church building implementing a unified and harmonious theme throughout the church properties.

The proposed placement of the modular structure will add value and complement the existing church properties and the church congregation.

The architecture includes detailed site plans and elevations.

The site plan is designed with 34 off-street parking spaces with one (1) designated as handicap parking. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces for the Church are 31 and 17 off-street parking spaces are required for the proposed First Baptist Church Community Hall. The proposed 34 off-street parking spaces are not sufficient in respect to the Los Banos Municipal Code Section 9-3.2004; however staff has determined that the Community Hall will not be used simultaneously with the church services. Thus the proposed total of 34 off-street parking spaces is deemed to be consistent with the Los Banos Municipal

Code Title 9, Chapter 3, and Article 20.

Land Use

The proposed project site's land use designation is Low Density Residential (LDR) in accordance with the Los Banos 2030 General Plan and is zoned Low Density Residential (R-1) in consistency with the Los Banos Municipal Code. The proposed project will prompt the First Baptist Church property to meet City of Los Banos Standards with regards to the parking lot and landscaping improvements as the current parking area is mainly gravel and some areas are not improved. Also, the proposed project is a permitted use in consistency to the Los Banos Municipal Code pursuant to Section 9-3.603, Uses permitted subject to securing Use Permits (R-1). The applicant, First Baptist Church secured a Use Permit to allow the church use at 809 D Street on May 25, 1977.

Landscape and Lighting

The project site has existing landscaping in the front of the church structure on the D Street frontage and also along the side of the church structure on the Eighth Street frontage. The existing landscaping consists of fescue grass and fifteen (15) Crape Myrtle trees. There is proposed landscaping as part of the parking lot improvements of the project which will consist of fescue grass and three (3) Crape Myrtle trees to be planted. The landscape plan was designed in consistency with the City's "Water Efficient Landscape Ordinance". Exterior lighting has been proposed as part of the projects components. The proposed exterior lighting will consist of three to four (3-4) down facing wall and flood lights. The exterior lighting also details five (5) proposed parking lot lights that meet or exceed the City of Los Banos Standards and Specifications for exterior parking lot lighting. A photometric plan has been provided by the applicant and it can be found in the attachments.

Circulation

It is not anticipated that the proposed project will affect circulation on D Street, as D Street does not presently have circulation issues. The project will aid the traffic circulation as the project proposes to have three (3) points of ingress egress, one (1) being on D Street and the other two (2) being on the alley near the rear of the parcel. The proposed project of a Community Hall for First Baptist Church will have no anticipated increase in traffic as the Community Hall will not be used simultaneously with Church Services, nor will a traffic study be required. 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.

Infrastructure/Services

Water: The City of Los Banos provides water service to 809 D Street.

Sewer: The City of Los Banos provides service to 809 D Street.

Drainage: The City of Los Banos currently provides storm water drain services.

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 August 28, 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 have suggestions regarding from the aesthetics of the proposed Community Hall. The suggestions for the proposed modular structure were to make the aesthetic make up of the existing Church structure to be simulated on the proposed modular structure with additions of trellises to break up the plainness of the wall. It was also suggested to provide examples of the exterior parking lights that will be used for the project and a photometric plan. The exact use of the building was a concern that the Planning Commission had along with staff and it was deemed that the proposed modular structure would serve as a Community/ Social Hall for First Baptist Church.

PROJECT REVIEW BOARD

The Project Review Board (PRB) reviewed the project proposal on August 28, 2019, 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 Low Density Residential, which allows single-family development on lot sizes found in more urban settings.*

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

LAND USE POLICY LU-G-1:

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

LAND USE POLICY LU-G-14:

Provide appropriate settings for a diverse range of civic, institutional, and community land uses.

Evidence/Analysis: *The project is not consistent with the General Plan, Low Density Residential land use designation, but provides a community use that is conducive and compatible with the land use designation. The proposed placement of the modular structure would be an accessory structure providing for a location for the social congregation of First Baptist Church members.*

- b. *The zoning designation for the project site is Low Density Residential (R-1). The purpose of the Low Density Residential Zoning District is to stabilize and protect the residential character of the district and promote and encourage a suitable environment for family life on a neighborhood basis.*

Evidence/Analysis: The proposed project is consistent with the permitted uses in the Low Density Residential Zoning District as a Use Permit was secured by First Baptist Church on May 25, 1977 to permit the use of a church at 809 D Street. The existing church use is consistent with the Los Banos Municipal Code pursuant to Section 9-3.603, as church uses are permitted upon obtaining a use permit. .

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 residential development and uses. The church use has been an existing use in the area since 1970. More recently First Baptist Church obtained a Use Permit in 1977 so the church use can be permitted in the Low Density Residential Zoning District. To staffs knowledge, the church use has not been a nuisance to the surrounding area nor has the church use resulted in complaints from surrounding property owners and tenants. The design of the proposed modular structure will be compatible with the existing church structure and the church will further complement the surrounding residential area as the proposed site improvements improve the area. The project will mitigate the traffic circulation as the project proposes to have three (3) points of ingress egress, one being on D Street and the other two being on the south end of the parcels near the alley. 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-1-12, 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 aesthetic design of the modular structure will be compatible to the existing church structure along with the color pattern for the structure will be white body with blue trimming The applicant incorporated the suggestions received and obtained 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: As stated earlier, the design of the proposed project will provide desirable environment for the surrounding area. Aesthetically, the project will develop and improve three (3) vacant lots; the immediate aesthetic features of the actual structure will be similar to the existing church structure. The proposed development will complement the area and the existing church use of the property and surrounding residential uses. Overall the proposed development will aesthetically be of good composition, materials, textures and colors.

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 6, Low Density Residential Zoning District pursuant to Section 9-3.603 as the existing church use was permitted with a secured Use Permit by the applicant on May 25, 1977.

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 project conforms to good planning in that the physical design elements are will not inhibit the public health safety and general welfare of the surrounding area.

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 Friday, September 27, 2019. As of the date of this report no comments have been received.

RECOMMENDATION:

1. Approve Resolution No. 2019-20, approving Site Plan Review #2017-03 for the placement of one (1) modular structure along with site improvements within the Low Density Residential Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures. The proposed project site is located at 809 D Street; more specifically identified as Assessor's Parcel Numbers: 025-092-001,002, 003, and 004.

ATTACHMENTS:

1. Resolution 2019-20
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
2. Plan Set/ Revised Plans
3. Use Permit

4. Public Hearing Notice – September 27, 2019

RESOLUTION NO. 2019-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN REVIEW #2017-03 FOR THE PLACEMENT OF ONE (1) 2,208 SQUARE FOOT MODULAR STRUCTURE ALONG WITH SITE IMPROVEMENTS WITHIN THE LOW DENSITY RESIDENTIAL ZONING DISTRICT AND A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES, LOCATED AT 809 D STREET; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS: 025-092-001,002,003, AND 004.

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 Low Density Residential pursuant to the Los Banos General Plan and is zoned Low Density Residential by the Los Banos Zoning Map, and the use of a Church is permitted in the zoning district subject to a Conditional Use Permit which was obtained in 1977; 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 15311, Accessory Structures; and

WHEREAS, a public hearing was duly noticed for Wednesday, October 9, 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 Friday, September 27, 2019 to consider and take testimony regarding Site Plan Review #2017-03; and

WHEREAS, at the Wednesday, October 9, 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 #2017-03 for the placement of one (1) 2,208 square foot modular structure along with site improvements within the Low Density Residential Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures. The proposed project site is located at 809 D Street; more specifically identified as Assessor's Parcel Numbers: 025-092-001, 002, 003, and 004, 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 9th day of October 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:

John Cates, Planning Commission Chair

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2017-03 – FIRST BAPTIST CHURCH

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 #2017-03 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 32, Section 15311 Accessory Structures as the comprehensive project qualifies as an accessory structure to the main church use of the property as determined in the Initial Study and further elaborated in the Notice of Exemption..
2. Site Plan Review #2017-03 was adequately noticed on Friday, September 27, 2019, for consideration at a public meeting on Wednesday, October 9, 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 #2017-03 – FIRST BAPTIST CHURCH

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 Low Density Residential, which allows single-family development on lot sizes found in more urban settings.*

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

LAND USE POLICY LU-G-1:

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

LAND USE POLICY LU-G-14:

Provide appropriate settings for a diverse range of civic, institutional, and community land uses.

Evidence/Analysis: The project is not consistent with the General Plan, Low Density Residential land use designation, but provides a community use that is conducive and compatible with the land use designation. The proposed placement of the modular structure would be an accessory structure providing for a location for the social congregation of First Baptist Church members.

- b. *The zoning designation for the project site is Low Density Residential (R-1). The purpose of the Low Density Residential Zoning District is to stabilize and protect the residential character of the district and promote and encourage a suitable environment for family life on a neighborhood basis.*

Evidence/Analysis: The proposed project is consistent with the permitted uses in the Low Density Residential Zoning District as a Use Permit was secured by First Baptist Church on May 25, 1977 to permit the use of a church at 809 D Street. The existing church use is consistent with the Los Banos Municipal Code pursuant to Section 9-3.603, as church uses are permitted upon obtaining a use permit. .

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 residential development and uses. The church use has been an existing use in the area since 1970. More recently First Baptist Church obtained a Use Permit in 1977 so the church use can be permitted in the Low Density Residential Zoning District. To staffs knowledge, the church use has not been a nuisance to the surrounding area nor has the church use resulted in complaints from surrounding property owners and tenants. The design of the proposed modular structure will be compatible with the existing church structure and the church will further complement the surrounding residential area as the proposed site improvements improve the area. The project will mitigate the traffic circulation as the project proposes to have three (3) points of ingress egress, one being on D Street and the other two being on the south end of the parcels near the alley. 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-1-12, 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 aesthetic design of the modular structure will be compatible to the existing church structure along with the color pattern for the structure will be white body with blue trimming The applicant incorporated the suggestions received and obtained 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: As stated earlier, the design of the proposed project will provide desirable environment for the surrounding area. Aesthetically, the project will develop and improve three (3) vacant lots; the immediate aesthetic features of the actual structure will be similar to the existing church structure. The proposed development will complement the area and the existing church use of

the property and surrounding residential uses. Overall the proposed development will aesthetically be of good composition, materials, textures and colors.

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 6, Low Density Residential Zoning District pursuant to Section 9-3.603 as the existing church use was permitted with a secured Use Permit by the applicant on May 25, 1977.*

Evidence/Analysis: *The comprehensive design of the proposed project conforms to good planning in that the physical design elements are will not inhibit the public health safety and general welfare of the surrounding area.*

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2017-03 – FIRST BAPTIST CHURCH

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. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.”
23. 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.”

24. 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.

25. 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.
26. The Project site shall include a bicycle rack for a minimum of 10% of the number of required automobile parking spaces. Size and location shall be approved by the Community and Economic Development Director.
27. 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.
28. 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.
29. All Community and Economic Development processing and application fess shall be paid in full prior to the issuance of a building permit.

Utilities and Drainage:

30. 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.

31. 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:

32. 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.

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

34. 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:

35. 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.

36. 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:

37. 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.
38. 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.
39. All rooftop mechanical equipment and appurtenances shall be screened from view from the public right-of-way and adjacent properties.

Fire Department

40. 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.
41. There shall be a permanent sign on the exterior of the fire control room stating "Fire Control Room" per City code.
42. The applicant/ property owner shall install a Full Occupancy Fire Alarm System throughout the building which shall include valve monitoring, pull stations, Audio and Visual stations and HVAC smoke detector monitoring.
43. There shall be HVAC smoke detector test and reset switches in the fire control room.
44. All fire lane curbs on the project site shall be painted.
45. There shall be a main electrical disconnect located on the exterior of the building for Fire Department use only.
46. 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.

47. 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.
48. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System
49. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.

Public Works

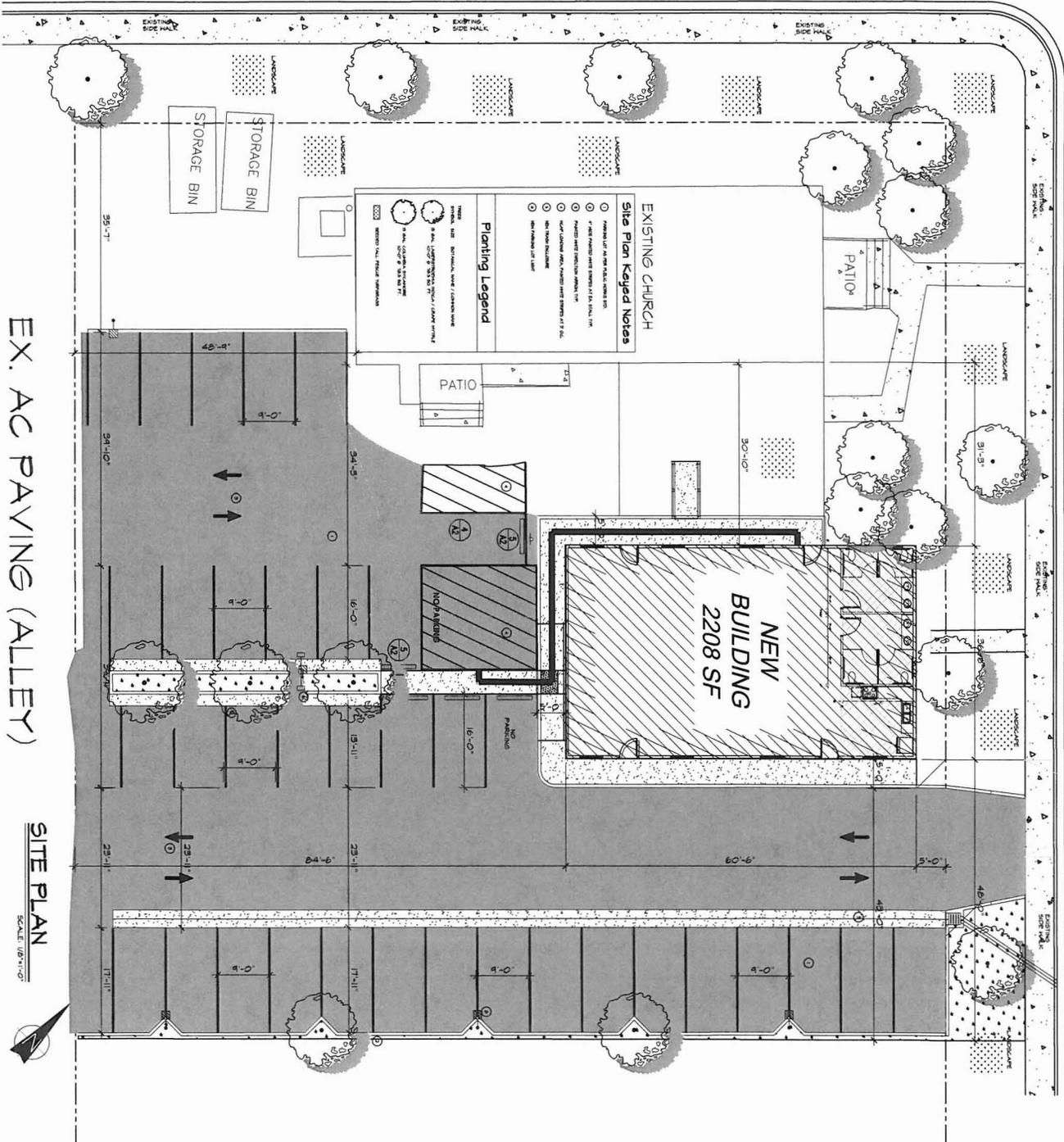
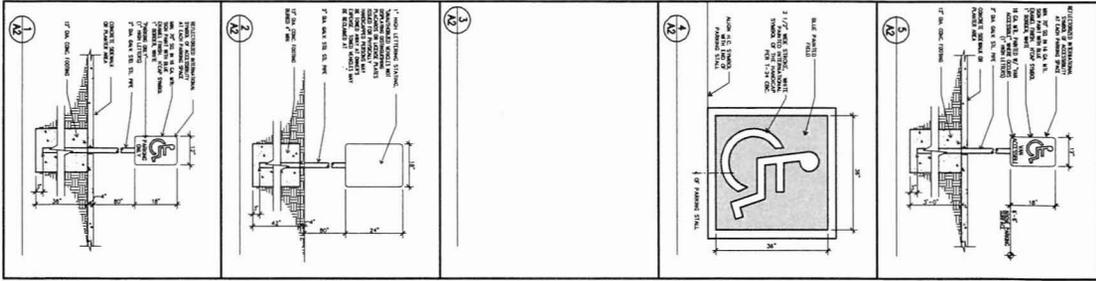
50. The developer/applicant shall prepare improvement plans (separate from the building plans) submitted to the Public Works Department for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, circulation striping and signage, landscape, site plan, on and offsite lighting (street frontage), curb gutter and sidewalk improvements, and offsite improvements. These improvements shall be installed per City of Los Banos Standards.
51. The existing water lines shall be shown on the improvement plans and the proposed building shall not be allowed to be built over the existing water line.
52. The applicant/developer shall provide a utility plan including; utility lateral locations and detail separate water lateral for domestic, landscape, and fire protections water uses pursuant City of Los Banos Standards and Specification.
53. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% tree shade canopy requirement.
54. All frontage improvement as per City standards. These improvements include undergrounding existing utilities along the streets.
55. 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.
56. 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.

57. 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.
58. 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.
59. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
60. Prior to issuance of building permit, the property owner shall process and record a lot merger of the four adjacent lots, 025-092-001, 002, 003, and 004.
61. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.
62. The applicant/developer shall install a 24 foot wide driveway pursuant to City of Los Banos Standards.
63. The applicant/ developer shall repave the alley corresponding to the entire width of the First Baptist Church property.

Police Department

64. 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.

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



EX. AC PAVING (ALLEY)

SITE PLAN
SCALE: 1/8\"/>

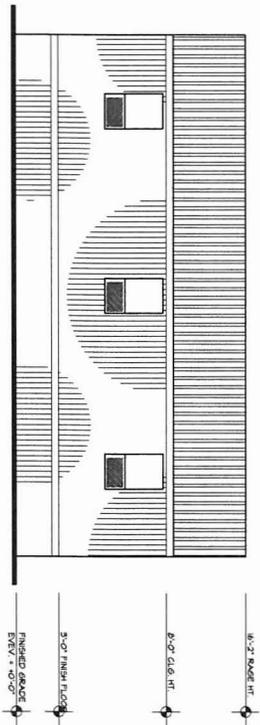
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Proposed Modular Building For:
First Baptist Church
 209 D Street
 Los Banos, CA 93635

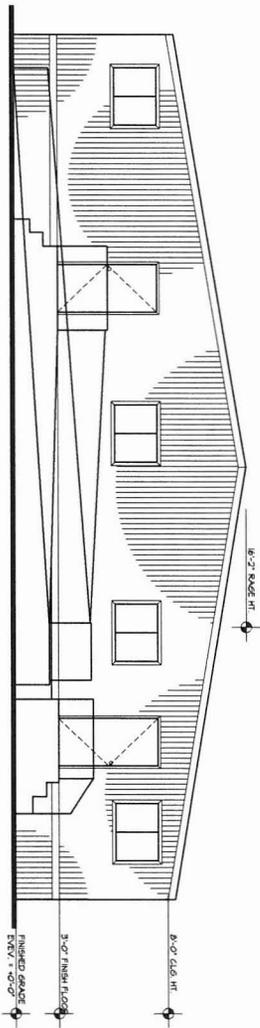
PROPOSED SITE PLAN

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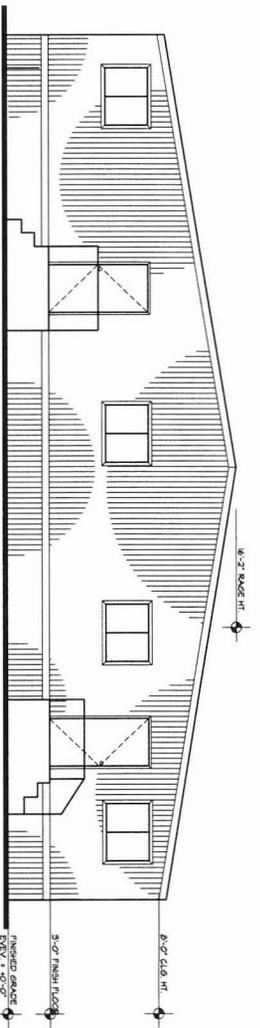
California Shine Construction
 8251 N. Marks Ave Fresno, CA 93722
 e-mail: CalShineConstruction@pro.com
 Live Drive Cell: (554) 484-524
 Office Fax: (554) 427-7422
 California Lic. # 704882



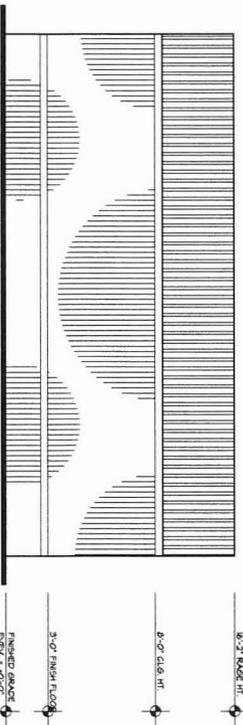
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



WEST ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

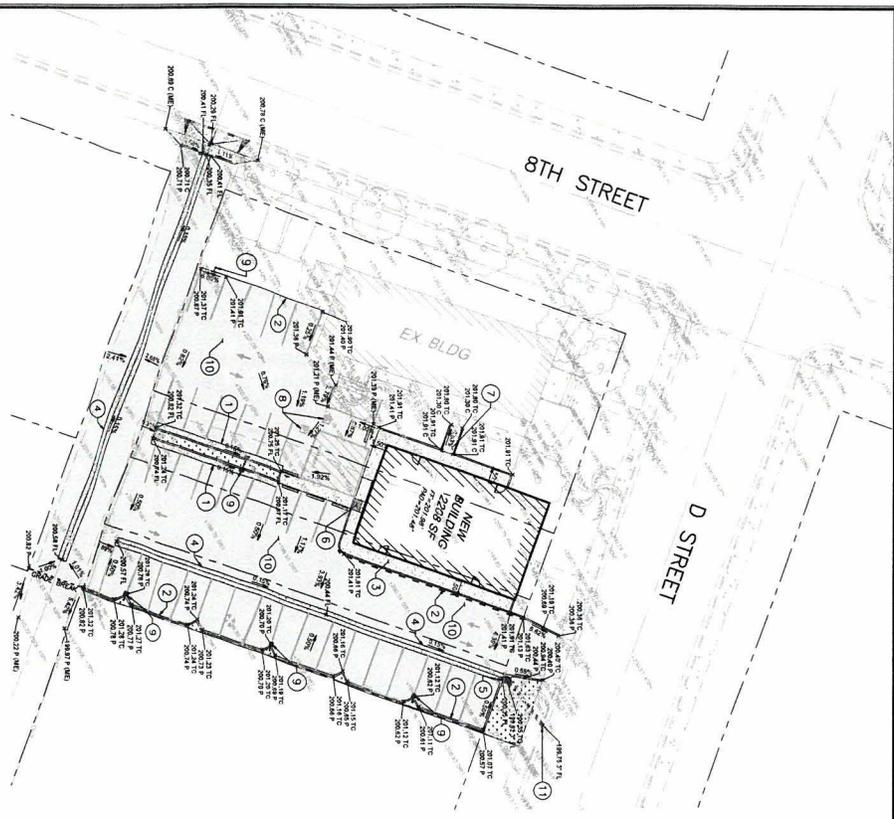
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California Shine Construction
 5251 N. Marks Ave. Fresno, CA 93722
 e-mail: CaliforniaShineConstruction@gmail.com
 Luis Bravo Cell: (559) 894-5584
 Office Fax: (559) 452-7402
 California LI # 104652

ELEVATIONS

Proposed Modular Building For:
First Baptist Church
 809 D Street
 Los Banos, CA 93635

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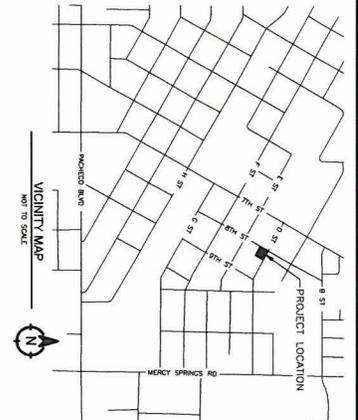


KEYNOTES

1. CONSTRUCT 8' CURB AND GUTTER PER CITY OF LOS BANOS STD. 511-3
2. CONSTRUCT 8' CURB PER CITY OF LOS BANOS STD. 511-3
3. CONSTRUCT CONCRETE SIDEWALK PER CITY OF LOS BANOS STD. 511-4
4. CONSTRUCT 6" CONCRETE ALLEY DRIVE PER CITY OF LOS BANOS STD. 511-4
5. METAL CURBRY 14-216 WITH 10-1/4" (MINIMUM) MANDI DOWNS
6. CONSTRUCT ACCESSIBLE RAMP PER DETAIL A
7. CONSTRUCT ACCESSIBLE RAMP PER DETAIL B
8. VAN ACCESSIBLE PARKING SEE DETAIL L, E, F, G
9. CONSTRUCT PAVING LOT LIGHT
10. CONSTRUCT PAVING LOT PAVEMENT SECTION PER DETAIL C
11. CONSTRUCT 2" 50# REINFORCED CONCRETE CURB, 14-216, PER CITY OF LOS BANOS STD. 511-3
12. CONSTRUCT CURB APPROACH PER DETAIL H

LEGEND

- PROPOSED 8' CURB FROM FIRE LINE
- PROPOSED 8' CURB & GUTTER
- PROPOSED PAVING STALL FINISHING
- PROPOSED CONCRETE SIDEWALK
- PROPOSED AC PAVEMENT
- PROPOSED ROSSMAN CROSS WALK
- PROPOSED LANDSCAPING & IRRIGATION
- PROPOSED LIGHT
- EXISTING 8' CURB
- EXISTING 8' CURB & GUTTER
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING PROPERTY LINE
- EXISTING DRAINAGE
- EXISTING LIGHT
- EXISTING POWER POLE
- EXISTING FIRE HYDRANT
- EXISTING TREE



PROJECT DATA

PROJECT NAME: NEW BAPTIST CHURCH
 PROJECT LOCATION: 105 BANOS, CA 93619
 SOILS: SEE COMMENTS OF A.P. # 250-092-01, 02, 03, AND 04

BENCHMARK

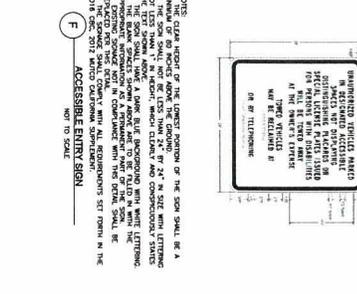
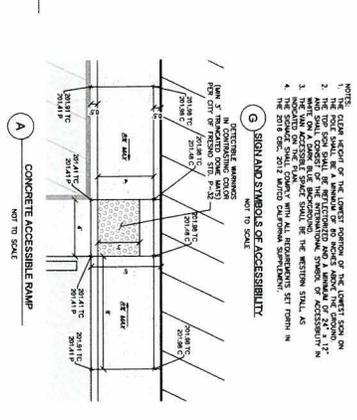
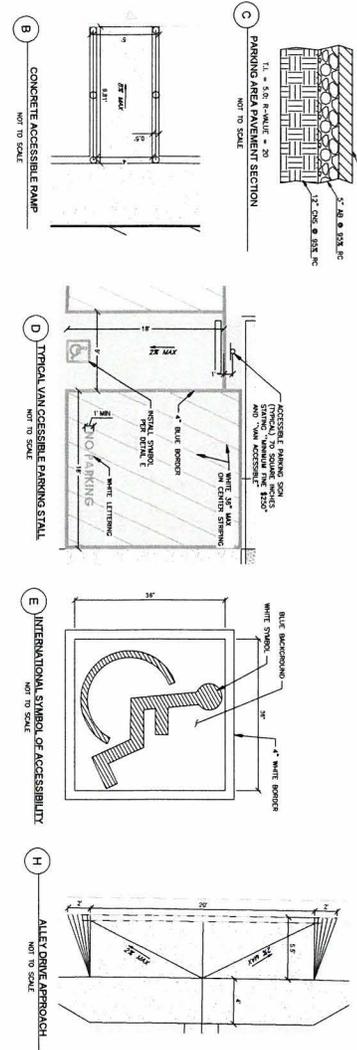
THIS GRADING PLAN IS FOR APPROVAL OF ONE-SITE EXISTING CONDITIONS AND TO BE USED IN CONJUNCTION WITH THE CONSTRUCTION OF THE PROPOSED GRADING PLAN. THE GRADING PLAN SHALL BE USED TO DETERMINE THE PROPOSED GRADING PLAN. THE GRADING PLAN SHALL BE USED TO DETERMINE THE PROPOSED GRADING PLAN. THE GRADING PLAN SHALL BE USED TO DETERMINE THE PROPOSED GRADING PLAN.

OFF-SITE NOTE

THIS GRADING PLAN IS FOR APPROVAL OF ONE-SITE EXISTING CONDITIONS AND TO BE USED IN CONJUNCTION WITH THE CONSTRUCTION OF THE PROPOSED GRADING PLAN. THE GRADING PLAN SHALL BE USED TO DETERMINE THE PROPOSED GRADING PLAN. THE GRADING PLAN SHALL BE USED TO DETERMINE THE PROPOSED GRADING PLAN.

GRADING REQUIREMENTS

1. THE OWNER SHALL OBTAIN A CHANNEL PERMIT AND PER THE FISH CHECK FEE PRIOR TO CONSTRUCTION.
2. THE OWNER SHALL OBTAIN A CHANNEL PERMIT AND PER THE FISH CHECK FEE PRIOR TO CONSTRUCTION.
3. SIGNAGE TO BE CONSTRUCTED TO INDICATE CONSTRUCTION PERMITTED BY AN APPROVED EROSION CONTROL PLAN.
4. NO DRAINAGE SHALL BE PERMITTED DURING CONSTRUCTION (EXCEPT WHERE SHOWN OTHERWISE).
5. ESTIMATED CHANNEL DIMENSIONS:



811
Know what's below.
Call before you dig.

VICE
VANG INC. CONSULTING ENGINEERS

2491 ALLUVIAL AVE
CLOVIS, CA 93619
(559) 775-0033
FAX: (559) 775-0116
WWW.VICE-ENGR.COM

REVISIONS

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| NO. | DATE | BY |
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LOS BANOS
FIRST BAPTIST CHURCH
GRADING PLAN

CITY OF LOS BANOS CALIFORNIA

PROJECT NUMBER
190115

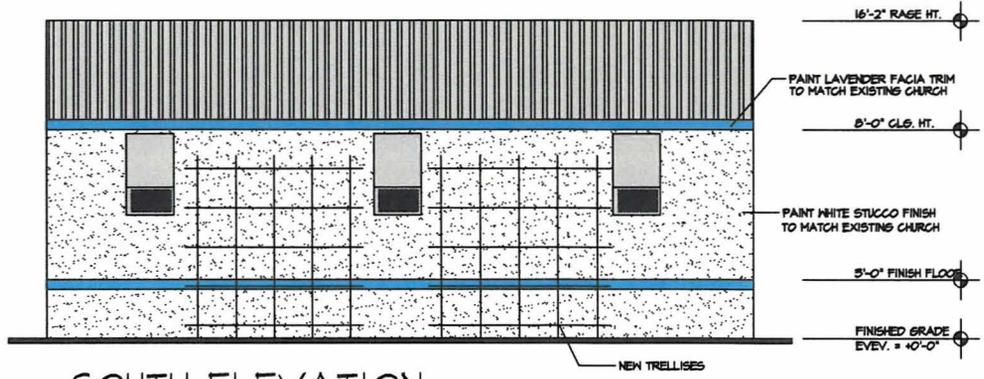
SHEET NO.
1 / 1

PROJ. MGR:
L.S.V.

PROJ. ENGR:
L.S.V.

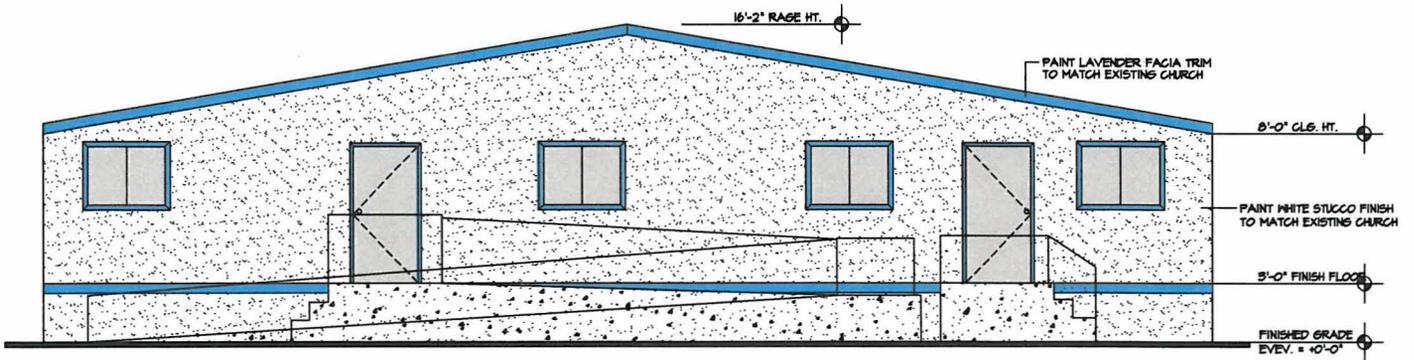
DRAWN BY:
L.S.V.

PREPARED FOR:
COURTESY OF THE
FIRST BAPTIST CHURCH
FRENCH, CA 93328



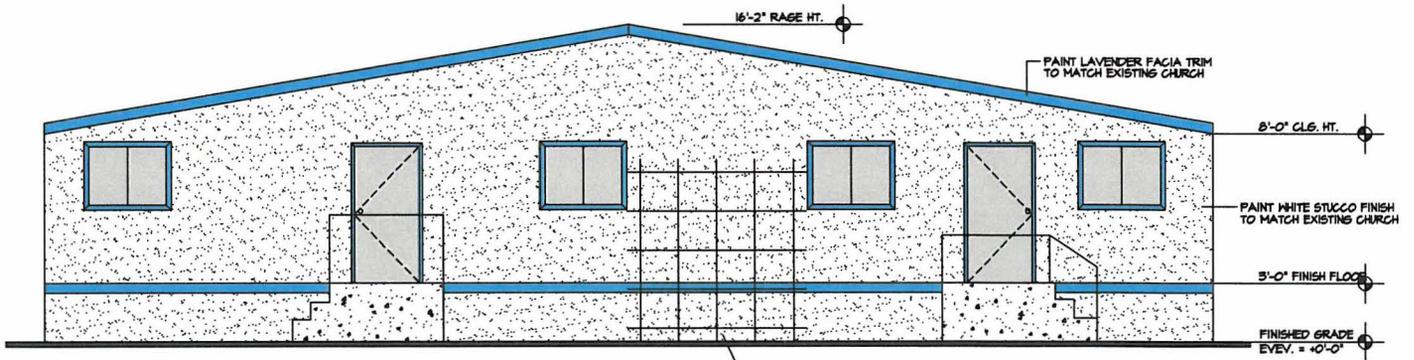
SOUTH ELEVATION

SCALE: 1/4"=1'-0"



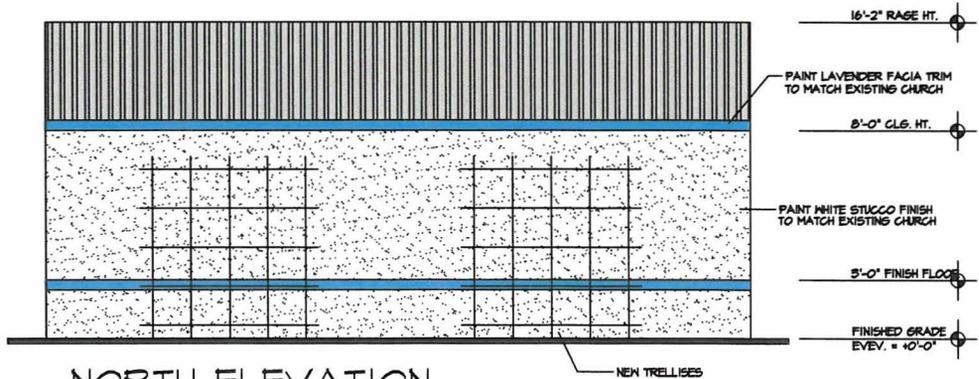
EAST ELEVATION

SCALE: 1/4"=1'-0"



WEST ELEVATION

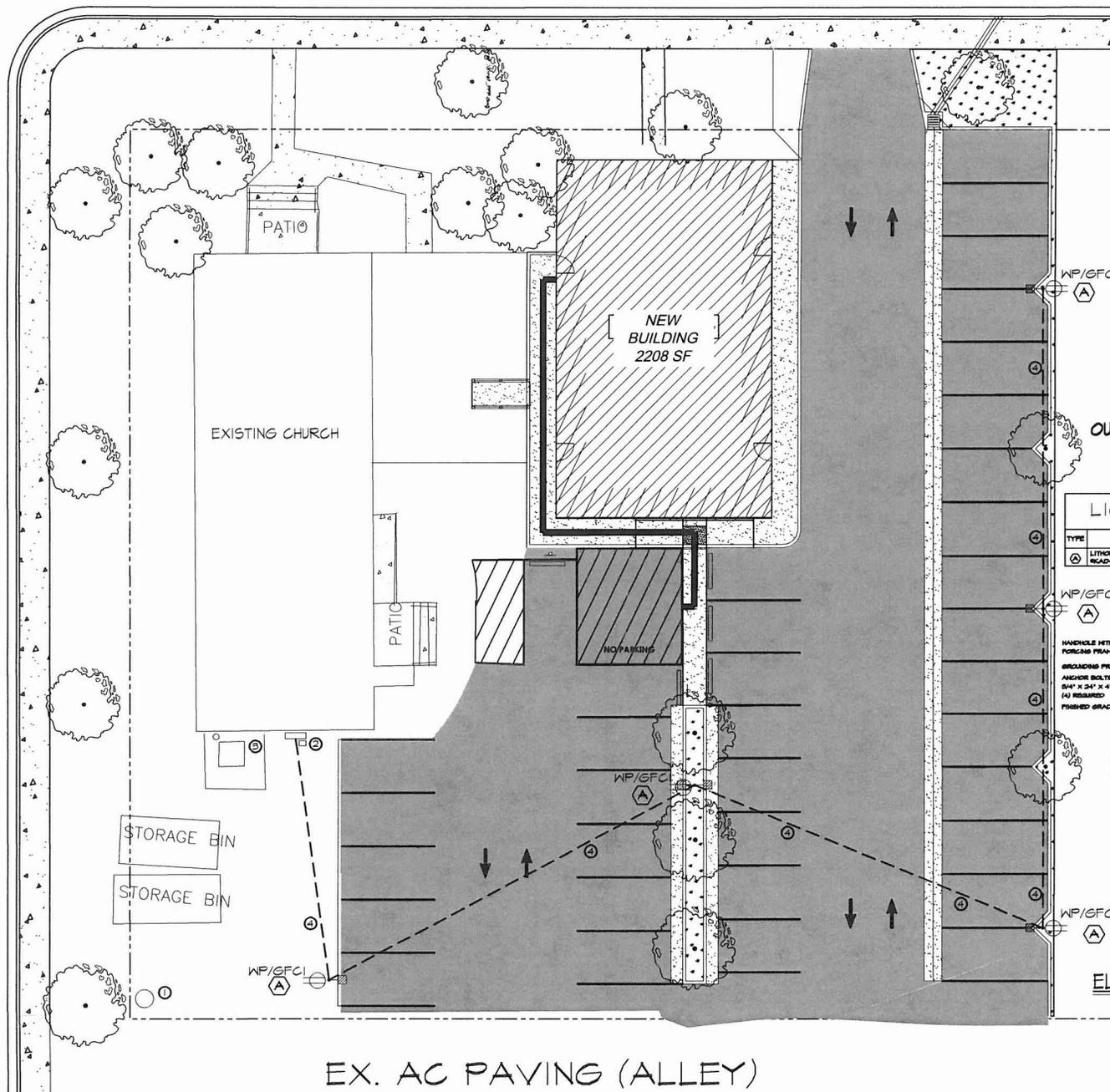
SCALE: 1/4"=1'-0"



NORTH ELEVATION

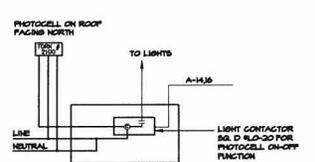
SCALE: 1/4"=1'-0"

8TH STREET



- General Notes**
- ① EXISTING PG&E POWER POLE TO REMAIN
 - ② EXISTING SUBPANEL 'A' TO REMAIN
 - ③ EXISTING GAS METER TO REMAIN
 - ④ 1/2" - 5/16" #10 GROUND

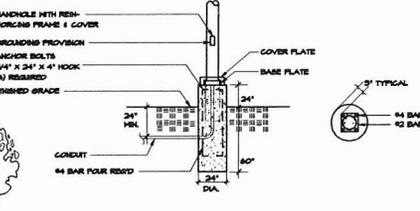
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OUTDOOR LIGHTS CONTROL DIAGRAM

LIGHTING FIXTURE SCHEDULE

| TYPE | DESCRIPTION | LAMP | HTG | VOLT | REMARKS |
|------|-----------------------------------|------------|------------|-------|----------------------------|
| ⓐ | LITHONIA READ-100M-RS-SFD04-RS02S | 400 W. MH. | POLE + 25' | 120V. | PARKING POLE LIGHT FIXTURE |



POLE BASE DETAIL

ELECTRICAL SITE PLAN
SCALE: 1/8" = 1'-0"

California Shine Construction
2221 N. Main Ave. Fresno, CA 93722
Email: Calshin@construction.com
Van Buren Blvd. Fresno, CA 93702
Contracting Lic. # 134852

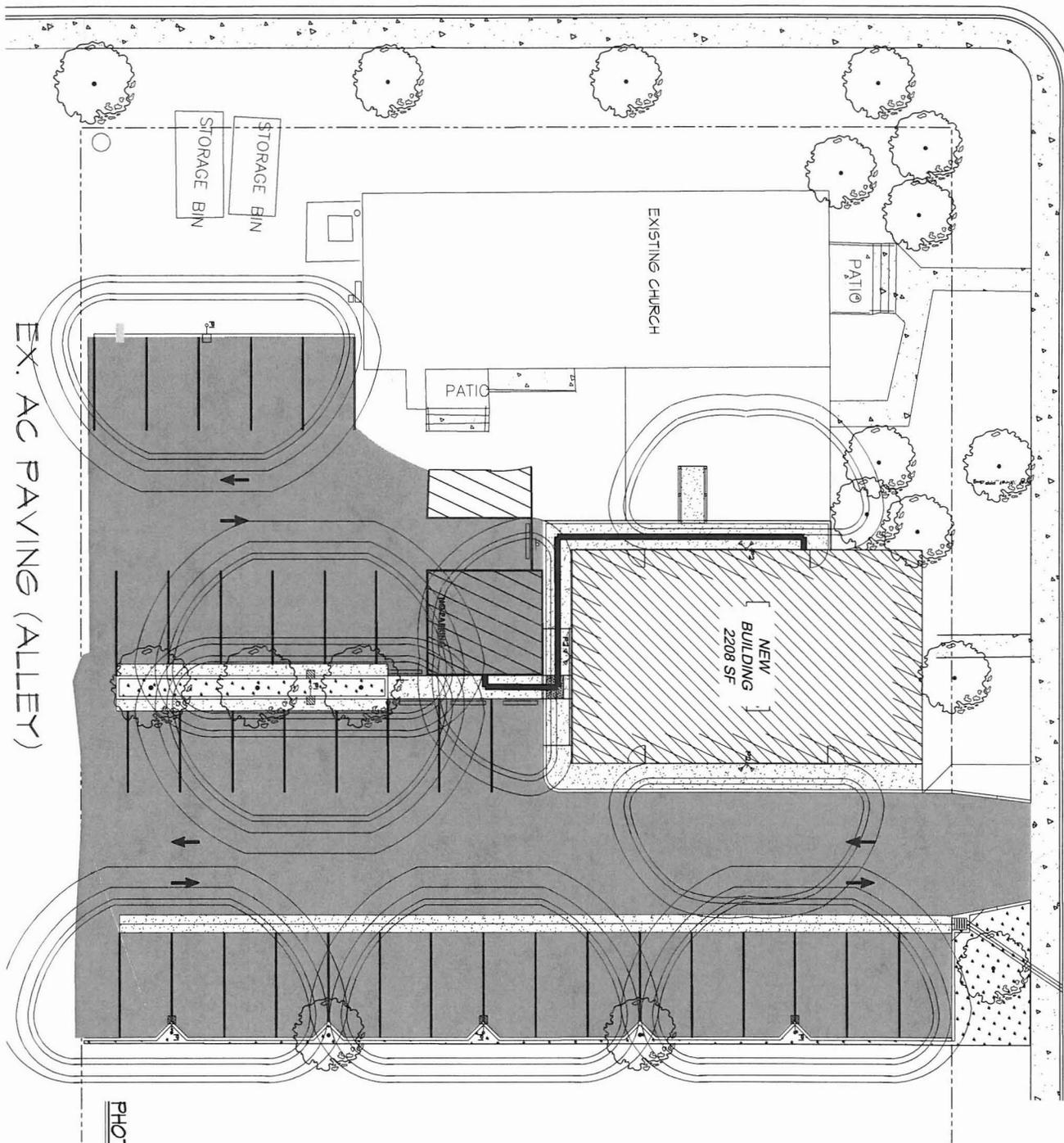
ELECTRICAL SITE PLAN

Proposed Modular Building For:
First Baptist Church
804 D Street
Los Banos, CA 93625

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| DATE |
| SCALE |
| AS NOTED |
| JOB NO. |
| 18-141 |
| SHEET |

EX. AC PAVING (ALLEY)

8TH STREET



PL - LUMINA LED PARCELS POLE LIGHT FIXTURE
 P2 - LED OUTDOOR WALL MOUNTED LIGHT

PHOTOMETRIC PLAN
 SCALE 1/8"=1'-0"



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| | DATE |
| | SCALE |
| | SHEET |

Proposed Modular Building For:
 First Baptist Church
 809 D Street
 Los Banos, CA 93635

PHOTOMETRIC PLAN

California Shine Construction
 5281 N. Marks Ave. Fresno, CA 93722
 e-mail: Calshinconstruction@yahoo.com
 Luis Bravo Cell: (559) 884-5204
 Office/Fax: (559) 427-7402
 California Lic # 704552

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THIS SPACE FOR OFFICE USE ONLY

APPLICATION NO. 77-9

Filing Fee \$ 25⁰⁰)
 Received by CP)
 Receipt No. 2177)
 Date 5/25/77)
 Application No. 77-9)
 Received by CP)
 Date 5/25/77)

PLANNING COMMISSION
 CITY OF LOS ANGELES
 CALIFORNIA

APPLICATION
 for
 USE PERMIT

Attach a copy of the plot plan of the premises showing location of existing and proposed improvements, landscaping, parking areas, driveways, signs, etc.

In order that the Planning Commission may make the determinations prescribed by law, it is necessary that the following statements be completed. (If additional space is needed, please use additional sheets and attach.)

Name of Applicant First Baptist Church

Address P.O. Box 302 Los Banos, Phone 826-4352

Location of property in question SE. Corner of Eighth + D. Streets

Between _____ Street and _____ Street

Lot(s) 13, 14, 15, + 16 Block 16 (092) Zone R-2

Legal Description of Acreage (attach separate sheet if necessary) _____
AP 25-092-1+2 809 D Street

Describe the use proposed To move in Building To be used for Church Purposes, Building Being ~~40' x 30'~~ 54x30
1200~~00~~ square feet to be devoted to
~~Seating~~ ~~500~~ or ~~more~~ assembly area

Present membership 30 Anticipated Membership 100
 1. Please describe the use relationship of the proposed use to the other uses in the general area, giving special consideration to degree of compatibility of uses.

Use would have sufficient parking and would be compatible to other uses in the area

2. Please describe the ways in which the compatibility or uses will be improved by the location, design, orientation, etc. of the improvements, such as buildings, drives, walks, fences and walls, and landscaping.

Building would be brought up To City Standards
and developed in accordance with city
Ordinances and Codes

3. Please describe what devices and techniques will be employed to minimize noise, smoke, dust, fumes, vibration, odors and hazards.

None of the above would be involved with the use

If applicant does not own the property in question, please have the following "Consent of Owner" signed by owner:

I, James F. Inley ^{Chr. Justice} owner of the above described property have familiarized myself with the above application and do hereby give my consent to the applicant as requested in this application for a Use Permit.

SIGNATURE OF OWNER James F. Inley Date 5/25/77

MAILING ADDRESS OF OWNER 849 E. St Los Banos, Ca, 93635

826-4352 Phone _____

SIGNATURE OF APPLICANT James F. Inley ^{Chr. Justice}

This application will be acted upon by the Planning Commission and their recommendations of approval or denial will be submitted to the City Council for final action. FOR EACH APPLICATION FOR A USE PERMIT A FEE OF \$25.00 WILL BE CHARGED FOR THE PURPOSE OF DEFRAYING THE EXPENDITURES OF PUBLICATION AND HEARINGS.



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 27, 2019

Re: Notice of Public Hearing

Proposal: Site Plan Review #2017-03- First Baptist Church

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Site Plan Review #2017-03 for the installation of one (1) modular structure totaling 2,208 square feet with site improvements within the Low Density Residential Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15311 Accessory Structures. The proposed project site is located at 809 D Street; more specifically identified as Assessor's Parcel Numbers: 025-092-001, 002, 003, and 004.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, October 9, 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



City of
Los Banos
At the Crossroads of California

DESIGN REVIEW STUDY SESSION

TO: Chairperson Cates and Planning Commissioners

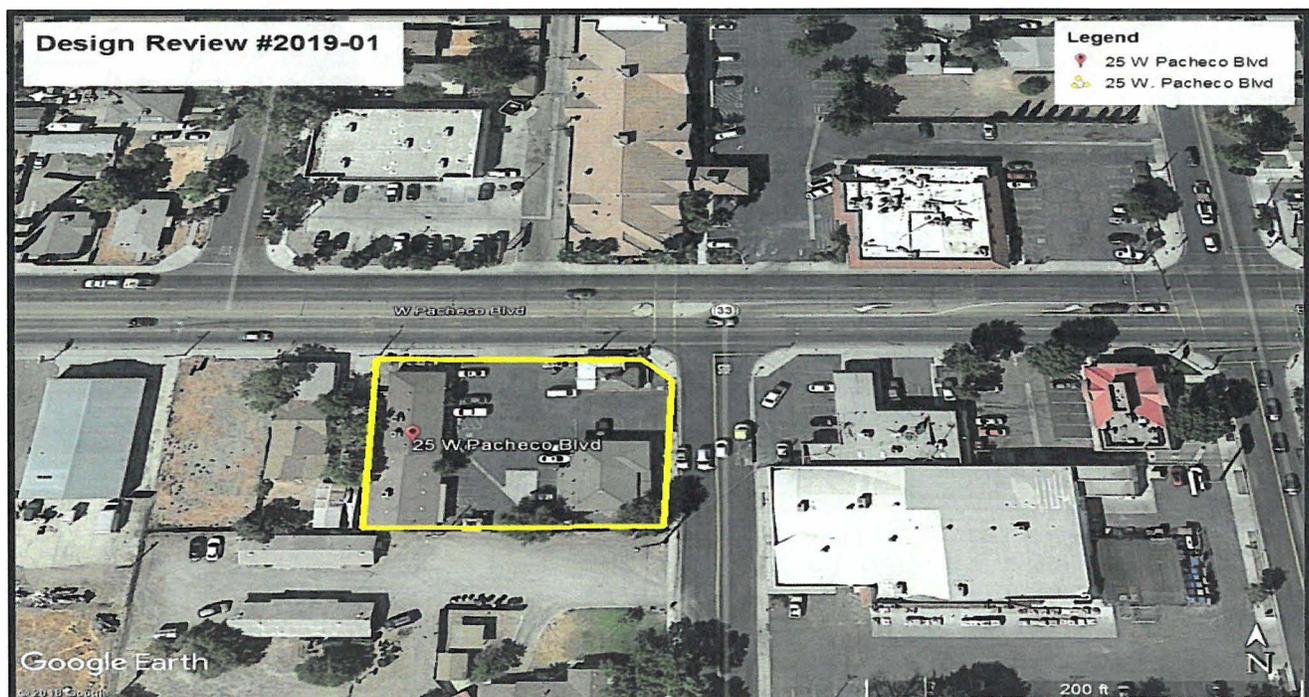
FROM: Rudy Luquin, Associate Planner *RL*

DATE: October 9, 2019

SUBJECT: REQUEST FOR A DESIGN REVIEW #2019-01 FOR A MODIFICATION OF THE EXTERIOR OF A BUILDING LOCATED AT 25 W. PACHECO BOULEVARD: 026-061-018

Project Description:

The applicant, Mr. Harnam Bhullar, has requested a Design Review for the proposed modifying of the exterior of his existing approximate 3,540 square foot building located at 25 W. Pacheco Boulevard. The subject commercial structure accommodates three (3) commercial tenants and within the same parcel there are two (2) other existing commercial structures. The proposed exterior modification will consist of the applicant will convert the exterior from the existing T-111 siding to stucco along with a new color pattern. The applicant has submitted color elevations and color samples of the proposed modification for the Planning Commission's consideration.



The Community and Economic Development Director has referred the project to the Planning Commission for a Design Review on the aesthetic aspects related to the proposed project pursuant to Section 9-3.2318(a) of the Design Review Ordinance.

Planning Commission Design Review

Architecture

Pursuant to Section 9-3.2318(c) of the Design Review Ordinance, the Planning Commission shall evaluate and provide feedback 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; and**
 - Methods used to screen mechanical equipment from public view.

As fore mentioned the project site consists of an existing 3,540 square foot commercial structure and shares the parcel with two (2) other commercial structures. The businesses share the parking lot. The one (1) of the two (2) existing commercial structures has a stucco exterior, the modifying of the exterior of the subject building to stucco would create a harmonious and unified appeal amongst the small existing shopping center on account that two (2) of the three (3) existing structures will have matching exterior materials. The proposed color pattern consists of earth tone that resembles the colors from the City of Los Banos preferred color palette. The proposed colors and exterior for the modification are consistent with the preferred theme according to the City of Los Banos Community Design Standards for the Pacheco Boulevard corridor.

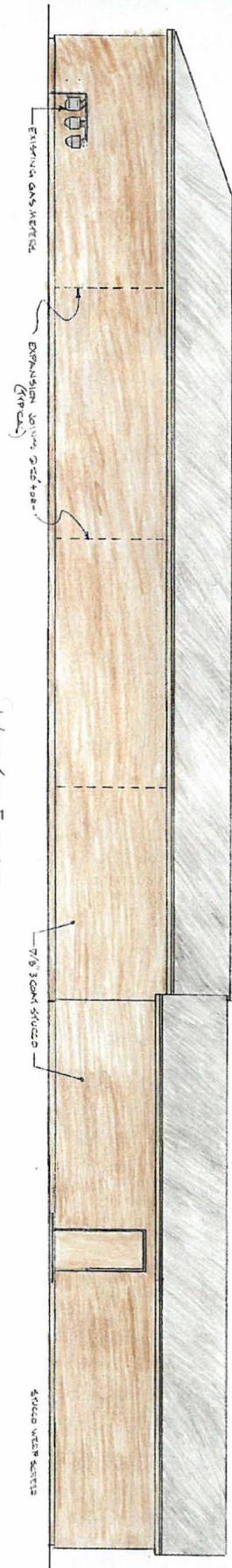
No other improvements will be done to the subject property other than the fore mentioned.

Recommendation

Staff is requesting that the Planning Commission evaluate the proposed exterior modification along with new color pattern and provide feedback to the applicant.

Attachments

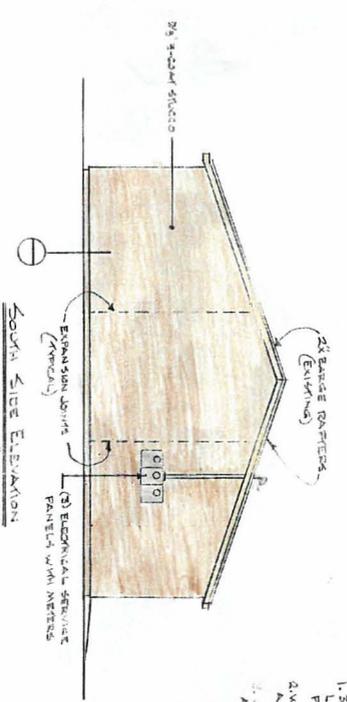
DR #2019-01 Plan Set
Site Photos



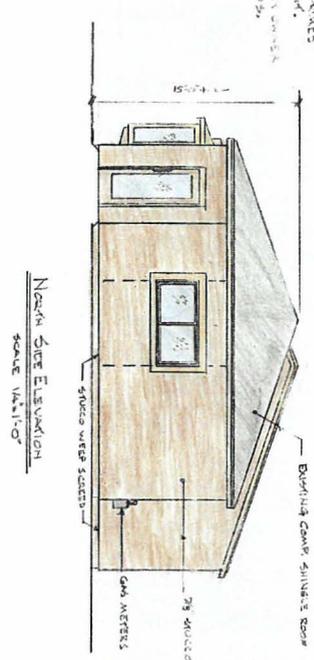
West Side Elevation
SCALE 1/4"=1'-0"

Finish Notes:

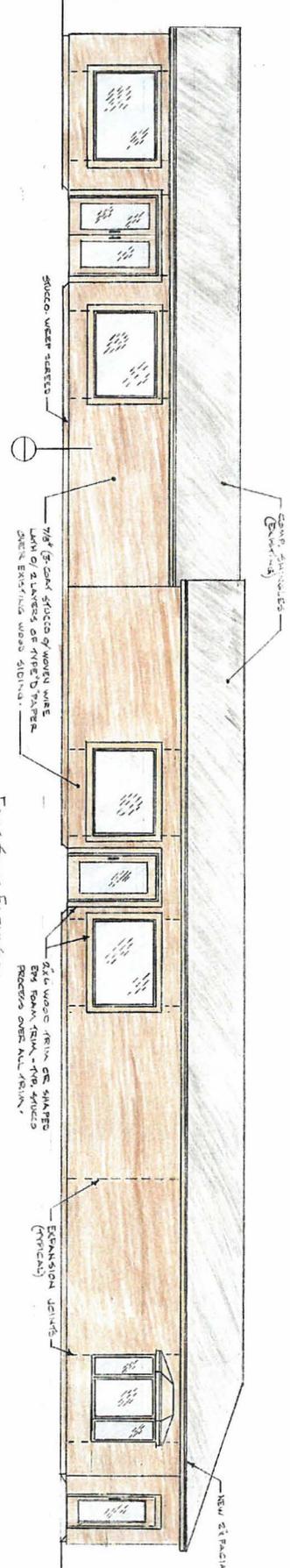
- 1. 5-DOCK STUCCO SHALL BE APPLIED OVER WOVEN WIRE LATH OVER TWO (2) LAYERS OF TYPE D PAPER OR PLASTIC HOUSE WEAIR.
- 2. WOOD FIN. NEW AND EXISTING TO BE SMOOTH PLANED AND FINISHED WITH 2 COATS OF EXTERIOR PRIMER AND ASSEMBLED BY THE CITY OF LOS ANGELES.



South Side Elevation
SCALE 1/4"=1'-0"

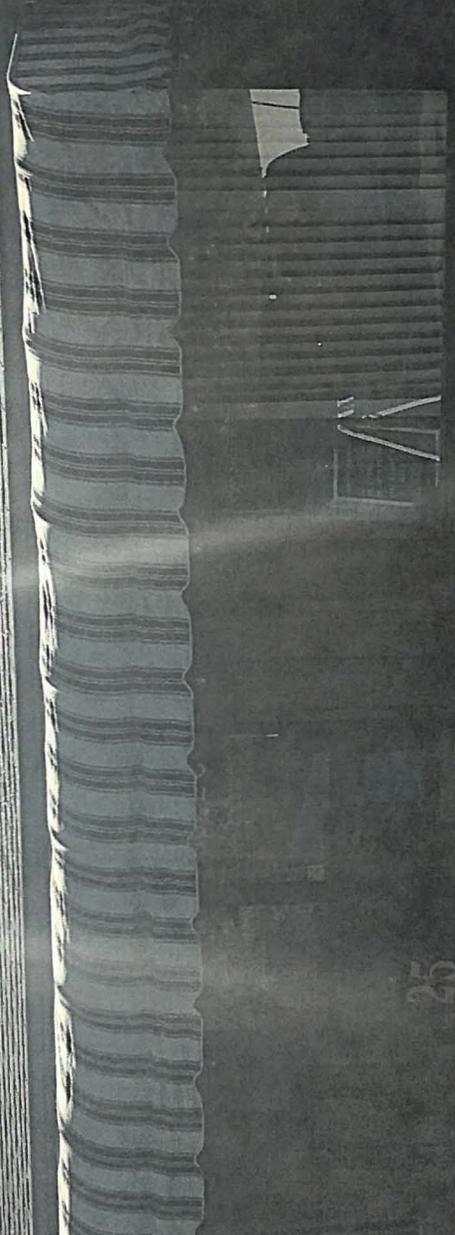


North Side Elevation
SCALE 1/4"=1'-0"

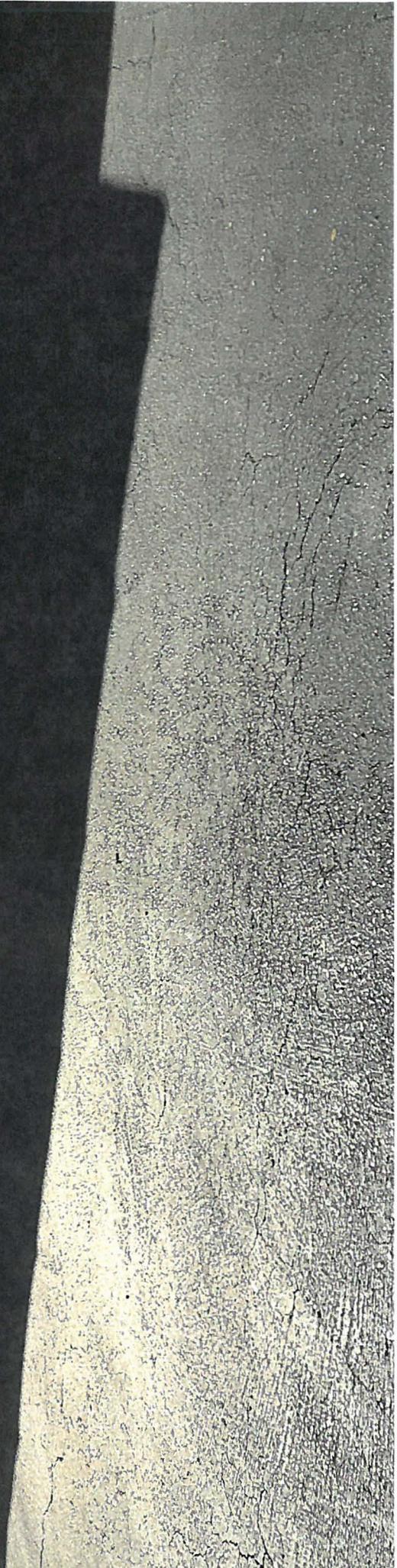


East Side Elevation
SCALE 1/4"=1'-0"

 **PET
GROOMING**



25



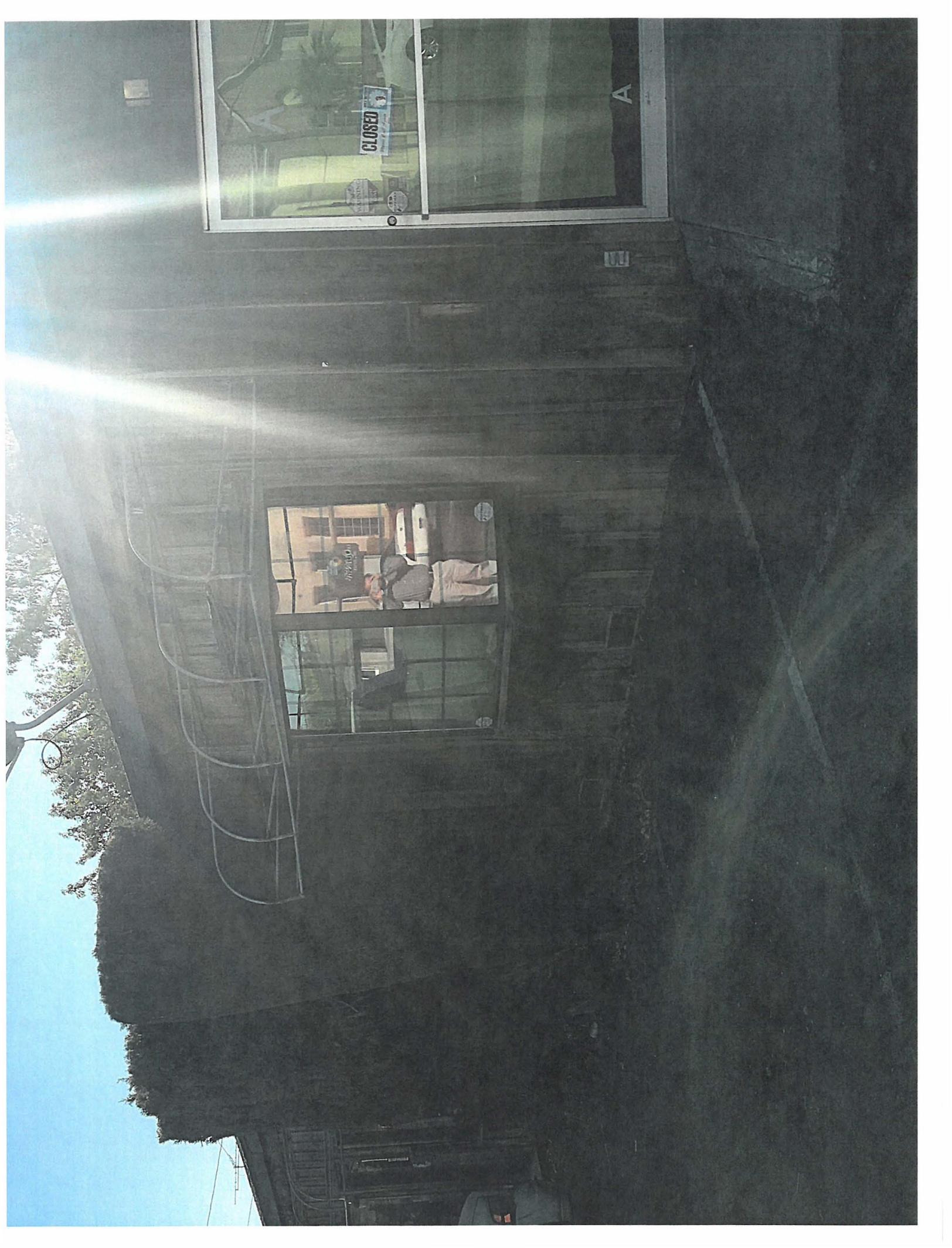
COMICS PLUS
COMICS * TOYS * CARDS *
COLLECTIBLES
827-8847

RESERVED
PARKING
COMICS
PLUS

NO PARKING
ANY TIME

NO PARKING
ANY TIME





25

P
NO PARKING
UNAUTHORIZED
VEHICLES WILL BE
AT VEHICLE
OWNER'S EXPENSE



A