



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

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

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

APRIL 1, 2020 – **5:00 PM**

**Temporary Public Comment Email Established for the City of Los Banos  
City Council Meeting of April 1, 2020 – emails must be received by 5:00 p.m.:**

The City has established a temporary email address citizens can use to email comments on any agenda item. Any public comments received by April 1, 2020 prior to 5:00 p.m. will be read aloud during the appropriate time and agenda item.

The email address is [cityclerk@losbanos.org](mailto:cityclerk@losbanos.org)

The Council Chambers are closed to the public, those interested in viewing the City Council meeting can do so on the City of Los Banos' Website at:

<https://www.youtube.com/watch?v=sc3NQ8A8iuE&feature=youtu.be>

*If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 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 de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.*

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

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

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

1. **CLOSED SESSION.** **4:30 PM**  
(Members of the public may address the City Council on the following closed session items. Speakers are limited to a five (5) minute presentation. Detailed guidelines are posted on the Council Chamber informational table.)
  - A. Conference with Legal Counsel – Anticipated Litigation; Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9: One Potential Case.
  
2. **CALL TO ORDER.** **5:00 PM**
  
3. **PLEDGE OF ALLEGIANCE.**
  
4. **ROLL CALL: (City Council Members)**  
  
Faria \_\_\_\_, Johnson-Santos \_\_\_\_, Jones \_\_\_\_, Lewis \_\_\_\_, Villalta \_\_\_\_
  
5. **CONSIDERATION OF APPROVAL OF AGENDA.**
  
6. **PUBLIC FORUM.** (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; 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.)
  
7. **CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)
  - A. Check Register for #220949 - #221169 in the Amount of \$1,096,636.52.  
*Recommendation: Approve the check register as submitted.*
  
  - B. Minutes for the March 13, 2020 Adjourned City Council Meeting.  
*Recommendation: Approve the minutes as submitted.*
  
  - C. Minutes for the March 18, 2020 City Council Meeting.  
*Recommendation: Approve the minutes as submitted.*
  
  - D. City Council Resolution No. 6191 – Approving the Public Safety Dispatcher / Community Services Officer Recruitment Incentive Pilot Program and a Revised Budget for the 2019-2020 Fiscal Year as it Pertains to Measure H Funds Associated with the Program.  
*Recommendation: Approve the resolution as submitted.*

- E. City Council Resolution No. 6192 – Awarding the Bid for the Purchase of One (1) New 2020/2021 Full-Size Sport Utility Vehicle (SUV); Authorize the Public Works Director/City Engineer to Issue the Purchase Order to Santos Ford in the Amount of \$42,099.

*Recommendation: Approve the resolution as submitted.*

- F. City Council Resolution No. 6193 – Approving the Road Maintenance and Rehabilitation Account (RMRA) Proposed Project List for Fiscal Year 2020-2021.

*Recommendation: Approve the resolution as submitted.*

- G. City Council Resolution No. 6194 – Accepting the “Congestion Mitigation Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027) as Complete and Authorizing the Filing of a Notice of Completion with the Merced County Recorder.

*Recommendation: Approve the resolution as submitted.*

- H. City Council Resolution No. 6195 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park Phase 1 and Accompanying Subdivision Improvement Agreement (Stonefield Home Inc.).

*Recommendation: Approve the resolution as submitted.*

- I. City Council Resolution No. 6196 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park Phase 2 and Accompanying Subdivision Improvement Agreement (Stonefield Home Inc.).

*Recommendation: Approve the resolution as submitted.*

- J. City Council Resolution No. 6197 – Approving and Adopting Final Tract Map No. 2015-01 Southpointe at Regency Park Phase 3 and Accompanying Subdivision Improvement Agreement (Stonefield Home Inc.).

*Recommendation: Approve the resolution as submitted.*

- K. Ordinance No. 1181 – Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation.

*Recommendation: Waive further reading and adopt the ordinance as submitted.*

- L. Ordinance No. 1182 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units.

*Recommendation: Waive further reading and adopt the ordinance as submitted.*

8. ADVISEMENT OF PUBLIC NOTICES. (No report).

9. CITY MANAGER REPORT.

A. COVID-19 Status Update.

*Recommendation: Informational item only, no action to be taken.*

10. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

*Recommendation: Informational item only, no action to be taken.*

11. CITY COUNCIL MEMBER REPORTS.

A. Tom Faria

B. Daronica Johnson-Santos

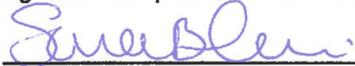
C. Brett Jones

D. Deborah Lewis

E. Mayor Mike Villalta

12. ADJOURNMENT.

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.



Sara Blevins, Deputy City Clerk

Dated this 26th day of March 2020

CK # 220949 - # 221169

04/01/2020

\$ 1,096,636.52

Bank Reconciliation

Checks by Date

User: jcanchola  
 Printed: 03/25/2020 - 4:44PM  
 Cleared and Not Cleared Checks  
 Print Void Checks



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

| Check No | Check Date | Name  | Module | Void | Amount    |
|----------|------------|---|--------|------|-----------|
| 220949   | 3/13/2020  | Amerigas Propane, LP                              | AP     |      | 698.49    |
| 220950   | 3/13/2020  | Aramark Uniform Ser Inc                           | AP     |      | 374.24    |
| 220951   | 3/13/2020  | AT&T  | AP     |      | 178.23    |
| 220952   | 3/13/2020  | Dorothy June Baker                                | AP     |      | 3.26      |
| 220953   | 3/13/2020  | Borelli Real Estate Service, Inc.                 | AP     |      | 90.00     |
| 220954   | 3/13/2020  | Bruce's Tire Inc                                  | AP     |      | 1,201.68  |
| 220955   | 3/13/2020  | BSK Associates                                    | AP     |      | 9,837.61  |
| 220956   | 3/13/2020  | Cook's Communications Corp.                       | AP     |      | 1,196.16  |
| 220957   | 3/13/2020  | Copy Shipping Solutions                           | AP     |      | 19.80     |
| 220958   | 3/13/2020  | David Cummins                                     | AP     |      | 375.00    |
| 220959   | 3/13/2020  | Farmer Brothers Coffee                            | AP     |      | 132.67    |
| 220960   | 3/13/2020  | Golden State Flow Measurement                     | AP     |      | 8,827.92  |
| 220961   | 3/13/2020  | Garton Tractor Inc                                | AP     |      | 2,524.99  |
| 220962   | 3/13/2020  | Helena Chemical Co Inc                            | AP     |      | 1,038.56  |
| 220963   | 3/13/2020  | Heppner Precision Machine Shop, Inc.              | AP     |      | 95.61     |
| 220964   | 3/13/2020  | Holt of California                                | AP     |      | 2,444.70  |
| 220965   | 3/13/2020  | InfoSend Inc.                                     | AP     |      | 5,922.71  |
| 220966   | 3/13/2020  | JC's Pure Water & More                            | AP     |      | 71.75     |
| 220967   | 3/13/2020  | Jerry Witt  | AP     |      | 2,389.00  |
| 220968   | 3/13/2020  | Lucas Business Systems                            | AP     |      | 98.14     |
| 220969   | 3/13/2020  | Marfab Inc  | AP     |      | 91.75     |
| 220970   | 3/13/2020  | Merced County Regional Waste Management Authority | AP     |      | 6,461.42  |
| 220971   | 3/13/2020  | Merced County Regional Waste Management Authority | AP     |      | 3,166.26  |
| 220972   | 3/13/2020  | Merced Truck & Trailer Inc                        | AP     |      | 35.01     |
| 220973   | 3/13/2020  | Monterey Auto Services Inc.                       | AP     |      | 1,214.42  |
| 220974   | 3/13/2020  | MOO, Inc.   | AP     |      | 48.69     |
| 220975   | 3/13/2020  | John Mueller                                      | AP     |      | 350.00    |
| 220976   | 3/13/2020  | The Office City                                   | AP     |      | 45.36     |
| 220977   | 3/13/2020  | OSE   | AP     |      | 2,970.76  |
| 220978   | 3/13/2020  | Omega Industrial Supply Inc.                      | AP     |      | 99.30     |
| 220979   | 3/13/2020  | O'Reilly Auto Parts                               | AP     |      | 1,002.30  |
| 220980   | 3/13/2020  | PG&E Company                                      | AP     |      | 281.53    |
| 220981   | 3/13/2020  | R3 Consulting Group                               | AP     |      | 5,035.00  |
| 220982   | 3/13/2020  | The Regents of University of California           | AP     |      | 8,014.00  |
| 220983   | 3/13/2020  | Santos Ford Inc.                                  | AP     |      | 129.89    |
| 220984   | 3/13/2020  | Henry Schein Inc.                                 | AP     |      | 271.68    |
| 220985   | 3/13/2020  | Sherwin Williams Co                               | AP     |      | 232.04    |
| 220986   | 3/13/2020  | Frank Silveria                                    | AP     |      | 13,331.00 |
| 220987   | 3/13/2020  | Sorensens True Value                              | AP     |      | 705.70    |
| 220988   | 3/13/2020  | Sorensens True Value                              | AP     |      | 73.98     |
| 220989   | 3/13/2020  | Sprint Solutions, Inc.                            | AP     |      | 189.95    |
| 220990   | 3/13/2020  | Telstar Instruments                               | AP     |      | 1,147.25  |
| 220991   | 3/13/2020  | The Don Chapin Co., Inc.                          | AP     |      | 1,758.79  |
| 220992   | 3/13/2020  | Triangle Rock Products                            | AP     |      | 369.25    |
| 220993   | 3/13/2020  | Unique Glass                                      | AP     |      | 487.67    |

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|--------|-----------|-------------------------------------|----|-----------|
| 220994 | 3/13/2020 | Maria Del Refugio Alvarez de Vargas | AP | 22.39     |
| 220995 | 3/13/2020 | RB Construction                     | AP | 73.61     |
| 220996 | 3/13/2020 | D.R. Horton                         | AP | 163.19    |
| 220997 | 3/13/2020 | Court of Fountains, LLC             | AP | 164.85    |
| 220998 | 3/13/2020 | Hugo Ramirez Mercado                | AP | 131.37    |
| 220999 | 3/13/2020 | Robert Survera                      | AP | 89.57     |
| 221000 | 3/13/2020 | Joshua Chagnon                      | AP | 79.11     |
| 221001 | 3/13/2020 | Susana Banuelos Torres              | AP | 74.64     |
| 221002 | 3/13/2020 | D.R. Horton                         | AP | 158.06    |
| 221003 | 3/13/2020 | Michael Dopheide                    | AP | 144.78    |
| 221004 | 3/13/2020 | Sandy Hurtado Alvarez               | AP | 31.35     |
| 221005 | 3/13/2020 | Jynnette Sousa-Melo                 | AP | 125.38    |
| 221006 | 3/13/2020 | Jose Penaloza                       | AP | 73.15     |
| 221007 | 3/13/2020 | Duyen Vu                            | AP | 152.24    |
| 221008 | 3/13/2020 | Jorge & Sandra Esquivel             | AP | 100.00    |
| 221009 | 3/13/2020 | Edna Carey                          | AP | 58.07     |
| 221010 | 3/13/2020 | Sergio Martinez                     | AP | 40.31     |
| 221011 | 3/13/2020 | Deborah Furnish-Reyes               | AP | 29.85     |
| 221012 | 3/13/2020 | Jesus Rodriguez                     | AP | 16.43     |
| 221013 | 3/13/2020 | Pinnacle Investments, LLC           | AP | 68.68     |
| 221014 | 3/13/2020 | Cuchis Raspados El Plebe            | AP | 46.85     |
| 221015 | 3/13/2020 | Victor Campos Yera                  | AP | 50.76     |
| 221016 | 3/13/2020 | Steven Nunes                        | AP | 146.38    |
| 221017 | 3/13/2020 | Olga Ornelas                        | AP | 41.81     |
| 221018 | 3/13/2020 | Blossom Valley Realty               | AP | 125.39    |
| 221019 | 3/13/2020 | D.R. Horton                         | AP | 167.75    |
| 221020 | 3/13/2020 | Ramona Giuliani                     | AP | 51.55     |
| 221021 | 3/13/2020 | Chaoli Lin                          | AP | 113.45    |
| 221022 | 3/13/2020 | Verizon Wireless                    | AP | 4.77      |
| 221023 | 3/13/2020 | Westside Water Conditioning         | AP | 189.41    |
| 221024 | 3/13/2020 | Young's Air Conditioning            | AP | 419.00    |
| 221025 | 3/13/2020 | Zee Medical Service Co              | AP | 237.88    |
| 221026 | 3/13/2020 | Apex Annex Health Center, Inc.      | AP | 150.00    |
| 221027 | 3/13/2020 | Angelica Gann Daycare               | AP | 101.80    |
| 221028 | 3/13/2020 | Brian Elms                          | AP | 98.00     |
| 221029 | 3/13/2020 | Mary Lou Gilardi                    | AP | 23.76     |
| 221030 | 3/13/2020 | Halcyon Creek Inc.                  | AP | 7,156.07  |
| 221031 | 3/13/2020 | Los Banos Downtown Assoc.           | AP | 53,582.18 |
| 221032 | 3/13/2020 | Merced County Auditor Controller    | AP | 890.00    |
| 221033 | 3/13/2020 | Merced Sun Star                     | AP | 2,045.54  |
| 221034 | 3/13/2020 | Ernesto Munoz                       | AP | 82.00     |
| 221035 | 3/13/2020 | Ronny's Inc.                        | AP | 39,369.86 |
| 221036 | 3/13/2020 | Ronny's Inc.                        | AP | 22,167.24 |
| 221037 | 3/13/2020 | Ronny's Inc.                        | AP | 8,644.07  |
| 221038 | 3/13/2020 | Ronny's Inc.                        | AP | 150.00    |
| 221039 | 3/13/2020 | Gilbert Sandoval                    | AP | 98.00     |
| 221040 | 3/13/2020 | Law Offices of William A Vaughn     | AP | 10,743.75 |
| 221050 | 3/20/2020 | A-C Electric Company                | AP | 9,513.00  |
| 221051 | 3/20/2020 | Anderson Pump Company Inc           | AP | 25,914.68 |
| 221052 | 3/20/2020 | Anthony Gomes                       | AP | 1,889.14  |
| 221053 | 3/20/2020 | Apex Annex Health Center, Inc.      | AP | 520.00    |
| 221054 | 3/20/2020 | Aramark Uniform Ser Inc             | AP | 655.97    |
| 221055 | 3/20/2020 | AT&T                                | AP | 1,691.43  |
| 221056 | 3/20/2020 | AT&T                                | AP | 100.20    |

|        |           |   |    |            |
|--------|-----------|---|----|------------|
| 221057 | 3/20/2020 | Battery Systems, Inc.                             | AP | 261.26     |
| 221058 | 3/20/2020 | BCI Burke Company LLC                             | AP | 858.41     |
| 221059 | 3/20/2020 | Boot Barn   | AP | 166.38     |
| 221060 | 3/20/2020 | Brenntag Pacific Inc                              | AP | 9,683.25   |
| 221061 | 3/20/2020 | Brinks Inc.                                       | AP | 736.72     |
| 221062 | 3/20/2020 | Bruce's Tire Inc                                  | AP | 1,759.99   |
| 221063 | 3/20/2020 | BSK Associates                                    | AP | 1,287.00   |
| 221064 | 3/20/2020 | Bucher Municipal North America Inc.               | AP | 1,985.50   |
| 221065 | 3/20/2020 | Ca Dept of Justice                                | AP | 1,806.00   |
| 221066 | 3/20/2020 | Caliber Bodyworks, Inc.                           | AP | 1,230.00   |
| 221067 | 3/20/2020 | Central Valley Cardiovascular Group Inc.          | AP | 180.00     |
| 221068 | 3/20/2020 | Challenger Teamwear                               | AP | 827.98     |
| 221069 | 3/20/2020 | City of Modesto                                   | AP | 150.00     |
| 221070 | 3/20/2020 | Central Sanitary Supply                           | AP | 470.45     |
| 221071 | 3/20/2020 | CSJVRMA   | AP | 350,742.00 |
| 221072 | 3/20/2020 | Clark Pest Control Inc                            | AP | 455.00     |
| 221073 | 3/20/2020 | Coffee Break Service Inc.                         | AP | 128.70     |
| 221074 | 3/20/2020 | Comcast   | AP | 354.95     |
| 221075 | 3/20/2020 | Cook's Communications Corp.                       | AP | 1,975.00   |
| 221076 | 3/20/2020 | Copy Shipping Solutions                           | AP | 2,781.99   |
| 221077 | 3/20/2020 | CSG Consultants Inc.                              | AP | 119,698.65 |
| 221078 | 3/20/2020 | David Cummins                                     | AP | 325.00     |
| 221079 | 3/20/2020 | Lamar A. Cummings                                 | AP | 40.00      |
| 221080 | 3/20/2020 | Christopher Castillo                              | AP | 300.00     |
| 221081 | 3/20/2020 | Julia Castillo                                    | AP | 350.00     |
| 221082 | 3/20/2020 | Elvira De La Torre                                | AP | 950.00     |
| 221083 | 3/20/2020 | Edges Electrical Group, LLC                       | AP | 354.69     |
| 221084 | 3/20/2020 | ES West Coast, LLC                                | AP | 886.00     |
| 221085 | 3/20/2020 | Fastenal Company                                  | AP | 107.48     |
| 221086 | 3/20/2020 | Federal Express Corporation                       | AP | 98.44      |
| 221087 | 3/20/2020 | Fresno Police Department R.T.C.                   | AP | 200.00     |
| 221088 | 3/20/2020 | Cyntia Flores                                     | AP | 600.00     |
| 221089 | 3/20/2020 | Government Revenue Solutions Holdings I, LLC      | AP | 2,633.98   |
| 221090 | 3/20/2020 | Gouveia Engineering Inc.                          | AP | 3,804.00   |
| 221091 | 3/20/2020 | Araceli Gutierrez                                 | AP | 350.00     |
| 221092 | 3/20/2020 | Holt of California                                | AP | 1,539.52   |
| 221093 | 3/20/2020 | Kone Inc.   | AP | 744.63     |
| 221094 | 3/20/2020 | Krazan & Associates                               | AP | 3,552.25   |
| 221095 | 3/20/2020 | Laboratory Corporation of America Holdings        | AP | 452.00     |
| 221096 | 3/20/2020 | Lawson Products, Inc.                             | AP | 67.08      |
| 221097 | 3/20/2020 | Los Banos Car Wash Inc                            | AP | 20.00      |
| 221098 | 3/20/2020 | Lucas Business Systems                            | AP | 775.28     |
| 221099 | 3/20/2020 | Los Banos Congregation                            | AP | 500.00     |
| 221100 | 3/20/2020 | Gordon Lesslie                                    | AP | 925.00     |
| 221101 | 3/20/2020 | Stephanie Ludlum                                  | AP | 600.00     |
| 221102 | 3/20/2020 | Madera Uniform & Accessories, LLC                 | AP | 83.09      |
| 221103 | 3/20/2020 | Marfab Inc  | AP | 33.58      |
| 221104 | 3/20/2020 | McNamara Sports Inc                               | AP | 3,208.45   |
| 221105 | 3/20/2020 | Merced County Regional Waste Management Authority | AP | 96,570.89  |
| 221106 | 3/20/2020 | MOO, Inc.   | AP | 151.03     |
| 221107 | 3/20/2020 | Stephanie Mannucci                                | AP | 950.00     |
| 221108 | 3/20/2020 | Merced County Office of Education                 | AP | 500.00     |
| 221109 | 3/20/2020 | Maria Angelica Munguia                            | AP | 350.00     |
| 221110 | 3/20/2020 | NDN International LLC                             | AP | 1,158.11   |

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|--------|-----------|---|----|-----------|
| 221111 | 3/20/2020 | The Office City                         | AP | 216.30    |
| 221112 | 3/20/2020 | OSE                                     | AP | 792.14    |
| 221113 | 3/20/2020 | O'Reilly Auto Parts                     | AP | 790.50    |
| 221114 | 3/20/2020 | Norma Ochoa                             | AP | 450.00    |
| 221115 | 3/20/2020 | PG&E Company                            | AP | 18.35     |
| 221116 | 3/20/2020 | PSG Fencing Corp.                       | AP | 900.00    |
| 221117 | 3/20/2020 | Pinnacle Healthcare Medical Group       | AP | 188.00    |
| 221118 | 3/20/2020 | PlaceWorks, Inc.                        | AP | 9,629.94  |
| 221119 | 3/20/2020 | PlayPower LT Farmington, INC.           | AP | 245.28    |
| 221120 | 3/20/2020 | Precision Civil Engineering, Inc        | AP | 1,445.00  |
| 221121 | 3/20/2020 | Provost and Pritchard Engineering, Inc. | AP | 1,967.30  |
| 221122 | 3/20/2020 | Protech Security & Electronics, Inc.    | AP | 252.00    |
| 221123 | 3/20/2020 | Quad Knopf, Inc.                        | AP | 27,561.75 |
| 221124 | 3/20/2020 | Ronny's Inc.                            | AP | 5,000.00  |
| 221125 | 3/20/2020 | SJVAPCD                                 | AP | 577.00    |
| 221126 | 3/20/2020 | San Joaquin Valley Drainage Authority   | AP | 1,625.09  |
| 221127 | 3/20/2020 | Santos Ford Inc.                        | AP | 158.08    |
| 221128 | 3/20/2020 | Sherwin Williams Co                     | AP | 919.45    |
| 221129 | 3/20/2020 | Snap-On Incorporated                    | AP | 668.11    |
| 221130 | 3/20/2020 | Sorensens True Value                    | AP | 913.01    |
| 221131 | 3/20/2020 | Sprint Solutions, Inc.                  | AP | 987.74    |
| 221132 | 3/20/2020 | Terminix Processing Center              | AP | 113.00    |
| 221133 | 3/20/2020 | United Site Services, Inc.              | AP | 116.09    |
| 221134 | 3/20/2020 | United Textile                          | AP | 195.93    |
| 221135 | 3/20/2020 | US Bank Corp Pymt System                | AP | 32,663.63 |
| 221136 | 3/20/2020 | Verizon Wireless                        | AP | 1,199.39  |
| 221137 | 3/20/2020 | Vincent Communications Inc.             | AP | 10,433.20 |
| 221138 | 3/20/2020 | Socorro Valencia                        | AP | 600.00    |
| 221139 | 3/20/2020 | West Publishing Corporation             | AP | 359.77    |
| 221140 | 3/20/2020 | Windecker Inc                           | AP | 810.91    |
| 221141 | 3/20/2020 | Young's Air Conditioning                | AP | 1,133.00  |
| 221142 | 3/20/2020 | Zee Medical Service Co                  | AP | 38.77     |
| 221143 | 3/20/2020 | Jocelyn Bullivar                        | AP | 600.00    |
| 221144 | 3/20/2020 | CDTFA California Dept. of Tax & Fee     | AP | 240.00    |
| 221145 | 3/20/2020 | Ford Motor Credit Company LLC           | AP | 1,307.85  |
| 221146 | 3/20/2020 | Vincenzo Greco                          | AP | 564.00    |
| 221147 | 3/20/2020 | Haleyon Creek Inc.                      | AP | 7,965.97  |
| 221148 | 3/20/2020 | Los Banos Medical Group A Medical Corp. | AP | 200.00    |
| 221149 | 3/20/2020 | Stephen O'Day                           | AP | 564.00    |
| 221150 | 3/20/2020 | Edith Reyes                             | AP | 1,500.00  |
| 221151 | 3/20/2020 | Maria Leon Rodriguez                    | AP | 950.00    |
| 221152 | 3/20/2020 | Sergio Torres                           | AP | 200.00    |
| 221153 | 3/20/2020 | Westamerica Bank - Cafeteria Plan       | AP | 57,028.32 |
| 221154 | 3/20/2020 | Tyler Wilson                            | AP | 1,188.00  |
| 221155 | 3/20/2020 | Aflac-Customer Service                  | AP | 494.24    |
| 221156 | 3/20/2020 | Los Banos Fitness &                     | AP | 416.00    |
| 221157 | 3/20/2020 | Los Banos Police Assn                   | AP | 420.00    |
| 221158 | 3/20/2020 | Los Banos Police Assn                   | AP | 175.00    |
| 221159 | 3/20/2020 | Los Banos Police Assn                   | AP | 875.00    |
| 221160 | 3/20/2020 | MassMutual                              | AP | 1,466.03  |
| 221161 | 3/20/2020 | MassMutual                              | AP | 3,692.50  |
| 221162 | 3/20/2020 | Merced County Sheriff                   | AP | 150.00    |
| 221163 | 3/20/2020 | Nationwide Retirement Solutions         | AP | 3,257.50  |
| 221164 | 3/20/2020 | Professional Fire Fighter               | AP | 720.00    |

|        |           |                                       |    |          |
|--------|-----------|---------------------------------------|----|----------|
| 221165 | 3/20/2020 | Public Employees Union, Local One     | AP | 977.59   |
| 221166 | 3/20/2020 | State Disbursement Unit               | AP | 2,078.00 |
| 221167 | 3/20/2020 | Vantagepont Transfer Agents - 306797  | AP | 884.45   |
| 221168 | 3/20/2020 | Vantagepoint Transfer Agents - 801838 | AP | 4,225.00 |
| 221169 | 3/20/2020 | Halcyon Creek Inc.                    | AP | 6,796.37 |

Break in check sequence due to the following:  
Check #221041 - #221049 (Payroll)

|                           |              |
|---------------------------|--------------|
| Total Void Check Count:   | 3            |
| Total Void Check Amount:  | 8,161.97     |
| Total Valid Check Count:  | 209          |
| Total Valid Check Amount: | 1,088,474.55 |
| Total Check Count:        | 212          |
| Total Check Amount:       | 1,096,636.52 |

**CITY OF LOS BANOS**  
**ADJOURNED CITY COUNCIL MEETING MINUTES**  
**MARCH 13, 2020**

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

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 10:10 A.M.

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

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members Daronica Johnson-Santos, Tom Faria, Brett Jones, Deborah Lewis, Mayor Michael Villalta; Absent: None.

**STAFF MEMBERS PRESENT:** City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Police Chief Brizzee, Finance Director Williams, Fire Chief Hurley, Public Works Director/City Engineer Fachin, Community & Economic Developer Elms, City Attorney Vaughn.

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

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL 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.** Mayor Villalta opened the public forum. No one came forward to speak and the public forum was closed.

**CONDUCT A CITY COUNCIL GOALS & OBJECTIVES WORKSHOP.** City Manager Terrazas facilitated the workshop.

**ADJOURNMENT.** The meeting was adjourned at the hour of 3:10 P.M.

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
MARCH 18, 2020**

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

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 7:01 p.m.

**PLEDGE OF ALLEGIANCE:** Police Commander Hedden led the pledge of allegiance.

**ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT:** Council Members, Daronica Johnson-Santos, Deborah Lewis (*virtually participating*), Brett Jones, Mayor Michael Villalta; Tom Faria absent.

**STAFF MEMBERS PRESENT:** City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Police Commander Hedden, Police Chief Brizzee, Fire Chief Hurley, Community & Economic Development Director Elms.

**CONSIDERATION OF APPROVAL OF AGENDA:** Mayor Villalta stated that an emergency item related to COVID-19 needed to be added to the agenda after the posting of the regular agenda. The Government Code sections allowing the addition of this item after the posting of the regular agenda were recited to the public. This emergency item was added as Agenda Item No. 6

Motion by Villalta, seconded by Lewis to add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19) to the agenda as the new item #6. The motion carried by the following roll call vote – AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

Motion by Lewis, seconded by Jones to approve the City Council Meeting agenda with the addition of the emergency item, add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19), which will now become item #6. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Jones to approve the amended City Council Meeting agenda with the addition of add Consideration of Approval of City Council Resolution No. 6190 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The

motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL 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.** Mayor Villalta opened the Public Forum. No one came forward to speak and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6190 – RATIFYING THE DIRECTOR OF EMERGENCY SERVICES’ PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-10).** City Manager Terrazas presented the staff report, which included a brief update of the COVID-19 situation. Fire Chief Hurley spoke in greater detail as to what the City is doing in response to the current situations and what the future plans will be.

Mayor Villalta spoke to the reasoning behind the City proclaiming the existence of a local emergency and how it is not meant to cause panic, but is merely to follow emergency procedures and to be sure the City will be able to function properly after the situation passes. Proper documentation and procedures must be followed in order for the City to be reimbursed for its response efforts.

The issue of supply hoarding was discussed and how all should be mindful of how their actions could potentially affect the more vulnerable populations. All residents in the community, including the homeless and senior citizens, are aimed at being taken care of and there are many groups working together to be sure this goal is accomplished.

Staff was thanked for all their response efforts and the community was reminded about the importance of self-care and proper precautions to take to stay healthy. The main source of information or updates can be found on the Los Banos Police Department’s Facebook page.

Motion by Johnson-Santos, seconded by Jones to approve City Council Resolution No. 6190 – Ratifying the Director of Emergency Services’ Proclamation of the Existence of a Local Emergency within the City of Los Banos (COVID-19). The motion carried by the affirmative action of all Council Members present, Faria absent.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Johnson-Santos, seconded by Jones to approve the consent agenda as follows: Check Register for #220702 - #220948 in the Amount of \$1,112,594.14, Minutes for the March 4, 2020 City Council Meeting. The motion carried by the affirmative action of all Council Members present, Faria absent.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER ADDING ARTICLE 46 TO CHAPTER 3 TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION; ORDINANCE NO. 1181 – ADDING ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION (FIRST READING & INTRODUCTION).**

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

There was Council Member and staff discussion regarding certain situations that would possibly fall under accommodation relief measures. Staff will review these accommodations on a case-by-case basis and conduct studies or analyses as needed in order to make proper decisions.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Johnson-Santos, seconded by Lewis to waive the first reading of Ordinance No. 1181 – Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation. The motion carried by the affirmative action of all City Council Members present, Faria absent.

Motion by Johnson-Santos, seconded by Lewis to introduce Ordinance No. 1181 – Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation. The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION A STATUTORY EXEMPTION FROM CEQA PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO AMEND CHAPTER 3 OF TITLE 9 OF THE MUNICIPAL CODE AS IT RELATES TO REMOVING BARRIERS FOR DEVELOPMENT OF SUPPORTIVE AND TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND SINGLE ROOM OCCUPANCIES IN ACCORDANCE WITH STATE HOUSING ELEMENT LAW; ORDINANCE NO. 1182 – AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS (FIRST READING & INTRODUCTION).** City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Lewis, seconded by Jones to waive the first reading of Ordinance No. 1182 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units. The motion carried by the affirmative action of all City Council Members present.

Motion by Lewis, seconded by Jones to introduce Ordinance No. 1182 – Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units. The motion

carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A GENERAL PLAN AMENDMENT THAT WOULD UPDATE THE HOUSING ELEMENT OF LOS BANOS GENERAL PLAN PURSUANT TO STATE LAW; CITY COUNCIL RESOLUTION NO. 6187 – ADOPTING THE 2019 ANNUAL REPORT ON THE STATUS OF THE HOUSING ELEMENT OF THE GENERAL PLAN AND PROGRESS REPORT IN ITS IMPLEMENTATION.** Community & Economic Development Director Elms presented the staff report, which included a PowerPoint presentation.

Mayor Villalta opened the public hearing. No one came forward to speak.

Motion by Johnson-Santos, seconded by Jones to approve City Council Resolution No. 6187 — Adopting the 2019 annual Report on the Status of the Housing Element of the General Plan and Progress Report in Its Implementation. The motion carried by the affirmative action of all Council Members present, Faria absent.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6188 – APPROVING A COMPENSATION AGREEMENT BETWEEN THE CITY OF LOS BANOS AND OTHER AFFECTED TAXING ENTITIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 34180(f) AS IT PERTAINS TO DESIGNATED LOCAL AUTHORITY (DLA) AND THE FORMER LOS BANOS REDEVELOPMENT AGENCY (RDA) PROPERTY INTERESTS.** City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the agreement itself, the different categories of properties in the City, and how sales proceeds of certain properties would have to be shared with other local taxing entities if certain obligations under this agreement are not met.

Motion by Jones, seconded by Johnson-Santos to approve City Council Resolution No. 6188 – Approving a Compensation Agreement between the City of Los Banos and other Affected Taxing Entities Pursuant to Health and Safety Code Section 34180(f) as it Pertains to Designated Local Authority (DLA) and the Former Los Banos Redevelopment Agency (RDA) Property Interst. The motion carried by the affirmative action of all Council Members present, Faria absent.

Mayor Villalta called for a five-minute recess.

**CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (CALPERS) CONTRACT AMENDMENT AS IT PERTAINS TO LOCAL SAFETY MEMBERS (POLICE & FIRE) AND COST SHARING OF PENSION; CITY COUNCIL RESOLUTION NO. 6189 – INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALPERS AND THE CITY OF LOS BANOS AS IT PERTAINS TO LOCAL SAFETY MEMBERS (POLICE & FIRE); ORDINANCE NO. 1183 – AUTHORIZING AN AMENDMENT TO THE**

**CONTRACT BETWEEN THE CITY OF LOS BANOS AND THE BOARD OF ADMINISTRATION OF THE CALPERS TO IMPLEMENT SECTION 20516, EMPLOYEES SHARING ADDITIONAL PENSION COSTS FOR LOCAL SAFETY MEMBERS (POLICE & FIRE) (FIRST READING & INTRODUCTION).**

Human Resources Director Mallonee presented the staff report.

Motion by Lewis, seconded by Johnson-Santos to adopt City Council Resolution No. 6189 – Intention to Approve an Amendment to Contract between the Board of Administration CalPERS and the City of Los Banos as it Pertains to Local Safety Members (Police & Fire). The motion carried by the affirmative action of all Council Members present, Faria absent.

Motion by Lewis, seconded by Johnson-Santos to waive the first reading of Ordinance No. 1183 – Authorizing an Amendment to the Contract between the City of Los Banos and the Board of Administration of the CalPERS to Implement Section 20516, Employees Sharing Additional Pension Costs for Local Safety Members (Police & Fire). The motion carried by the following roll call vote: AYES: Johnson-Santos, Jones, Lewis, Villalta; NOES: None; ABSENT: Faria.

**ADVISEMENT OF PUBLIC NOTICES (One Report).** Community & Economic Development Director stated that a public hearing will be held by the Planning Commission at 7:00 p.m. on March 25, 2020 to consider a tentative parcel map, a site plan review, a conditional use permit and a negative declaration for the development of two parcels at 1420 E Pacheco Boulevard by The Orozco Group in order to accommodate quick serve restaurant drive-thru's for Chipotle and Dutch Bros.

**CITY MANAGER REPORT.** City Manager Terrazas reminded all who are watching on Facebook Live that the questions that were submitted will be answered and posted on the Police Department's Facebook page. There will be a summary prepared of the Facebook comments received and those will be provided to the Council.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta stated that the two big items that are continuing to be pushed forward are the Pioneer trail project and the expansion of the Billy Wright dumpsite.

**DEBORAH LEWIS:** Council Member Lewis stated that she received a text from the Los Banos Unified School Districting regarding free drive-thru/walk up meals provided to every child ages 1-18 every Monday-Friday from 10:00 a.m. – 1:00 p.m. There will be no service provided during spring break week which will be March 23 – March 27 and April 10 – April 13. She identified all locations where these meals will be available. In regards to the COVID-19 situation, she made a comment about the importance of checking in on older family members to make sure all their needs are met and to maintain social distancing as much as possible.

**TOM FARIA:** Absent.

**DARONICA JOHNSON-SANTOS:** Council Member Johnson-Santos encouraged all to keep calm and stay safe and to be mindful that there are other people trying to get the same essential supplies. Only obtain what is necessary for you and your family for a couple of days or weeks.

**BRETT JONES:** No report.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta spoke to how the community has always had enough supplies for everyone and how the hoarding situation is a bit much. He encouraged all to continue to shop and spend locally. The school district has a wonderful plan on taking care of the children in the community and he encouraged all to utilize this resource. The City is working on taking care of special senior needs during this time such as alternative shopping avenues and meal services. For all questions and concerns regarding the COVID-19, please look to the Merced County website for more information.

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.** No reportable action.

**CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION; INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9: ONE POTENTIAL CASE.** No reportable action.

**ADJOURNMENT.** The meeting was adjourned at 10:26 PM.

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk



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

## **Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Sonya Williams, Finance Director  
Lucy Mallonee, MMC  
City Clerk/Human Resources Director

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Agenda Item

**SUBJECT:** Approval of a Public Safety Dispatcher / Community Services Officer (CSO) Recruitment Incentive Pilot Program

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### **Recommendation:**

Adopt the Resolution approving the Public Safety Dispatcher / CSO Recruitment Incentive Pilot Program and Budget Amendment allocating the funds necessary to run the program.

### **Discussion:**

The City has executed Side Letter Agreements with the Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA) and Los Banos Police Sergeants Association (LBPSA) regarding the Police Recruitment Incentive Pilot Program which include:

- Public Safety Dispatcher/CSO Recruitment Incentive
  - \$15,000 funding cap
  - \$2,500 signing bonus
    - \$625 after 1 month of work
    - \$625 successful completion of FTO (3-4 months)
    - \$1,250 successful completion of probation (1 year)

- Police Department Referral Recruitment Incentive  
\$500 after 1 month of work  
\$500 successful completion of probation (1 year)
- Effective upon City Council Approval

The City has offered a similar recruitment incentive to the Los Banos Police Officers Association (LBPOA) but has not yet received a signed side letter. The Police Officer Recruitment Incentive being considered by the LBPOA is as follows:

- Police Officer Recruitment Incentive  
\$100,000 funding cap  
\$15,000 signing bonus  
\$3,750 after 1 month of work  
\$3,750 successful completion of FTO (3-4 months)  
\$7,000 successful completion of probation (1 year)

This Pilot Program was presented to the Measure H Citizens' Oversight Committee on February 26, 2020; they were in full support and recommended City Council approval of the Pilot Program using Measure H funding.

**Fiscal Impact:**

The cost of the pilot program will be capped at \$100,000 for Police Officers (once approved) and \$15,000 for Public Safety Dispatchers/CSOs. The program will be funded using available Measure H funds.

**Reviewed by:**



Alex Terrazas, City Manager

**Attachments:**

Side Letter Agreements  
Resolution

**PROPOSED SIDE LETTER OF AGREEMENT  
BETWEEN CITY OF LOS BANOS AND  
LOS BANOS POLICE DISPATCHERS COMMUNITY SERVICE OFFICER ASSOCIATION (LBPDCSOA)  
RE: DISPATCHER HIRING INCENTIVE PILOT PROGRAM**

This Side Letter of Agreement ("Agreement") between the City of Los Banos ("City") and the Los Banos Police Dispatcher Community Service Officer Association ("LBPDCSOA") (collectively referred to as the "Parties") is entered into with respect to the following:

**WHEREAS**, the current Memorandum of Understanding ("MOU") between the City and LBPDCSOA has a term of July 1, 2018- June 30, 2020; and

**WHEREAS**, in light of recruitment challenges faced by the City, the Parties seek to enhance its recruitment of qualified, sworn and non-sworn personnel, and wish to pilot a program for hiring and referral incentives; and

**WHEREAS**, revenue from Measure H is intended, in part, to support police officer recruitment and retention, and police dispatching and operations, and therefore the City intends to use partial Measure H funding for dispatcher and Community Service Officer (CSO) hiring incentives and law enforcement referral incentives;

**WHEREAS**, the City and LBPDCSOA have met and conferred and have agreed to the following hiring and referral incentive pilot program;

**NOW THEREFORE**, the parties hereby agree to the following:

1. For the sole purpose of attracting qualified dispatcher and CSO candidates to work for the City, effective upon City Council approval of this side letter and for the duration of the pilot program as specified herein, Dispatchers and CSO's hired by the City are eligible to receive up to two thousand five hundred dollars (\$2,500) as a hiring incentive, paid as follows:
  - a. A lump sum hiring incentive of six hundred twenty five dollars (\$625) will be paid the first pay period following successful completion, as determined by the Police Chief or designee, of one (1) month of work as a Los Banos Police Dispatcher or CSO;
  - b. A lump sum hiring incentive of ~~three thousand~~<sup>am</sup> six hundred twenty five dollars (\$625) will be paid the first pay period following successful completion, as determined by the Police Chief or designee, of field training as a Los Banos Police Dispatcher or CSO; and
  - c. A lump sum hiring incentive of one thousand two hundred fifty dollars (\$1,250) will be paid the first pay period following successful completion, as determined by the Police Chief or designee, of the probationary period for a Los Banos Police Dispatcher or CSO.
  
2. Effective upon City Council approval of this side letter and for the duration of the pilot program as specified herein, current Los Banos Police Dispatchers and CSO's who refer an eligible Police Officer, Dispatcher or CSO hire are eligible to receive a referral incentive of up to a total of one thousand dollars (\$1,000), paid as follows:
  - a. A lump sum referral incentive of five hundred dollars (\$500) will be paid the first full pay period following the eligible hire's successful completion, as determined by the Police Chief or designee, of one (1) month of work as a Los Banos Police Officer, Dispatcher or CSO; and
  - b. A lump sum referral incentive of five hundred dollars (\$500) will be paid the first full pay period following the eligible hire's successful completion, as determined by the Police Chief or designee, of the probationary period for a Los Banos Police Officer, Dispatcher or CSO.

**PROPOSED SIDE LETTER OF AGREEMENT  
BETWEEN CITY OF LOS BANOS AND  
LOS BANOS POLICE DISPATCHERS COMMUNITY SERVICE OFFICER ASSOCIATION (LBPDCSOA)  
RE: DISPATCHER HIRING INCENTIVE PILOT PROGRAM**

Only one current Los Banos Police Department employee can be identified as the referring employee for each eligible hire for purposes of the referral incentive. The current Los Banos Police Department employee referring the eligible hire must be identified in writing by the eligible hire at the time the application for employment is submitted to obtain the referral incentive.

An individual Los Banos Police Department employee may not receive more than five (5) referral incentives.

Participation in the referral process is strictly voluntary. Recruitment efforts by Los Banos Police Department employees should be limited to after-hours solicitation done among friends, relatives, neighbors and acquaintances as part of the employees' social affairs.

3. It is the intent of the parties that such hiring and referral incentive payments will not be treated as salary or wages, as the incentive payments are not provided as compensation for hours of employment. The hiring and referral incentive payments will not be included in overtime/regular rate of pay calculations, will not be treated as pensionable compensation, and there will be no "roll up" effect.
4. The City has authorized a cap of one hundred thousand dollars (\$100,000) for the Police Officer hiring/referral incentive pilot program and a cap of fifteen thousand dollars for the Police Dispatcher/CSO hiring/referral incentive pilot program. Total City expenditures for each Hiring and Referral Incentive Pilot Program shall not exceed the authorized spending cap. This includes the amount spent for hiring incentives. Upon reaching the cap, the pilot program will cease and no further hiring or referral incentives will be provided. While the pilot program is in effect, the City will earmark two thousand five hundred dollars (\$2,500) per dispatcher or CSO hired unless at the time of hire, the City has less than two thousand five hundred dollars (\$2,500) left in the pilot program allotment.
5. Upon the end of the pilot program, the parties will evaluate the success of the program, and meet and confer over possible continuation of the hiring incentive.

**SO AGREED:**

FOR THE LBPDCSOA

FOR THE CITY

 MYRIAM FLORES

 Lucy Madrone

3-12-2020  
DATE

3/13/2020  
DATE

**PROPOSED SIDE LETTER OF AGREEMENT  
BETWEEN CITY OF LOS BANOS AND  
LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA)  
RE: POLICE OFFICER REFERRAL INCENTIVE PILOT PROGRAM**

This Side Letter of Agreement ("Agreement") between the City of Los Banos ("City") and the Los Banos Police Sergeants Association ("LBPSA") (collectively referred to as the "Parties") is entered into with respect to the following:

**WHEREAS**, the current Memorandum of Understanding ("MOU") between the City and LBPSA has a term of July 1, 2018- June 30, 2020; and

**WHEREAS**, in light of recruitment challenges faced by the City, the Parties seek to enhance its recruitment of qualified sworn and non-sworn law enforcement personnel, and wish to pilot a program for referral incentives; and

**WHEREAS**, revenue from Measure H is intended, in part, to support police recruitment and retention, police dispatch, and police operations, and therefore the City intends to use partial Measure H funding for referral incentives for law enforcement personnel;

**WHEREAS**, the City and LBPSA have met and conferred and have agreed to the following referral incentive pilot program;

**NOW THEREFORE**, the parties hereby agree to the following:

1. Effective upon City Council approval of this side letter and for the duration of the pilot program as specified herein, current Los Banos Police Sergeants who refer an eligible Police Officer, Dispatcher or Community Service Officer (CSO) candidate hired by the City are eligible to receive a referral incentive of up to a total of one thousand dollars (\$1,000), paid as follows:
  - a. A lump sum referral incentive of five hundred dollars (\$500) will be paid the first full pay period following the eligible hire's successful completion, as determined by the Police Chief or designee, of one (1) month of work as a Los Banos Police Officer, Dispatcher or CSO; and
  - b. A lump sum referral incentive of five hundred dollars (\$500) will be paid the first full pay period following the eligible hire's successful completion, as determined by the Police Chief or designee, of the probationary period for a Los Banos Police Officer, Dispatcher, or CSO.

Only one current Los Banos Police Department employee can be identified as the referring employee for each eligible hire for purposes of the referral incentive. The current Los Banos Police Department employee referring the eligible hire must be identified in writing by the eligible hire at the time the application for employment is submitted to obtain the referral incentive.

An individual Los Banos Police Department employee may not receive more than five (5) referral incentives.

Participation in the referral process is strictly voluntary. Recruitment efforts by Los Banos Sergeants should be limited to after-hours solicitation done among friends, relatives, neighbors and acquaintances as part of the employees' social affairs.

2. It is the intent of the parties that such referral incentive payments will not be treated as salary or wages, as the incentive payments are not provided as compensation for hours of employment. The referral incentive payments will not be included in overtime/regular rate of

**PROPOSED SIDE LETTER OF AGREEMENT  
BETWEEN CITY OF LOS BANOS AND  
LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA)  
RE: POLICE OFFICER REFERRAL INCENTIVE PILOT PROGRAM**

pay calculations, will not be treated as pensionable compensation, and there will be no "roll up" effect.

3. The City has authorized a cap of one hundred thousand dollars (\$100,000) for the Police Officer hiring/referral incentive pilot program and a cap of fifteen thousand dollars for the Police Dispatcher/CSO hiring/referral incentive pilot program. Total City expenditures for each Hiring and Referral Incentive Pilot Program shall not exceed the authorized spending cap. This includes the amount spent for hiring incentives. Upon reaching the cap, the pilot program will cease and no further hiring or referral incentives will be provided.
  
4. Upon the end of the pilot program, the parties will evaluate the success of the program, and meet and confer over possible continuation of the hiring incentive.

**SO AGREED:**

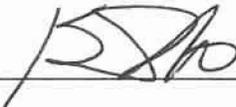
FOR THE LBPSA

  
\_\_\_\_\_

2/10/20

DATE

FOR THE CITY

  
\_\_\_\_\_

3/10/2020

DATE

**RESOLUTION NO. \_\_**

**A RESOLUTION OF THE CITY OF LOS BANOS  
APPROVING THE PUBLIC SAFETY DISPATCHER /  
COMMUNITY SERVICES OFFICER RECRUITMENT  
INCENTIVE PILOT PROGRAM AND A REVISED  
BUDGET FOR THE 2019-2020 FISCAL YEAR AS IT  
PERTAINS TO MEASURE H FUNDS ASSOCIATED  
WITH THE PROGRAM**

WHEREAS, the City Council of the City of Los Banos has received a request to approve a Public Safety Dispatcher / Community Services Officer (CSO) Recruitment Incentive Pilot Program; and

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2019-2020 Fiscal Year budget; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the 2019-2020 Fiscal Year by action to amend the budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby:

1. Approve a Public Safety Dispatcher / Community Services Officer (CSO) Recruitment Incentive Pilot Program "Exhibit A".
2. Amends the 2019-2020 Fiscal Year Budget shown in "Exhibit B".

The foregoing resolution was introduced at a regular meeting of the Los Banos City Council held on the 1<sup>st</sup> day of April, by Council Member \_\_ who moved for its adoption, which motion was duly seconded by Council Member \_\_, and the Resolution was adopted by the following vote:

AYES: Council Members

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

Exhibit A

**RECRUITMENT INCENTIVE PILOT PROGRAM OUTLINE:**

- Police Safety Dispatcher/CSO – Recruitment Incentives
  - \$15,000 funding cap
  - \$2,500 signing bonus
    - \$625 at time of hire
    - \$625 successful completion of training (12-16 weeks)
    - \$1,250 successful completion of probation (1 year)
  - \$1,000 referral bonus
    - Available to all Police Department Positions
    - \$500 when applicant is hired
    - \$500 when applicant completes probation

**EXHIBIT B**

## Measure H - Recruitment Incentive Pilot Program

| Fund    | Account Description        | Account #       | Adjustment  |
|---------|----------------------------|-----------------|---|
| General | Property Taxes in Lieu VLF | 100-000-311-035 | 150,000.00 Outpacing budget assumptions                     |
| General | Sales & Use Tax            | 100-000-313-010 | 150,000.00 Adjust Estimate per Muniservices                 |
| General | Business License Admin Fee | 100-000-341-011 | (29,610.00) Fee Eliminated                                  |
| General | Salaries - Police          | 100-421-290-101 | (100,000.00) Reduce salaries - recruitment pilot program    |
| General | Recruitment - Police       | 100-421-290-237 | 100,000.00 Increase recruitment - recruitment pilot program |
| General | Salaries - Police          | 100-421-290-101 | (15,000.00) Reduce salaries - contract background checks    |
| General | Recruitment - Police       | 100-421-290-237 | 15,000.00 Increase recruitment - contract background checks |
| General | Salaries - Dispatch        | 100-421-290-101 | (15,000.00) Reduce salaries - recruitment pilot program     |
| General | Recruitment - Dispatch     | 100-421-290-237 | 15,000.00 Increase recruitment - recruitment pilot program  |



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

**Agenda Staff Report**

**TO:** Mayor and City Council Members  
**FROM:** Sonya Williams, Finance Director  
**DATE:** April 1, 2020  
**SUBJECT:** Authorizing Award of Bid for the Purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV)  
**TYPE OF REPORT:** Consent Agenda

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**Recommendation:**

That the City Council adopts the Resolution to award of bid for the purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV) to Santos Ford in the amount of \$42,099.00; and authorizes the Public Works Director/City Engineer to issue a purchase order to Santos Ford in the amount of \$42,099.00 for the purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV).

**Discussion:**

The budget for Administration-Vehicles included the replacement of the Ford Expedition. Bid documents for the purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV) were released on Tuesday, February 4, 2020. A public notice was advertised on Friday, February 7, 2020 in the Los Banos Enterprise. The bid opening occurred on Tuesday, March 10, 2020. The Public Works Department, through the office of City Clerk, received three (3) sealed bids. The following dealerships responded to the City's invitation:

|                           |             |
|---------------------------|-------------|
| Courtesy Chevrolet Center | \$44,803.64 |
| Razzari Ford Mazda        | \$39,470.41 |
| Santos Ford               | \$42,099.00 |

After a review of the submitted bid documents, the lowest bidder, Razzari Ford Mazda did not meet all the specifications as outlined in the bid documents. Razzari Ford Mazda

submitted a bid that did not agree to liquidated damages in the event they cannot meet the 90 day deadline for delivery. Therefore, the Razzari Ford Mazda bid has been rejected. Staff has determined Santos Ford supplied the lowest responsive and responsible bid. Therefore, staff is requesting awarding the purchase order to Santos Ford for their total bid price in the amount of \$42,099.00.

**Fiscal Impact:**

Funds have been allocated in the 2019/2020 Fiscal Year budget for the purchase in account 100-410-100-750; this funding was assigned specifically for capital.

**Reviewed by:**



Alex Terrazas, City Manager

**Attachments:**

Resolution  
Public Notice  
Bid Opening Sheet

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF LOS BANOS AWARDING THE  
BID FOR THE PURCHASE OF ONE NEW  
2020/2021 FUL-SIZE SPORT UTILITY  
VEHICLE (SUV); AUTHORIZE THE PUBLIC  
WORKS DIRECTOR/CITY ENGINEER TO  
ISSUE THE PURCHASE ORDER**

WHEREAS, the City of Los Banos has the responsibility to procure, manage, and maintain the City's fleet; and

WHEREAS, the City of Los Banos received sealed bids for the purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV) that were officially opened on Tuesday, March 10, 2020; and

WHEREAS, it was determined that Santos Ford provided the lowest responsive and responsible bid most responsive at a bid of \$42,099.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the bid of \$42,099 from Santos Ford for the purchase of One New 2020/2021 Full-Size Sport Utility Vehicle (SUV); authorizes the Public Works Director/City Engineer to issue the purchase order.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1<sup>st</sup> day of April 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

# INVITATION FOR SEALED BIDS

CITY OF LOS BANOS  
PUBLIC WORKS DEPARTMENT  
411 Madison Avenue  
Los Banos, CA 93635  
(209) 827-7056

NOTICE IS HEREBY GIVEN that the CITY OF LOS BANOS (herein called the "Owner") invites and will receive sealed bids up to the hour of 2:00 p.m. Pacific Daylight Savings Time (PDT) on **Tuesday, March 10, 2020** for the purchase of one (1) New 2020/2021 Model Full Size Sport Utility Vehicle (SUV). At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud in the City of Los Banos Council Chambers by the office of the City Clerk at:

**Los Banos City Hall  
520 "J" Street  
Los Banos, California 93635**

Questions regarding the Bid Documents are to be directed to Dan Bronson, Public Works Fleet Coordinator, by email at [dan.bronson@losbanos.org](mailto:dan.bronson@losbanos.org).

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City of Los Banos, 520 J Street, Los Banos, California, 93635 on or before the hour of 2:00 p.m. PDT on **Tuesday, March 10, 2020**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

The Bid Proposal forms can be obtained from the City of Los Banos website at [www.losbanos.org](http://www.losbanos.org).

The City of Los Banos reserves the right to reject any and/or all Bids received.



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

**BID OPENING**

**Purchase of One (1) New 2020/2021 Model Full Size Sport Utility Vehicle (SUV)**

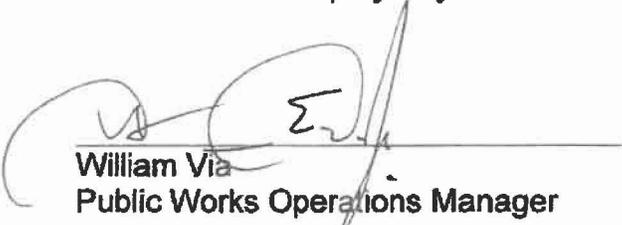
**MARCH 10, 2020 - 2:00 PM**

- |                              |              |
|------------------------------|--------------|
| 1. Courtesy Chevrolet Center | \$ 44,803.64 |
| 2. Razzari Ford Mazda        | \$ 39,470.41 |
| 3. Santos Ford               | \$ 42,099.00 |

Signed: 

Sara Blevins, CMC  
HR Technician/Deputy City Clerk

Dated: March 10, 2020

  
William Via  
Public Works Operations Manager



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Mark Fachin, P.E., Public Works Director/City Engineer

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** Authorizing approval of the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal Year 2020-2021

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**Recommendation:**

That the City Council adopts the Resolution approving the Road Maintenance and Rehabilitation Account (RMRA) Proposed Project List for Fiscal Year 2020-2021.

**Background:**

The State of California passed Senate Bill 1 (SB1) to address basic road maintenance, rehabilitation, and critical safety needs at the state and local level. SB1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. To be eligible for RMRA funding cities and counties are required to annually provide basic project reporting to the California Transportation Commission (CTC) for projects anticipated for and funded through the RMRA. The approved maintenance and repair list for 2020-2021 Fiscal Year is currently being scheduled and the project list is attached. The work on the project list completed before June 30, 2021 will be reportable to the CTC by October 2021. A detailed project cost sheet will be prepared by staff for the expenditure reporting purposes to the CTC.

**Discussion:**

Public Works staff has identified local street maintenance and repair work scheduled for the 2020-2021 Fiscal Year. A project list has been generated for maintenance and repairs that qualify for SB1 funding allocations. The project list has been generated utilizing our existing pavement management software. The project list has projected costs associated to the maintenance and/or repair activity.

**Fiscal Impact:**

SB1 funding supplements road maintenance and rehabilitation work throughout the City. Local allocations provide rehabilitation treatments needed on the City streets and roads. Treatment and rehabilitation costs are being included in the 2020-2021 FY budget.

**Reviewed by:**

  
\_\_\_\_\_  
Alex Terrazas, City Manager

  
\_\_\_\_\_  
Sonya Williams, Finance Director

**Attachments:**

Resolution

Resolution Exhibit A - 2020-2021 Street Maintenance and Rehabilitation Project List

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF LOS BANOS APPROVING THE  
ROAD MAINTENANCE AND REHABILITATION  
ACCOUNT PROPOSED PROJECT LIST FOR  
FISCAL YEAR 2020-2021**

WHEREAS, the State of California passed Senate Bill 1 (SB1) to address basic road maintenance, rehabilitation, and critical safety needs throughout the State; and

WHEREAS, the Road Maintenance and Rehabilitation Account (RMRA) accountability guidelines includes the development of a project list which identifies the proposed maintenance and repair activities and establishes a cost projection; and

WHEREAS, the SB1 funding will help the City of Los Banos maintain and rehabilitate streets throughout the City this year and similar projects in the future; and

WHEREAS, the City of Los Banos uses its pavement management software to develop annual road maintenance and rehabilitation work, the RMRA work project list was developed similarly using the pavement management data; and

WHEREAS, the City of Los Banos Public Works Staff has prepared the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal Year 2020-2021, as listed in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby adopt the Resolution approving the Road Maintenance and Rehabilitation Account Proposed Project List for Fiscal Year 2020-2021 as shown in Exhibit A.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1<sup>st</sup> day of April 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

## EXHIBIT A

### CITY OF LOS BANOS ROAD MAINTENANCE AND REHABILITATION PLAN 2020/2021

| <b>Crack Seal</b> |                         |                    | Estimated    |              |              | Useful    |
|-------------------|-------------------------|--------------------|--------------|--------------|--------------|-----------|
| Location          | Estimated<br>Start Date | Completion<br>Date | Area<br>(LF) | Cost<br>(LF) | Cost (total) | Life      |
| MISSION DR        | 7/1/2020                | 6/30/2021          | 5,000        | 0.51 \$      | 2,550.00     | 5-7 years |
| OVERLAND AV       | 7/1/2020                | 6/30/2021          | 7,500        | 0.51 \$      | 3,825.00     | 5-7 years |
| FAIRMONT DR       | 7/1/2020                | 6/30/2021          | 2,000        | 0.51 \$      | 1,020.00     | 5-7 years |
| MENDOCINO CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| SANTA ANA CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| OVERLAND AV       | 7/1/2020                | 6/30/2021          | 5,000        | 0.51 \$      | 2,550.00     | 5-7 years |
| COVINGTON ST      | 7/1/2020                | 6/30/2021          | 2,000        | 0.51 \$      | 1,020.00     | 5-7 years |
| SAN SIMEONE WY    | 7/1/2020                | 6/30/2021          | 5,000        | 0.51 \$      | 2,550.00     | 5-7 years |
| PLACE RD          | 7/1/2020                | 6/30/2021          | 2,500        | 0.51 \$      | 1,275.00     | 5-7 years |
| SAN RAMON LN      | 7/1/2020                | 6/30/2021          | 5,000        | 0.51 \$      | 2,550.00     | 5-7 years |
| DEL RIO DR        | 7/1/2020                | 6/30/2021          | 5,000        | 0.51 \$      | 2,550.00     | 5-7 years |
| LA MESA LN        | 7/1/2020                | 6/30/2021          | 4,000        | 0.51 \$      | 2,040.00     | 5-7 years |
| EL MONTE CT       | 7/1/2020                | 6/30/2021          | 2,500        | 0.51 \$      | 1,275.00     | 5-7 years |
| EL PINAL LN       | 7/1/2020                | 6/30/2021          | 4,000        | 0.51 \$      | 2,040.00     | 5-7 years |
| LA CRESTA CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| SAN CARLO LN      | 7/1/2020                | 6/30/2021          | 3,000        | 0.51 \$      | 1,530.00     | 5-7 years |
| EL CAMINO WY      | 7/1/2020                | 6/30/2021          | 4,000        | 0.51 \$      | 2,040.00     | 5-7 years |
| SAN MIGUEL AV     | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| EL CAJON LN       | 7/1/2020                | 6/30/2021          | 2,000        | 0.51 \$      | 1,020.00     | 5-7 years |
| LOS FELIS WY      | 7/1/2020                | 6/30/2021          | 2,000        | 0.51 \$      | 1,020.00     | 5-7 years |
| MESA CT           | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| CASA CT           | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| MADERA CT         | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| SANTA BARBARA ST  | 7/1/2020                | 6/30/2021          | 12,000       | 0.51 \$      | 6,120.00     | 5-7 years |
| BIRCHWOOD AV      | 7/1/2020                | 6/30/2021          | 9,500        | 0.51 \$      | 4,845.00     | 5-7 years |
| DRIFTWOOD AV      | 7/1/2020                | 6/30/2021          | 12,500       | 0.51 \$      | 6,375.00     | 5-7 years |
| CHABLIS CT        | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| MERLOT CT         | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| GUMWOOD CT        | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| DATEWOOD CT       | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| ELMWOOD DR        | 7/1/2020                | 6/30/2021          | 2,500        | 0.51 \$      | 1,275.00     | 5-7 years |
| WINDWOOD CT       | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| PINEWOOD CT       | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| CEDARWOOD CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| CEDARWOOD CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| HARDWOOD CT       | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| STONEWOOD DR      | 7/1/2020                | 6/30/2021          | 10,000       | 0.51 \$      | 5,100.00     | 5-7 years |
| BEECHWOOD DR      | 7/1/2020                | 6/30/2021          | 2,500        | 0.51 \$      | 1,275.00     | 5-7 years |
| WALNUTWOOD CT     | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| WALNUTWOOD CT     | 7/1/2020                | 6/30/2021          | 1,000        | 0.51 \$      | 510.00       | 5-7 years |
| PEACHWOOD CT      | 7/1/2020                | 6/30/2021          | 1,500        | 0.51 \$      | 765.00       | 5-7 years |
| PEACHWOOD CT      | 7/1/2020                | 6/30/2021          | 1,000        | 0.51 \$      | 510.00       | 5-7 years |
| ACACIAWOOD CT     | 7/1/2020                | 6/30/2021          | 1,000        | 0.51 \$      | 510.00       | 5-7 years |
| BURLWOOD CT       | 7/1/2020                | 6/30/2021          | 500          | 0.51 \$      | 255.00       | 5-7 years |
| BURLWOOD DR       | 7/1/2020                | 6/30/2021          | 1,000        | 0.51 \$      | 510.00       | 5-7 years |
| OAKWOOD DR        | 7/1/2020                | 6/30/2021          | 500          | 0.51 \$      | 255.00       | 5-7 years |

## Crack Seal

| Location            | Estimated Start Date | Estimated Completion Date | Area (LF) | Cost (LF) | Cost (total) | Useful Life |
|---------------------|----------------------|---------------------------|-----------|-----------|--------------|-------------|
| OAKWOOD CT          | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| OLIVEWOOD DR        | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| OLIVEWOOD CT        | 7/1/2020             | 6/30/2021                 | 1,500     | 0.51 \$   | 765.00       | 5-7 years   |
| KIRKWOOD CT         | 7/1/2020             | 6/30/2021                 | 1,500     | 0.51 \$   | 765.00       | 5-7 years   |
| KIRKWOOD CT         | 7/1/2020             | 6/30/2021                 | 1,500     | 0.51 \$   | 765.00       | 5-7 years   |
| COTTONWOOD DR       | 7/1/2020             | 6/30/2021                 | 3,000     | 0.51 \$   | 1,530.00     | 5-7 years   |
| PEARWOOD CT         | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| ASHWOOD CT          | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| LINWOOD CT          | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| S. MOUNTAIN SIDE DR | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| SCRIPPS DR          | 7/1/2020             | 6/30/2021                 | 10,000    | 0.51 \$   | 5,100.00     | 5-7 years   |
| COLLEGE GRNS DR     | 7/1/2020             | 6/30/2021                 | 3,000     | 0.51 \$   | 1,530.00     | 5-7 years   |
| CABRILLO CT         | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| COLUMBIA DR         | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| LANE CT             | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| HARTNELL CT         | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| STANFORD CT         | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| PRINCETON CT        | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| COGSWELL CT         | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| DAVIS CT            | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| BOALT DR            | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| CLAREMONT DR        | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| PITZER WY           | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| MILLS DR            | 7/1/2020             | 6/30/2021                 | 2,500     | 0.51 \$   | 1,275.00     | 5-7 years   |
| DE ANZA WY          | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| CHAPMAN CT          | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| CHAPMAN DR          | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| BROOKS CT           | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| BROOKS DR           | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| LAVERINE CT         | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| HUMBOLDT CT         | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| RADCLIFFE AV        | 7/1/2020             | 6/30/2021                 | 250       | 0.51 \$   | 127.50       | 5-7 years   |
| ST PATRICKS DR      | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| CHABOT CT           | 7/1/2020             | 6/30/2021                 | 750       | 0.51 \$   | 382.50       | 5-7 years   |
| DAVIS DR            | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| HASTINGS DR         | 7/1/2020             | 6/30/2021                 | 3,000     | 0.51 \$   | 1,530.00     | 5-7 years   |
| LOMA LINDA CT       | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| SONOMA AV           | 7/1/2020             | 6/30/2021                 | 3,000     | 0.51 \$   | 1,530.00     | 5-7 years   |
| WHITTIER WY         | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| VASSAR CT           | 7/1/2020             | 6/30/2021                 | 250       | 0.51 \$   | 127.50       | 5-7 years   |
| BAYLOR WY           | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| CLEMSON CT          | 7/1/2020             | 6/30/2021                 | 250       | 0.51 \$   | 127.50       | 5-7 years   |
| PEPPERDINE DR       | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| RIVERSIDE WY        | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |
| IRVINE DR           | 7/1/2020             | 6/30/2021                 | 2,500     | 0.51 \$   | 1,275.00     | 5-7 years   |
| STANISLAUS DR       | 7/1/2020             | 6/30/2021                 | 1,000     | 0.51 \$   | 510.00       | 5-7 years   |
| POMONA DR           | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| BERKELEY DR         | 7/1/2020             | 6/30/2021                 | 2,000     | 0.51 \$   | 1,020.00     | 5-7 years   |
| PLACE RD            | 7/1/2020             | 6/30/2021                 | 3,500     | 0.51 \$   | 1,785.00     | 5-7 years   |
| MARSALA ST          | 7/1/2020             | 6/30/2021                 | 3,000     | 0.51 \$   | 1,530.00     | 5-7 years   |
| EAST B ST           | 7/1/2020             | 6/30/2021                 | 1,500     | 0.51 \$   | 765.00       | 5-7 years   |
| N. MOUNTAIN SIDE DR | 7/1/2020             | 6/30/2021                 | 500       | 0.51 \$   | 255.00       | 5-7 years   |

| <b>Crack Seal</b>    | <b>Estimated</b>  | <b>Estimated</b>       | <b>Area</b> | <b>Cost</b> | <b>Cost (total)</b> | <b>Useful</b> |
|----------------------|-------------------|------------------------|-------------|-------------|---------------------|---------------|
| <b>Location</b>      | <b>Start Date</b> | <b>Completion Date</b> | <b>(LF)</b> | <b>(LF)</b> |                     | <b>Life</b>   |
| EIGHTH ST            | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| NINTH ST             | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| SANTA RITA ST        | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| J ST                 | 7/1/2020          | 6/30/2021              | 750         | 0.51 \$     | 382.50              | 5-7 years     |
| COLORADO AV          | 7/1/2020          | 6/30/2021              | 10,000      | 0.51 \$     | 5,100.00            | 5-7 years     |
| N. ROCK CREEK DR     | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| LAS PALMAS ST        | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| WEST K ST            | 7/1/2020          | 6/30/2021              | 3,500       | 0.51 \$     | 1,785.00            | 5-7 years     |
| SAN FRANCISCO ST     | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| CAPISTRANO ST        | 7/1/2020          | 6/30/2021              | 500         | 0.51 \$     | 255.00              | 5-7 years     |
| CRYSTAL SPRINGS DR   | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| S. FALLBROOK CIR     | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| S. CREEKSIDE DR      | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| S. ROCK CREEK DR     | 7/1/2020          | 6/30/2021              | 500         | 0.51 \$     | 255.00              | 5-7 years     |
| CHENIN BLANC ST      | 7/1/2020          | 6/30/2021              | 4,000       | 0.51 \$     | 2,040.00            | 5-7 years     |
| MENDOCINO ST         | 7/1/2020          | 6/30/2021              | 750         | 0.51 \$     | 382.50              | 5-7 years     |
| NAPA CT              | 7/1/2020          | 6/30/2021              | 500         | 0.51 \$     | 255.00              | 5-7 years     |
| WOODBIDGE CT         | 7/1/2020          | 6/30/2021              | 500         | 0.51 \$     | 255.00              | 5-7 years     |
| WILLMOTT RD          | 7/1/2020          | 6/30/2021              | 10,000      | 0.51 \$     | 5,100.00            | 5-7 years     |
| S. MOUNTAIN SIDE DR  | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| FIFTH ST             | 7/1/2020          | 6/30/2021              | 750         | 0.51 \$     | 382.50              | 5-7 years     |
| WEST L ST            | 7/1/2020          | 6/30/2021              | 3,000       | 0.51 \$     | 1,530.00            | 5-7 years     |
| GRANADA CIR          | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| VALENCIA DR          | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| PLACE RD             | 7/1/2020          | 6/30/2021              | 10,000      | 0.51 \$     | 5,100.00            | 5-7 years     |
| IDAHO AV             | 7/1/2020          | 6/30/2021              | 3,000       | 0.51 \$     | 1,530.00            | 5-7 years     |
| DELAWARE AV          | 7/1/2020          | 6/30/2021              | 3,000       | 0.51 \$     | 1,530.00            | 5-7 years     |
| ILLINOIS AV          | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| ILLINOIS AV          | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| NEVADA AV            | 7/1/2020          | 6/30/2021              | 3,000       | 0.51 \$     | 1,530.00            | 5-7 years     |
| ARIZONA AV           | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| SAN JERONIMO ST      | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| CALIFORNIA ST        | 7/1/2020          | 6/30/2021              | 4,000       | 0.51 \$     | 2,040.00            | 5-7 years     |
| SAN ANTONIO ST       | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| CENTER LN            | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| ROMERO ST            | 7/1/2020          | 6/30/2021              | 2,500       | 0.51 \$     | 1,275.00            | 5-7 years     |
| CARDINAL ST          | 7/1/2020          | 6/30/2021              | 500         | 0.51 \$     | 255.00              | 5-7 years     |
| DOVE ST              | 7/1/2020          | 6/30/2021              | 3,500       | 0.51 \$     | 1,785.00            | 5-7 years     |
| SOMERSET AV          | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| NOTTINGHAM CIR       | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| SAN JUAN BAUTISTA ST | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| FAIRMONT DR          | 7/1/2020          | 6/30/2021              | 2,000       | 0.51 \$     | 1,020.00            | 5-7 years     |
| WOODBIDGE DR         | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| WEST L ST            | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| WEST L ST            | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| WEST L ST            | 7/1/2020          | 6/30/2021              | 1,000       | 0.51 \$     | 510.00              | 5-7 years     |
| POLCETTO CT          | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| VINEYARD DR          | 7/1/2020          | 6/30/2021              | 3,000       | 0.51 \$     | 1,530.00            | 5-7 years     |
| WELLINGTON CT        | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| WATERFORD WY         | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| COVINGTON CT         | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |
| N. CREEKSIDE DR      | 7/1/2020          | 6/30/2021              | 1,500       | 0.51 \$     | 765.00              | 5-7 years     |

| <b>Crack Seal</b> |                   | <b>Estimated</b>       | <b>Estimated</b> | <b>Area</b> | <b>Cost</b>         | <b>Useful</b> |
|-------------------|-------------------|------------------------|------------------|-------------|---------------------|---------------|
| <b>Location</b>   | <b>Start Date</b> | <b>Completion Date</b> | <b>(LF)</b>      | <b>(LF)</b> | <b>Cost (total)</b> | <b>Life</b>   |
| KENSINGTON CIR    | 7/1/2020          | 6/30/2021              | 3,000            | 0.51 \$     | 1,530.00            | 5-7 years     |
| SAN BERNADINO ST  | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| CHENIN BLANIC CT  | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| VINO CT           | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| WINCHESTER WY     | 7/1/2020          | 6/30/2021              | 500              | 0.51 \$     | 255.00              | 5-7 years     |
| LANGLEY CT        | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| WARD RD           | 7/1/2020          | 6/30/2021              | 3,500            | 0.51 \$     | 1,785.00            | 5-7 years     |
| SILVER MEADOWS DR | 7/1/2020          | 6/30/2021              | 750              | 0.51 \$     | 382.50              | 5-7 years     |
| WINE CELLAR CT    | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| RHONE CT          | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| PETTIT SIRAH CT   | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| MUSCADET CT       | 7/1/2020          | 6/30/2021              | 1,000            | 0.51 \$     | 510.00              | 5-7 years     |
| BLANIC DE NOIR CT | 7/1/2020          | 6/30/2021              | 1,000            | 0.51 \$     | 510.00              | 5-7 years     |
| SAVIGNON BLANC CT | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
| FALLBROOK CIR     | 7/1/2020          | 6/30/2021              | 2,000            | 0.51 \$     | 1,020.00            | 5-7 years     |
| SAN JOSE CT       | 7/1/2020          | 6/30/2021              | 1,000            | 0.51 \$     | 510.00              | 5-7 years     |
| CLEAR LAKE DR     | 7/1/2020          | 6/30/2021              | 1,000            | 0.51 \$     | 510.00              | 5-7 years     |
| BALL PARK WY      | 7/1/2020          | 6/30/2021              | 3,000            | 0.51 \$     | 1,530.00            | 5-7 years     |
| WILLMOTT RD       | 7/1/2020          | 6/30/2021              | 1,500            | 0.51 \$     | 765.00              | 5-7 years     |
|                   |                   |                        | 361,500          |             | \$ 184,365.00       |               |

revised 3-24-20

**CITY OF LOS BANOS ROAD MAINTENANCE AND REHABILITAION PLAN 2020/2021**

| Activity               | Location   | Estimated Start Date | Estimated Completion Date | Area (SQ FT)    | Cost (SQ FT) | Cost (total)  | Useful Life |
|------------------------|--|----------------------|---------------------------|-----------------|--------------|---------------|-------------|
| <b>Hot Mix Overlay</b> |  |                      |                           |                 |              |               |             |
|                        | Overland Ave from Mercey Springs Rd to Fairmont Dr | 7/6/2020             | 11/4/2020                 | 46,400          | 2.00         | \$ 92,800.00  | 10-20 yrs   |
|                        | Miller Lane from Pacheco Blvd to San Luis St       | 7/6/2020             | 11/4/2020                 | 60,048          | 2.00         | \$ 120,096.00 | 10-20 yrs   |
|                        | Second St from West I St to H St                   | 7/6/2020             | 11/4/2020                 | 21,672          | 2.00         | \$ 43,344.00  | 10-20 yrs   |
|                        | F St from Seventh St to Mercey Springs Rd          | 7/6/2020             | 11/4/2020                 | 107,073         | 2.00         | \$ 214,146.00 | 10-20 yrs   |
|                        |  |                      |                           | Total Area (SF) | 235,193      | Total Cost \$ | 470,386.00  |

revised 3-24-20



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Mark Fachin, P.E., Public Works Director/City Engineer

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** Accepting the “Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027) as complete and authorizing the Filing of a Notice of Completion with the Merced County Recorder

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**Recommendation:**

That the City Council adopts the Resolution accepting the “Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027) as completed; authorizes the City Manager to file the “Notice of Completion” with the Merced County Recorder; and authorizes the Public Works Director/City Engineer to release the five (5) percent retention after the thirty-five (35) day period from the date of filing the Notice of Completion with the County Recorder.

**Background:**

Staff identified six specific areas where the property had previously been developed, lacked proper pedestrian access, and qualified for use of Congestion Mitigation and Air Quality (CMAQ) funds. The construction of sidewalks with this project was intended to connect existing sidewalks by infilling missing sidewalk in the right of way adjacent to existing developed property to provide proper pedestrian access. The project scope enabled the approval of CMAQ funding which improves air quality by promoting alternative modes of transportation.

**Discussion:**

The Engineering Division of the Public Works Department initiated a construction contract for the “Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027). Plans and specifications were

designed by Gouveia Engineering. The scope of work consisted of constructing 7,715 square feet of sidewalk, 561 linear feet of curb and gutter, 6 driveways, 4 curb cut ramps, and miscellaneous concrete and pavement repairs within the following streets in the City of Los Banos:

The West side of Ortigalita Rd., from SR-152 to Michelotti Dr.  
The West side of Texas Ave., from 717 Texas Ave continuing South to 757 Texas Ave.  
The South side of H St., at the intersection of Colorado Ave. and H St.  
The North side of Overland Ave., in front of the Community Church  
The Northwest side of Rockport Dr., in front of Rockport drainage basin/pump station  
The South side of G St., from Santa Rita Ave. to SR-165

The project was publicly advertised. Bids were opened for this project on Tuesday, October 15, 2019. The City Council awarded the construction contract on November 6, 2019 to TBS Contractors of Merced for the amount of \$198,630.00 with a 10% contingency of \$19,863.00. The Engineering Division performed the construction management for the project. There were two Change Orders with this project. Change Order #1 consisted of a revision of the limits of the project, which resulted in an increase in quantity, for a total amount of \$12,760.00. Change Order #2 involved adjusting the original estimated bid quantities to agree with the final quantities, as actually measured during construction, in the amount of \$5,070.24. The total construction cost for this project was \$216,460.24. This represents the original bid, plus the two Change Orders. The Change Order percentage is 9% of the original bid amount.

**Fiscal Impact:**

A CMAQ grant was awarded to the City for design, construction, and construction management in the amount not to exceed \$360,744.00. The City's obligation provides matching funds of 11.47% of the total grant amount. The construction phase of the combined Federal and City percentage amounts for this project were budgeted into CMAQ account 249-430-210-715 and approved with the 2019-2020 fiscal year budget.

**Reviewed by:**



Alex Terrazas, City Manager



Sonya Williams, Finance Director

**Attachments:**

Resolution  
2019-2020 Fiscal Budget Sheet  
Notice of Completion  
Site Map

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ACCEPTING THE “CONGESTION MITIGATION AIR QUALITY – CONSTRUCTION INFILL SIDEWALK IMPROVEMENTS” FEDERAL-AID PROJECT NO. CML-5160(027) AS COMPLETE AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE MERCED COUNTY RECORDER**

WHEREAS, on October 15, 2019 the City of Los Banos received competitive bids for the construction of the 2019 Street Rehabilitations Project; and

WHEREAS, on November 6, 2019 the City Council awarded the Construction Contract to TBS Contractors for the construction of the “Congestion Mitigation Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027); and

WHEREAS, the Public Works Director/City Engineer has determined, upon inspection, that all work has been completed in compliance with the plans and specifications, and in accordance with the approved contract.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby accept the “Congestion Mitigation Air Quality – Construction Infill Sidewalk Improvements” Federal-Aid Project No. CML-5160(027) as complete; authorize the City Manager to file a Notice of Completion with the Merced County Recorder within ten (10) days after acceptance; and authorize the Public Works Director/City Engineer to release the five (5) percent retention held in escrow after the thirty-five (35) days from the date of filing the Notice of Completion.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 1st day of April 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

City of Los Banos  
 Local Transportation Fund  
 Regional Traffic Impact Fee  
 Traffic Impact Fee  
 CMAQ Grant  
 2019-2020

| Account Number                                   | Description                            | 2016-2017<br>Actual | 2017-2018<br>Actual | 2018-2019<br>Estimated | 2019-2020<br>Adopted |
|--|--|---------------------|---------------------|------------------------|----------------------|
| <b><u>LOCAL TRANSPORTATION FUND</u></b>          |  |                     |                     |                        |                      |
| 220-430-210-231                                  | Professional Services                  | 0                   | 47,983              | 0                      | 0                    |
|  | Supplies & Services                    | 0                   | 47,983              | 0                      | 0                    |
| 220-430-210-715                                  | Street & Road Impr. Overlay            | 0                   | 0                   | 365,000                | 0                    |
|  | Capital Outlay                         | 0                   | 0                   | 365,000                | 0                    |
|  | <b>Total Local Transportation Fund</b> | <b>\$0</b>          | <b>\$47,983</b>     | <b>\$365,000</b>       | <b>\$0</b>           |
| <b><u>REGIONAL TRANSPORTATION IMPACT FEE</u></b> |  |                     |                     |                        |                      |
| 229-430-100-238                                  | Technical Services                     | 0                   | 0                   | 20,000                 | 210,000              |
|  | Supplies & Services                    | 0                   | 0                   | 20,000                 | 210,000              |
|  | <b>Total RTIF</b>                      | <b>\$0</b>          | <b>\$0</b>          | <b>\$20,000</b>        | <b>\$210,000</b>     |
| <b><u>TRAFFIC IMPACT FEE</u></b>                 |  |                     |                     |                        |                      |
| 230-430-220-231                                  | Professional Services                  | 0                   | 13,842              | 53,460                 | 210,000              |
|  | Supplies & Services                    | 0                   | 13,842              | 53,460                 | 210,000              |
| 230-430-220-716                                  | Street/Road Improvement                | 0                   | 0                   | 0                      | 500,000              |
|  | Capital Outlay                         | 0                   | 0                   | 0                      | 500,000              |
|  | <b>Total Traffic Impact</b>            | <b>\$0</b>          | <b>\$13,842</b>     | <b>\$53,460</b>        | <b>\$710,000</b>     |
| <b><u>CMAO GRANT</u></b>                         |  |                     |                     |                        |                      |
| 249-430-210-231                                  | Professional Services                  | 0                   | 0                   | 64,000                 | 0                    |
|  | Supplies & Services                    | 0                   | 0                   | 64,000                 | 0                    |
| * 249-430-210-715                                | Street Improvements                    | 0                   | 0                   | 0                      | 296,743 *            |
|  | Capital Outlay                         | 0                   | 0                   | 0                      | 296,743              |
|  | <b>Total CMAQ Grant</b>                | <b>\$0</b>          | <b>\$0</b>          | <b>\$64,000</b>        | <b>\$296,743</b>     |

# *Regional Traffic Impact Fee*

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## SERVICES & SUPPLIES

**238-TECHNICAL SERVICES:** Charges for services to outside engineering firms to complete traffic related projects (Pioneer Road Specific Plans), traffic studies, and other traffic related issues. Service may include design, drawings, and project management; as well as other miscellaneous professional services, which may be require

# *Traffic Impact Fee*

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## SERVICES & SUPPLIES

**231-PROFESSIONAL SERVICES:** Charges for services to outside engineering firms to complete traffic related projects (State Route 152 Specific Plans), development impact studies, traffic studies, traffic master plans, and other traffic related issues. Service may include design, drawings, and project management; as well as other miscellaneous professional services, which may be required.

## CAPITAL OUTLAY

**716-STREET/ROAD IMPROVEMENTS:** Reimbursement to school district for public improvements to the streets adjacent to the new school near the intersection of Place Road and East B Street.

# *CMAQ Grant*

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## SERVICES & SUPPLIES

**715-STREET/ROAD IMPROVEMENTS:** Construction of the Pedestrian Sidewalk In-Fills estimated at \$296,743 (\$34,377 from RSTP and \$262,366 from CMAQ grant funding).

RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

CITY OF LOS BANOS  
520 'J' Street  
Los Banos, California 93635

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN:

1. That the interest of estate stated in paragraph 3 below in the real property hereinafter described is owned by the following:

| NAME              | STREET AND NO. | CITY      | STATE      |
|-------------------|----------------|-----------|------------|
| CITY OF LOS BANOS | 520 'J' Street | Los Banos | California |

(If more than one owner of the interest stated, the name and address of each must be inserted.)

2. That the full name and address of the owner of said interest or estate, if there is only one owner, and the full names and addresses of all the co-owners who own said interest or estate as joint tenants, as tenants in common or otherwise, if there is more than one owner, are set forth in the preceding paragraph.

3. That the nature of the title of said owner, or if more than one, then of said owner and co-owner is: In Fee.

4. That on the 31<sup>st</sup> day of January, 2020, a work of improvement on the real property hereinafter described was completed.

5. That the name of the original contractor, if any, for such work of improvement was \_\_\_\_\_  
**Taylor Backhoe Service, Inc., dba: TBS Contractors**  
(If no contractor for work of improvement as a whole, insert "No Contractor.")

6. That the real property herein referred to is situated in the \_\_\_\_\_ City of Los Banos \_\_\_\_\_

County of Merced State of California, and is described as follows:

**"Congestion Mitigation and Air Quality – Construction Infill Sidewalk Improvements" Federal-Aid Project  
No. CML-5160(027)**

The major work consisted of constructing 7,715 square feet of sidewalk, 561 linear feet of curb and gutter, 6 driveways, 4 curb cut ramps, and miscellaneous concrete and pavement repairs within the following streets in the City of Los Banos:

- The West side of Ortigalita Rd., from SR-152 to Michelotti Dr.
- The West side of Texas Ave., from 717 Texas Ave continuing South to 757 Texas Ave.
- The South side of H St., at the intersection of Colorado Ave and H St
- The North side of Overland Ave., in front of the Community Church
- The Northwest side of Rockport Dr., in front of the Rockport Drainage basin and pump station
- The South side of G St., from Santa Rita Ave. to SR-165

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_ CITY OF LOS BANOS  
Owner

Place: Los Banos, California By: \_\_\_\_\_

**ACKNOWLEDGMENT**

**LEGEND**

|                        | EXISTING | PROPOSED |
|------------------------|----------|----------|
| COMMUNICATIONS LINE    | — COM —  | — COM —  |
| OVERHEAD UTILITY LINE  | — OHL —  | — OHL —  |
| POWER POLE             |          |          |
| SERVICE POLE           |          |          |
| STREET LIGHT           |          |          |
| GAS VALVE              |          |          |
| GAS LINE               | — G —    | — G —    |
| WATER METER            |          |          |
| SEWER CLEAN OUT        |          |          |
| SANITARY SEWER MANHOLE |          |          |
| STORM DRAIN MANHOLE    |          |          |
| DRAIN INLET            |          |          |
| STREET SIGN            |          |          |
| MONUMENT WELL          |          |          |
| CONTOUR ELEVATION      | 109.50   | 97.60    |
| SPOT ELEVATION         |          |          |
| SAWCUT LINE            |          |          |
| FIRE HYDRANT           |          |          |
| WATER VALVE            |          |          |
| ASPHALT CONCRETE       |          |          |
| CONCRETE               |          |          |

FOR CLARITY PURPOSES SYMBOLS SHOWN IN THE LEGEND MAY APPEAR SMALLER THAN SHOWN ON THE PLANS.

**BENCHMARK**

**VERTICAL AND HORIZONTAL DATUM:**

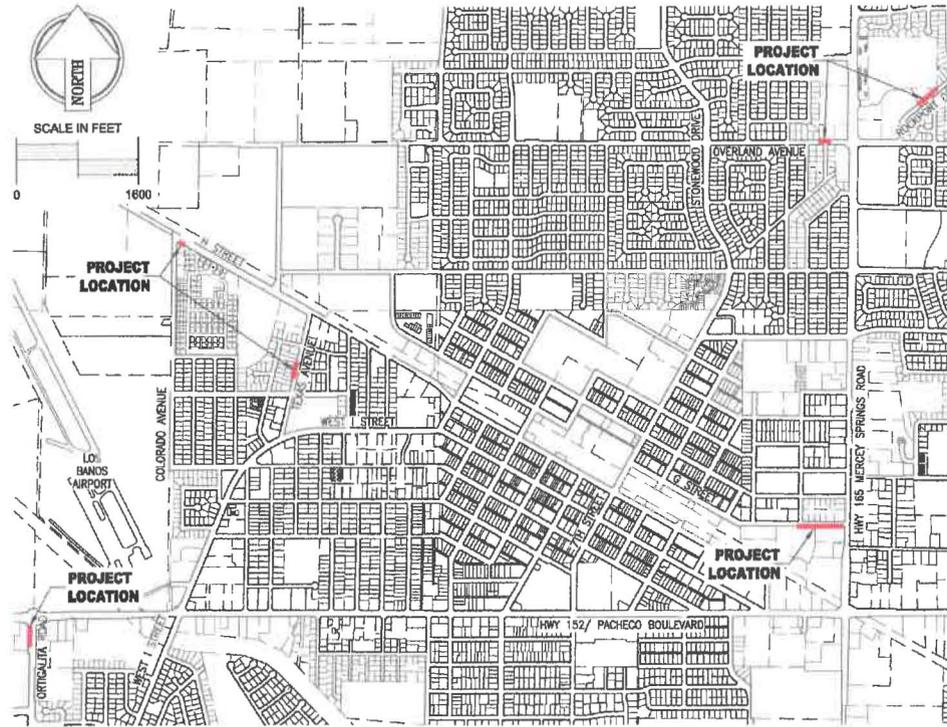
VERTICAL AND HORIZONTAL DATUM INFORMATION WAS TAKEN FROM THE NGS DATA SHEET FOR PID H5128.  
 VERTICAL DATUM: NAVD83  
 ELEVATION: 120.98'  
 HORIZONTAL DATUM: NAD83-2011, CALIFORNIA SPCS, ZONE 3

DESCRIPTION: STATION IS LOCATED ON THE EAST SIDE OF LOS BANOS, AT THE LOS BANOS MUNICIPAL AIRPORT, IN THE MEDIAN OF THE RUNWAY AND THE PARALLEL TAXI, NEAR THE FRONT VASI FOR RUNWAY 32. TO REACH THE JUNCTION OF STATE HIGHWAY 152 AND WEST I STREET ON THE WEST SIDE OF LOS BANOS, GO NORTHEAST ON WEST I STREET FOR 0.08 MI TO A PAVED ROAD LEFT, TURN LEFT, SOUTHWEST, ON PAVED ROAD FOR 0.25 MI TO A LOCKED GATE ON THE RIGHT, TURN RIGHT, NORTHEAST, THROUGH GATE, PASSING TO RIGHT OF FUEL PUMPS, ACROSS APRON FOR 0.05 MI TO THE PARALLEL TAXI, TURN LEFT, NORTHWEST, ON TAXI FOR 0.08 MI TO THE STATION ON THE RIGHT. STATION MARK IS SET IN THE TOP OF A 30-CM ROUND CONCRETE POST FLUSH WITH THE GROUND ON A SLIGHT HUMP IN A BARE AREA. IT IS 142.1 FT SOUTHWEST OF THE RUNWAY CENTER, 103.3 FT NORTHWEST OF THE EDGE OF THE APRON/TAXI, 28.6 FT SOUTHWEST OF THE SOUTH CORNER OF THE CONCRETE PAD FOR THE OUTBOARD VASI, 73.8 FT NORTHWEST OF THE EXTENDED SOUTHEAST WALL OF A HANGAR AND 1.3 FT NORTHWEST OF A FIBERGLASS WITNESS POST.

**PROJECT PLANS FOR CONSTRUCTION OF  
 Construct Infill Sidewalk Improvements  
 FEDERAL PROJECT NUMBER: CML-5160(027)**



**CITY OF LOS BANOS**



**INDEX OF DRAWINGS**

|    |  |
|----|--|
| 1  | LOCATION MAP AND INDEX OF DRAWINGS               |
| 2  | PROJECT NOTES AND SHEET KEY                      |
| 3  | OVERLAND AVENUE IMPROVEMENTS STA: 10+00 TO 13+00 |
| 4  | ROCKPORT DRIVE IMPROVEMENTS STA: 10+10 TO 13+75  |
| 5  | H STREET IMPROVEMENTS STA: 10+00 TO 12+10        |
| 6  | TEXAS AVENUE IMPROVEMENTS STA: 10+00 TO 13+00    |
| 7  | ORTIGALITA ROAD IMPROVEMENTS STA: 10+00 TO 13+50 |
| 8  | G STREET IMPROVEMENTS STA: 10+00 TO 14+30        |
| 9  | G STREET IMPROVEMENTS STA: 14+30 TO 18+40        |
| 10 | CONCRETE AND PAVEMENT CONSTRUCTION DETAILS       |
| 11 | DRIVEWAY AND RAMP CONSTRUCTION DETAILS           |
| 12 | TRAFFIC CONTROL AND SIGN DETAILS                 |

**UTILITY CONTACTS**

|   |  |
|---|--|
| PG&E- STEVE MURPHY<br>3185 W STREET<br>MERCED, CA 95348       | MAIN (209) 726-6338<br>CELL (209) 363-2216 |
| AT&T- TROY BRANIFF<br>1880 W WARDROBE AVE<br>MERCED, CA 95341 | MAIN (209) 726-7137                        |



City of Los Banos

**Construct Infill Sidewalk Improvements - CML-5160(027)**  
**LOCATION MAP AND INDEX OF DRAWINGS**

**OWNERSHIP OF DOCUMENTS**  
 THIS DOCUMENT, AND THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF GOUVEIA ENGINEERING, INC. AND IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE, IN WHOLE OR IN PART, IS NOT PERMITTED WITHOUT WRITTEN AUTHORIZATION BY GOUVEIA ENGINEERING, INC.



**GOUVEIA ENGINEERING, INC.**  
 CONSULTING ENGINEERS  
 456 Sixth Street • Gustine, California 95322  
 Telephone (209) 854-3300 • Fax (209) 854-3600

|                           |                  |   |
|---------------------------|------------------|---|
| DESIGNED BY<br>DGR        | DATE<br>06/13/19 | <b>C-101</b><br>SHEET<br><b>1</b><br>OF 12 SHEETS<br>PROJECT NUMBER<br>846.04 |
| OWNED BY<br>DGR           | DATE<br>07/17/19 |   |
| DRAWN BY<br>M. Gouveia    | DATE<br>07/24/19 |   |
| APPROVED BY<br>M. Gouveia | DATE<br>07/24/19 |   |



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Mark Fachin, P.E., Public Works Director/City Engineer

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Item

**SUBJECT:** Final Map No. 2015-01 Southpointe at Regency Park Phase 1

---

**Recommendation:**

That the City Council adopts the Resolution and accompanying Subdivision Improvement Agreement approving Final Map No. 2015-01 Southpointe at Regency Park Phase 1.

**Background:**

The Tentative Tract Map No. 2015-01 was approved by the City of Los Banos Planning Commission on May 11, 2016 by Resolution No. 2016-13. In November of 2018, the Public Works staff was contacted by the developer, Stonefield Home, Inc., a California Corporation, for Final Map approval.

**Discussion:**

The subject is generally located within the area bounded by future Southpointe at Regency Park Phase 2 to the North, Verona Estates Subdivision to the South, existing and future Place Road to the West and Ward Road to the East, more specifically identified as APN. 424-120-018. The applicant is Stonefield Home, Inc., a California Corporation. The map consists 19 single family lots on 3.98± acres. This Final Map is in substantial compliance with Tentative Subdivision Map No. 2015-01.

**Fiscal Impact:**

Financial security as required by the Subdivision Improvement Agreement, the Subdivision Map Act and Los Banos Municipal Code has been deposited with the City.

All required processing, development, plan check and inspection fees to date have been paid. All County of Merced bonds have been paid.

**Reviewed by:**



Alex Terrazas, City Manager



Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

Tentative Map

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2015-01 SOUTHPONTE AT REGENCY PARK PHASE 1 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2015-01 Southpointe at Regency Park Phase 1 and accompanying Subdivision Improvement Agreement: and

WHEREAS, the single-family residential subdivision consists of 19 single family lots on 3.98± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Maps, the plan check and inspection fees have been paid in full, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2015-01 Southpointe at Regency Park for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2015-01.
2. Financial Security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.
4. Any pending invoices from outside consulting firms shall be paid upon receipt.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 424-120-018**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT A, OF TRACT NO. 2015-01, SOUTHPOINTE AT REGENCY PARK, IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED MAY 30, 2019, IN BOOK 81, PAGES 20 - 24, OF OFFICIAL PLATS.

# Exhibit B - Final Map

## OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE, OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, AS EASEMENTS FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENTS (PUE), LANDSCAPE EASEMENTS (LE), AND SPOKELINE EASEMENTS (SE). WE ALSO OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, IN FEE, FOR PUBLIC USE, ALL STREET RIGHTS OF WAY. WE ALSO RELINQUISH ALL ACCESS RIGHTS OF LOTS 311 AND 312 TO AND FROM ROAD ROAD; ALL AS SHOWN ON THIS FINAL MAP.

OWNER: STONEFIELD HOME, INC., A CALIFORNIA CORPORATION

BY: [Signature] DATE: 2-25-20  
DAVID HOSTETLER - MANAGER

TRUSTEE: BANO AGRIFINANCE LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: [Signature] DATE: 2/26/20  
JESSUP S. WILEY, SR. VP

TRUSTEE: FIDELITY NATIONAL TITLE COMPANY, A CALIFORNIA COMPANY

BY: [Signature] DATE: 3-10-2020  
DIANE H. ROBINSON, DEPT. VP

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Merced  
ON February 25, 2020, BEFORE ME, A. Gonzalez  
A NOTARY PUBLIC, PERSONALLY APPEARED Greg Hostetler

WHO PROMED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
SIGNATURE: [Signature] COMMISSION NUMBER: 2312271  
PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 12/6/2023

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Fresno  
ON February 26, 2020, BEFORE ME, Lia N. McInnis  
A NOTARY PUBLIC, PERSONALLY APPEARED Jessup S. Wiley

WHO PROMED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
SIGNATURE: [Signature] COMMISSION NUMBER: 2214743  
PRINCIPAL COUNTY OF BUSINESS: Fresno MY COMMISSION EXPIRES: 10/15/2021  
DATE: 2/21/2020 15:03 FILE: M:\100022\Survey Drawings\PHASE 1\SP PH1-01.dwg

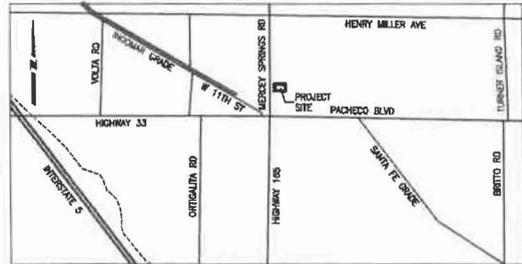
## TRACT NO.2015-01 SOUTHPOINTE, PHASE 1

BEING A SUBDIVISION OF LOT A SHOWN ON SOUTHPOINTE AT REGENCY PARK, FILED IN BOOK 81 OF OFFICIAL PLATS, AT PAGES 20 TO 24, MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
FEBRUARY 2019



## BENCHMARK ENGINEERING, INC.

507 J STREET, LOS BANOS, CALIFORNIA, 93635



## RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213:  
THE PROPERTY DESCRIBED ON THE WITHIN SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING, BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BUT NOT LIMITED TO, PLOWING, SPRAYING, AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT (SUD) BOUNDARY, BUREAU RESIDENTIAL CENTER (BRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Merced  
ON March 10, 2020, BEFORE ME, L. Kadi De Lara  
A NOTARY PUBLIC, PERSONALLY APPEARED Diane H. Robinson

WHO PROMED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
SIGNATURE: [Signature] COMMISSION NUMBER: 2159886  
PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 7-15-2020

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GREG HOSTETLER IN JULY 2017. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONAL APPROVED TENTATIVE MAP, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE SAID SUBDIVISION IMPROVEMENTS ARE ACCEPTED BY THE CITY OF LOS BANOS, AND THAT THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS 11th DAY OF March, 2019

[Signature]  
MICHAEL HALPERMAN, L.S. 8040

## CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT AT THE REQUEST OF THE CITY ENGINEER OF THE CITY OF LOS BANOS, I HAVE EXAMINED THIS FINAL MAP AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT AND COMPLES WITH APPLICABLE PROVISIONS OF THE SUBDIVISION MAP ACT.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

RYAN J. SCHLES, P.L.S. 8366  
REVIEWING CITY SURVEYOR

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND STATE THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES OF THE CITY OF LOS BANOS AND MERCED COUNTY, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MARK FACHAL, R.C.E. 34814  
CITY ENGINEER

## CITY CLERK'S STATEMENT

I, LUCILLE L. MALLON, CITY CLERK OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_, THE ACCOMPANYING FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 1 WAS APPROVED, ACCEPTED ON BEHALF OF THE PUBLIC, FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (PUE), LANDSCAPE EASEMENTS (LE), AND SPOKELINE EASEMENTS (SE); ACCEPTED THE OFFER OF DEDICATION IN FEE OF THE STREET RIGHTS-OF-WAY; AND ACCEPTED THE ACCESS RIGHTS OF LOTS 311 AND 312 TO AND FROM ROAD ROAD; ALL AS SHOWN ON THIS FINAL MAP, SUBJECT TO ACCEPTANCE OF IMPROVEMENTS.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

LUCILLE L. MALLON, CITY CLERK  
CITY OF LOS BANOS

## PLANNING COMMISSION STATEMENT

I, STACY SOUZA ELMS, DIRECTOR FOR THE CITY OF LOS BANOS COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 1, AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 11 DAY OF MAY, 2018, AND THAT THIS FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 1 COMPLES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

STACY SOUZA ELMS, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR  
CITY OF LOS BANOS

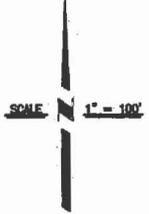
## RECORDER'S STATEMENT

FILED THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_, AT \_\_\_ O'CLOCK \_\_\_ M.  
IN BOOK \_\_\_ OF OFFICIAL PLATS, AT PAGES \_\_\_, M.C.R.  
AT THE REQUEST OF STONEFIELD HOME, INC.

FEE: \_\_\_\_\_  
BARBARA J. LEVEY, COUNTY RECORDER BY: \_\_\_\_\_, DEPUTY

BOOK \_\_\_ PAGE \_\_\_ SHEET 1 OF 3





**SUBDIVISION SUMMARY**

|              |                    |
|--------------|--------------------|
| 19 LOTS      | 2.88 ACRES         |
| STREETS      | 1.12 ACRES         |
| LOT D        | 9.86 ACRES         |
| <b>TOTAL</b> | <b>13.84 ACRES</b> |

**CURVE DATA TABLE**

| CURVE | DELTA     | RADIUS  | LENGTH | (M)(C) |
|-------|-----------|---------|--------|--------|
| C2B   | 10°32'55" | 215.00' | 39.58' | (M)(C) |

**TRACT NO. 2015-01  
SOUTHPOINTE, PHASE 1**

BEING A SUBDIVISION OF LOT A SHOWN ON SOUTHPOINTE AT REGENCY PARK, FILED IN BOOK 81 OF OFFICIAL PLATS, AT PAGES 20 TO 24, MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA FEBRUARY 2019

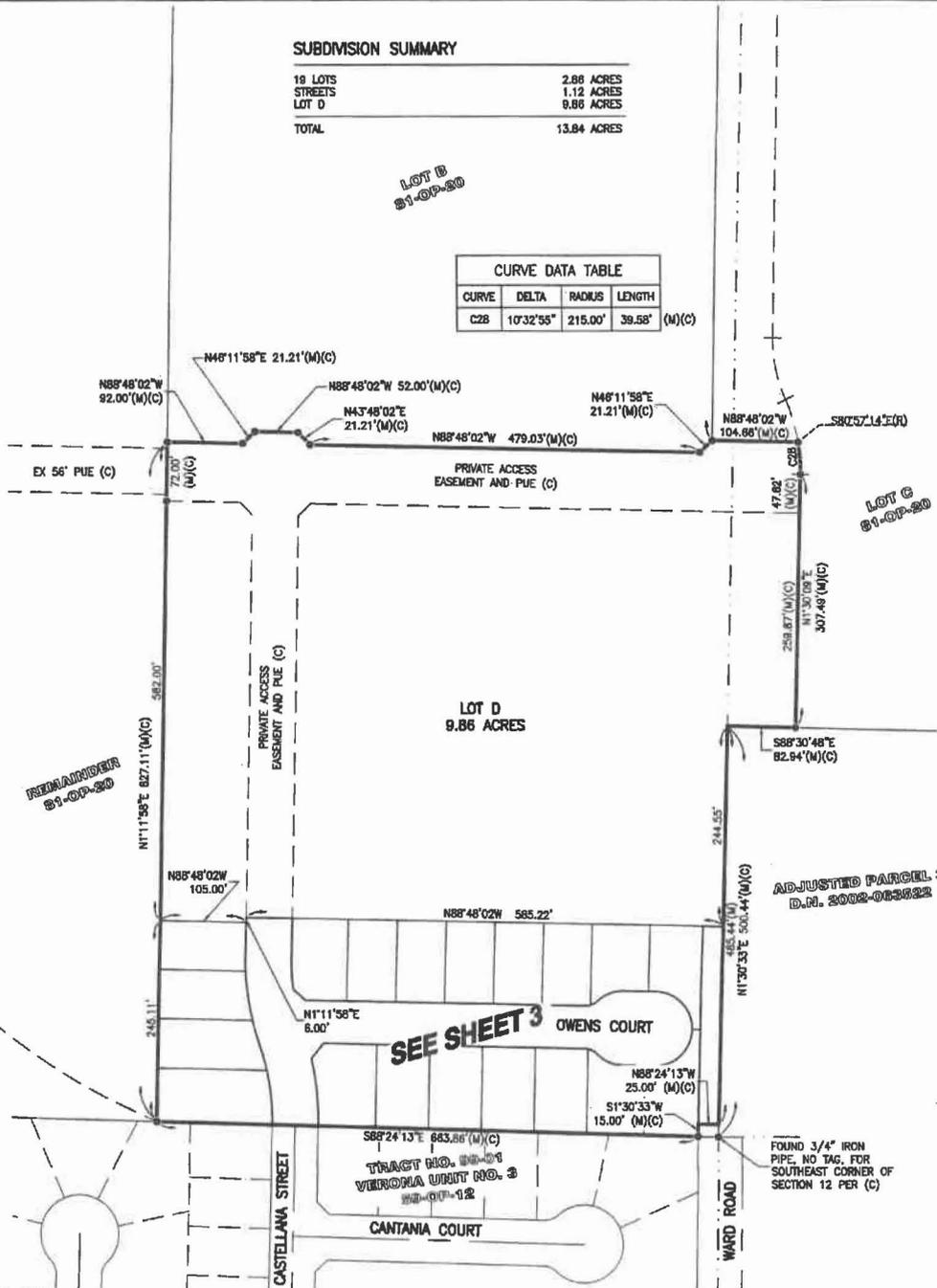


**BENCHMARK ENGINEERING, INC.**

507 J STREET, LOS BANOS, CALIFORNIA, 93635

**LEGEND**

- NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER
- FOUND 3/4" IRON PIPE TAGGED LS 8040 PER (C), OR AS NOTED
  - ⊙ FOUND GPS MONUMENT AS SHOWN ON REF (B)
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040
  - ⊙ SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, IN MONUMENT WELL
  - ⊗ SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
  - ⊗ SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00' MEASURED PERPENDICULAR OR RADIAL FROM RIGHT-OF-WAY ANGLE AND CURVE POINTS
  - ⊗ SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINE INTO STREET.
- ////// RESTRICTED ACCESS
- O.R. OFFICIAL RECORDS
  - D.N. DOCUMENT NUMBER
  - RS RECORD OF SURVEY
  - PM PARCEL MAP
  - OP OFFICIAL PLATS
  - (M) MEASURED ON THIS SURVEY
  - (R) RADIAL BEARING
  - SFN SEARCHED, FOUND NOTHING
  - PUE PUBLIC UTILITY EASEMENT
  - C42 CURVE TABLE REFERENCE
  - LS9 LINE TABLE REFERENCE
  - M.C.R. MERCED COUNTY RECORDS



2" DIAMETER ALUMINUM CAPS STAMPED GPS/GIS 1017 R.C.E. 15310'(B)

REMAINDER 91-OP-20

LOT C 91-OP-20

LOT D 9.86 ACRES

ADJUSTED PARCEL 3 D.N. 2002-023622

SEE SHEET 3 OWENS COURT

TRACT NO. 14-01 VERONA UNIT NO. 3 20-00-12

CANTANIA COURT

**BASIS OF BEARINGS**

A OBSERVED BEARING OF N26°23'32"W WAS MEASURED FOR THE LINE BETWEEN GPS/GIS 1021 AND GPS/GIS 1017 AS SHOWN ON THE GPS SURVEY CONTROL NETWORK FILED IN BOOK 28 OF SURVEYS, AT PAGES 9 TO 12, MERCED COUNTY RECORDS, AND IS THE BASIS FOR ALL BEARINGS ON THIS MAP.

**REFERENCES**

- (A) TRACT NO 99-01, VERONA, UNIT NO 3, BOOK 59 OF OFFICIAL PLATS, PAGES 12 TO 15
- (B) BOOK 28 OF SURVEYS, PAGES 1-4 GPS SURVEY CONTROL NETWORK
- (C) TRACT NO 2015-01, SOUTHPOINTE AT REGENCY PARK, BOOK 81 OF OFFICIAL RECORDS, PAGES 20 TO 24

**NOTES**

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
3. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.

**REFERENCES**

- (A) TRACT NO 99-01, VERONA, UNIT NO 3, BOOK 59 OF OFFICIAL PLATS, PAGES 12 TO 15
- (B) BOOK 28 OF SURVEYS, PAGES 1-4 GPS SURVEY CONTROL NETWORK
- (C) TRACT NO 2015-01, SOUTHPOINTE AT REGENCY PARK, BOOK 81 OF OFFICIAL RECORDS, PAGES 20 TO 24

**LEGEND**

- NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER
- FOUND 3/4" IRON PIPE TAGGED LS 8040 PER (C), OR AS NOTED
  - FOUND GPS MONUMENT AS SHOWN ON REF (B)
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, IN MONUMENT WELL
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
  - SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00' MEASURED PERPENDICULAR OR RADially FROM RIGHT-OF-WAY ANGLE AND CURVE POINTS
  - SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINE INTO STREET.
- 3"WC
- RESTRICTED ACCESS
- O.R. OFFICIAL RECORDS  
 D.N. DOCUMENT NUMBER  
 RS RECORD OF SURVEY  
 PM PARCEL MAP  
 OP OFFICIAL PLATS  
 (M) MEASURED ON THIS SURVEY  
 (R) RADIAL BEARING  
 SPN SEARCHED, FOUND NOTHING  
 PUE PUBLIC UTILITY EASEMENT  
 CA2 CURVE TABLE REFERENCE  
 M.C.R. MERCED COUNTY RECORDS  
 LE LANDSCAPE EASEMENT  
 SE SIDEWALK EASEMENT

**TRACT NO. 2015-01  
 SOUTHPOINTE, PHASE 1**

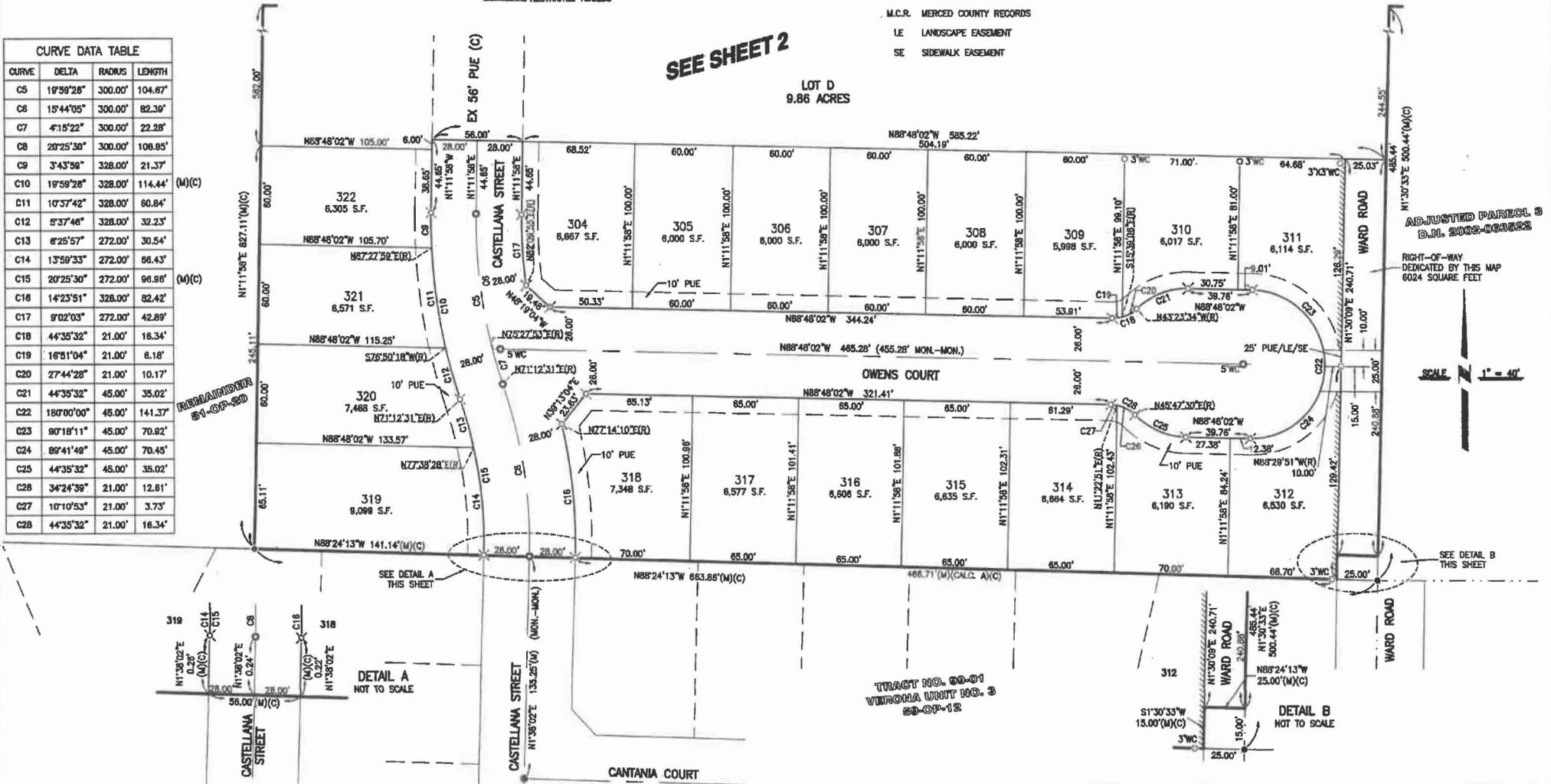
BEING A SUBDIVISION OF LOT A SHOWN ON SOUTHPOINTE AT REGENCY PARK, FILED IN BOOK 81 OF OFFICIAL PLATS, AT PAGES 20 TO 24, MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
 FEBRUARY 2019



**BENCHMARK ENGINEERING, INC.**

507 J STREET, LOS BANOS, CALIFORNIA, 93635

| CURVE | DELTA      | RADIUS  | LENGTH  |
|-------|------------|---------|---------|
| C5    | 19°59'28"  | 300.00' | 104.67' |
| C6    | 15°44'05"  | 300.00' | 82.39'  |
| C7    | 4°15'22"   | 300.00' | 22.28'  |
| C8    | 20°25'30"  | 300.00' | 106.85' |
| C9    | 3°43'59"   | 328.00' | 21.37'  |
| C10   | 19°59'28"  | 328.00' | 114.44' |
| C11   | 10°37'42"  | 328.00' | 60.84'  |
| C12   | 5°37'46"   | 328.00' | 32.23'  |
| C13   | 6°25'57"   | 272.00' | 30.54'  |
| C14   | 13°59'33"  | 272.00' | 66.43'  |
| C15   | 20°25'30"  | 272.00' | 96.88'  |
| C16   | 14°23'51"  | 328.00' | 82.42'  |
| C17   | 9°02'03"   | 272.00' | 42.89'  |
| C18   | 44°35'32"  | 21.00'  | 18.34'  |
| C19   | 16°51'04"  | 21.00'  | 6.18'   |
| C20   | 27°44'28"  | 21.00'  | 10.17'  |
| C21   | 44°35'32"  | 45.00'  | 35.02'  |
| C22   | 180°00'00" | 45.00'  | 141.37' |
| C23   | 90°18'11"  | 45.00'  | 70.92'  |
| C24   | 89°41'48"  | 45.00'  | 70.45'  |
| C25   | 44°35'32"  | 45.00'  | 35.02'  |
| C26   | 34°24'39"  | 21.00'  | 12.81'  |
| C27   | 10°10'53"  | 21.00'  | 3.73'   |
| C28   | 44°35'32"  | 21.00'  | 18.34'  |





Recording Requested By:

City of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk  
City of Los Banos  
520 J Street  
Los Banos CA 93635

Space above this line for Recorder's use.

### **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_, 2020, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2015-01, Southpointe at Regency Park Phase 1, comprised of 19 single family residential lots on approximately 3.98± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires a condition precedent to the acceptance and approval of said Final Map, the dedication of said easements as are delineated and shown on said Final Map, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the CITY; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2015-01.

NOW, THEREFORE, in consideration of the acceptance of the offers of dedication of easements, and facilities as shown and delineated on said Final Map, and the approval of said Final Map for filing and recording as provided and required by law, it is mutually agreed and understood by and between DEVELOPER(S) and CITY as follows:

**SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 30<sup>th</sup> day of April 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

|                     |       |               |
|---------------------|-------|---------------|
| 1. SITE PREPARATION | \$    | 68,970.05     |
| 2. DEMOLITION       | \$    | 5,554.50      |
| 3. WATER            | \$    | 43,330.00     |
| 4. SEWER            | \$    | 129,000.00    |
| 5. STORM DRAIN      | \$    | 75,020.00     |
| 6. CONCRETE         | \$    | 62,338.00     |
| 7. PAVEMENT         | \$    | 61,790.00     |
| 8. ELECTOLIERS      | \$    | 7,500.00      |
| 9. MISCELLANEOUS    | \$    | 79,718.50     |
|                     | TOTAL | \$ 533,221.05 |

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$533,221.05** and Labor and Materials at 50%, **\$266,610.53** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$53,322.11**. In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

**ENGINEERING AND INSPECTION**

|  |    |             |         |
|--|----|-------------|---------|
| 5% of Approved Engineer's estimate of \$533,221.05 | \$ | 26,661.05   |         |
| Less: Deposit for Plan Check (Rec#01369880)        | \$ | (10,664.42) |         |
| Less: Payment (Rec#01435572)                       | \$ | (15,996.63) |         |
| SUB-TOTAL  |    |             | \$ 0.00 |

**FINAL MAP REVIEW**

|   |              |            |             |
|---|--------------|------------|-------------|
| Charges for Phase 1 Review                  | \$           | 3,011.39   |             |
| Less: Deposit for Map Review (Rec#01306808) | \$           | (1,000.00) |             |
| Less: Payment (Rec#01435572)                | \$           | (2,011.39) |             |
| SUB-TOTAL                                   |              |            | \$ 0.00     |
|   | <b>TOTAL</b> | <b>\$</b>  | <b>0.00</b> |

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$533,221.04** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2015-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils

Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

11. The Improvement Plans may be modified upon approval by the CITY at no cost to the CITY.

12. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

13. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this

AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

16. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.

17. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.

18. Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.

19. It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.

20. That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.

21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2015-01 prior to acceptance of public improvements or final of any housing units.

22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.

23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.

24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2015-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed these presents or caused the same to be executed by the officers thereunto duly authorized on the date and year in this AGREEMENT first above written.

Stonefield Home, Inc.  
A California Corporation



\_\_\_\_\_  
Greg Hostetler  
President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS  
A Municipal Corporation

---

Michael Villalta  
Mayor

PARTIES OF THE SECOND PART

ATTEST:

---

Lucille L. Mallonee  
City Clerk  
City of Los Banos

**Signatures need to be notarized.  
Attach a Notary Acknowledgement.**

Exhibit A



**BENCHMARK ENGINEERING INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**

JOB #100025  
 AUGUST 7, 2018  
 BY: BW

ENGINEERS BOND ESTIMATE  
 FOR  
 SOUTHPOINTE AT REGENCY PARK  
 PHASE 1 - 19 LOTS  
 LOS BANOS, CA

| ITEM                       | DESCRIPTION                              | UNIT | QUAN.   | UNIT PRICE | AMOUNT       |
|----------------------------|--|------|---------|------------|--------------|
| <b>A. SITE PREPARATION</b> |  |      |         |            |              |
| 1.                         | MOBILIZATION                             | LS   | 1       | \$5,000.00 | \$5,000.00   |
| 2.                         | CLEAR AND GRUB                           | SF   | 183,235 | \$0.05     | \$9,161.75   |
| 3.                         | GRADING                                  | SF   | 183,235 | \$0.10     | \$18,323.50  |
| 4.                         | BASIN GRADING                            | SF   | 364,848 | \$0.10     | \$36,484.80  |
| SUB-TOTAL                  |  |      |         |            | \$68,970.05  |
| <b>B. DEMOLITION</b>       |  |      |         |            |              |
| 1.                         | SAWCUT EXISTING PAVEMENT                 | LF   | 237     | \$2.50     | \$592.50     |
| 2.                         | REMOVE EXISTING PAVEMENT                 | SF   | 1,212   | \$1.00     | \$1,212.00   |
| 3.                         | REMOVE EXISTING TREES                    | LS   | 1       | \$2,500.00 | \$2,500.00   |
| 4.                         | REMOVE EXISTING BARRICADES               | EA   | 5       | \$250.00   | \$1,250.00   |
| SUB-TOTAL                  |  |      |         |            | \$5,554.50   |
| <b>C. WATER</b>            |  |      |         |            |              |
| 1.                         | 8" WATER                                 | LF   | 809     | \$20.00    | \$16,180.00  |
| 2.                         | 8" GATE VALVE                            | EA   | 3       | \$1,300.00 | \$3,900.00   |
| 3.                         | 1" WATER SERVICE                         | EA   | 19      | \$500.00   | \$9,500.00   |
| 4.                         | FIRE HYDRANT WITH TEE, GATE VALVE & BURY | EA   | 3       | \$3,500.00 | \$10,500.00  |
| 5.                         | TEMPORARY BLOW-OFF                       | EA   | 1       | \$1,250.00 | \$1,250.00   |
| 6.                         | CONNECT TO EXISTING WATER                | EA   | 2       | \$1,000.00 | \$2,000.00   |
| SUB-TOTAL                  |  |      |         |            | \$43,330.00  |
| <b>D. SEWER</b>            |  |      |         |            |              |
| 1.                         | 6" SEWER                                 | LF   | 720     | \$20.00    | \$14,400.00  |
| 2.                         | 8" SEWER                                 | LF   | 678     | \$22.00    | \$14,916.00  |
| 3.                         | 12" SEWER                                | LF   | 2,003   | \$28.00    | \$56,084.00  |
| 4.                         | 4" SEWER SERVICE                         | EA   | 19      | \$400.00   | \$7,600.00   |
| 5.                         | STANDARD MANHOLE                         | EA   | 14      | \$2,500.00 | \$35,000.00  |
| 6.                         | CONNECT TO EXISTING SEWER                | EA   | 1       | \$1,000.00 | \$1,000.00   |
| SUB-TOTAL                  |  |      |         |            | \$129,000.00 |
| <b>E. STORM DRAIN</b>      |  |      |         |            |              |
| 1.                         | 12" STORM DRAIN                          | LF   | 56      | \$25.00    | \$1,400.00   |
| 2.                         | 18" STORM DRAIN                          | LF   | 927     | \$32.00    | \$29,664.00  |
| 3.                         | 30" STORM DRAIN                          | LF   | 5       | \$40.00    | \$200.00     |
| 4.                         | 36" STORM DRAIN                          | LF   | 672     | \$48.00    | \$32,256.00  |
| 5.                         | CATCH BASIN                              | EA   | 2       | \$2,000.00 | \$4,000.00   |
| 6.                         | STANDARD MANHOLE                         | EA   | 2       | \$2,500.00 | \$5,000.00   |
| 7.                         | INLET/OUTLET STRUCTURE                   | EA   | 1       | \$2,500.00 | \$2,500.00   |
| SUB-TOTAL                  |  |      |         |            | \$75,020.00  |

MODESTO: 915 17th Street • Modesto, CA 95354 • 209.548.9300

LOS BANOS: 507 J Street • Los Banos, CA 93635 • 209.737.0900

ENGINEERS BOND ESTIMATE  
 SOUTHPOINTE AT REGENCY PARK  
 LOS BANOS, CA  
 JOB #100025  
 AUGUST 7, 2018  
 PAGE 2

| ITEM                                   | DESCRIPTION                  | UNIT | QUAN.  | UNIT PRICE | AMOUNT       |
|--|------------------------------|------|--------|------------|--------------|
| <b>F. CONCRETE</b>                     |                              |      |        |            |              |
| 1.                                     | 6" VERTICAL CURB & GUTTER    | LF   | 1,468  | \$13.00    | \$19,084.00  |
| 2.                                     | HANDICAP RAMP (LABOR ONLY)   | EA   | 2      | \$500.00   | \$1,000.00   |
| 3.                                     | SIDEWALK (INCLUDING RETURNS) | SF   | 6,644  | \$3.50     | \$23,254.00  |
| 4.                                     | RESIDENTIAL DRIVEWAY         | SF   | 19     | \$1,000.00 | \$19,000.00  |
| SUB-TOTAL                              |                              |      |        |            | \$62,338.00  |
| <b>G. PAVEMENT</b>                     |                              |      |        |            |              |
| 1.                                     | 0.21'AC/ 0.92' AB            | SF   | 24,236 | \$2.50     | \$60,590.00  |
| 2.                                     | MONUMENT WELL                | EA   | 4      | \$300.00   | \$1,200.00   |
| SUB-TOTAL                              |                              |      |        |            | \$61,790.00  |
| <b>H. ELECTROLIERS</b>                 |                              |      |        |            |              |
| 1.                                     | 150W STREET LIGHTS           | EA   | 3      | \$2,500.00 | \$7,500.00   |
| SUB-TOTAL                              |                              |      |        |            | \$7,500.00   |
| <b>I. MISCELLANEOUS</b>                |                              |      |        |            |              |
| 1.                                     | LANDSCAPING                  | SF   | 6,276  | \$7.00     | \$43,932.00  |
| 2.                                     | 6" LANDSCAPE SLEEVES         | LF   | 75     | \$7.25     | \$543.75     |
| 3.                                     | 4" LANDSCAPE SLEEVES         | LF   | 75     | \$5.25     | \$393.75     |
| 4.                                     | BARRICADE                    | LF   | 32     | \$32.00    | \$1,024.00   |
| 5.                                     | MASONRY WALL                 | LF   | 215    | \$75.00    | \$16,125.00  |
| 6.                                     | RETAINING WALL               | LF   | 204    | \$50.00    | \$10,200.00  |
| 7.                                     | STRIPING AND SIGNAGE         | LS   | 1      | \$2,500.00 | \$2,500.00   |
| 8.                                     | EROSION CONTROL              | LS   | 1      | \$5,000.00 | \$5,000.00   |
| SUB-TOTAL                              |                              |      |        |            | \$79,718.50  |
| <b>CONSTRUCTION SUB-TOTAL=====&gt;</b> |                              |      |        |            | \$533,221.05 |
| <b>10% CONTINGENCY=====&gt;</b>        |                              |      |        |            | \$53,322.11  |
| <b>CONSTRUCTION TOTAL=====&gt;</b>     |                              |      |        |            | \$586,543.16 |

**NOTE:**

1. THE ABOVE DEVELOPMENT COST ESTIMATE DOES **NOT** INCLUDE LAND, ADJACENT RIGHT-OF-WAY, INTEREST, TAXES, COMMISSIONS, LEGAL FEES, ENGINEERING FEES, GEOTECHNICAL FEES, CITY FEES. FEES CHARGED IN CONNECTION WITH A BUILDING PERMIT. PRICES REFLECT CURRENT NORMAL CONSTRUCTION COSTS AND ARE SUBJECT TO CHANGE ONCE STREET IMPROVEMENT PLANS HAVE BEEN APPROVED.

## Exhibit B

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2015-01 – SOUTHPOINTE AT REGENCY PARK**

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2015-01 and approved Final Development Plan #2015-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2015-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

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

30. 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 Planning Division:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

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

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

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

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

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

**Air Quality:**

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF). The reimbursements shall only apply to Ward Road up to Overland Avenue intersection and Overland Avenue.
48. Full width improvements for Ward Road from the southerly boundary of the project to the northerly boundary, shall be constructed in conformance with the phasing plan as approved by the Public Works Director.
49. No driveway access shall be allowed from or on Place Road or Overland Avenue.
50. Ward Road shall be designed with a minimum 59' public right-of-way.
51. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
56. Prior to acceptance of the subdivision improvements, the developer shall be responsible for installation of all street and traffic control signs, pavement striping, and street name signs in accordance with City and/or Caltrans standards.

57. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
58. The developer shall design and install traffic calming measures throughout the project area as approved by the City Engineer.
59. Traffic calming shall be provided on the existing and future Castellana Street and Palermo Street.
60. Traffic calming measures may include, but are not limited to, raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts.

**Landscape and Lighting District:**

61. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

**Utilities:**

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

65. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
66. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

Water:

67. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
68. Approved backflow devices shall be installed as required.
69. Domestic water services shall not be placed in driveways.

Sewer:

70. The sewer collection system shall connect to the Meadowlands sewer lift station.
71. Upon issuance of a building permit reimbursements for the Northgate Sewer Lift Station shall be payable in accordance with the Northgate Sewer Lift Station Reimbursement Agreement.
72. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
73. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.

Storm Drainage:

74. The development shall provide storm drainage to the new basin, and then discharge directly to the San Luis Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
75. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
76. Adequate capacity for the storm drainage detention needs of Pacheco High School shall be accommodated within the new storm drainage basin,

described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer.

77. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
78. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
79. All development shall comply with the Phase II storm water regulations.
80. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
81. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
82. Off-street parking shall be provided at the detention basin for a minimum of 10 vehicles as approved by the Public Works Director.

**Public Safety:**

83. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
84. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
85. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
86. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
87. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
88. Fire hydrants (or other methods approved by the Fire Chief) on Overland Avenue shall be in place and functioning prior to approval of the first

residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.

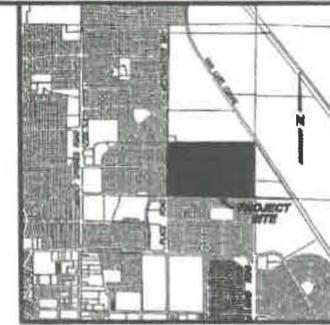
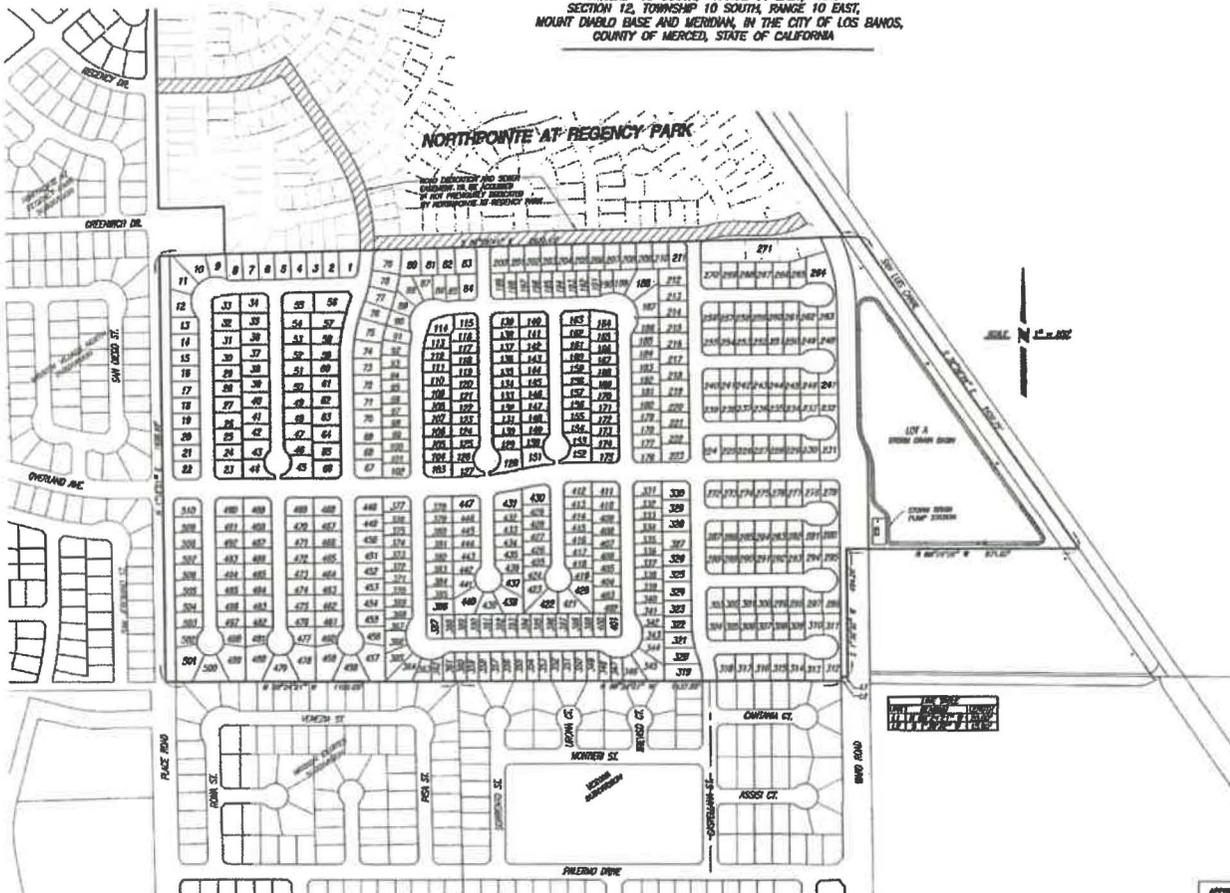
89. Street names shall be approved by the Fire Department.
90. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
91. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department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

**Landscaping:**

92. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
93. The developer shall comply with the adopted street tree ordinance.
94. Masonry walls shall be landscaped with vines to discourage graffiti.
95. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
96. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
97. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

**VESTING TENTATIVE SUBDIVISION MAP  
SOUTHPOINTE  
AT REGENCY PARK  
LOS BANOS, CALIFORNIA**

BEING A SUBDIVISION OF A PORTION OF SECTION 7,  
TOWNSHIP 10 SOUTH, RANGE 11 EAST, AND  
SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
MOUNT Diablo BASE AND MERIDIAN, IN THE CITY OF LOS BANOS,  
COUNTY OF MERCED, STATE OF CALIFORNIA



**INDEX**

| SHEET NO. | DESCRIPTION                           |
|-----------|---------------------------------------|
| 1         | COVER SHEET                           |
| 2         | HORIZONTAL CONTROL PLAN               |
| 3         | GRADING PLAN                          |
| 4         | STORM DRAINAGE GRADING & UTILITY PLAN |
| 5         | UTILITY PLAN                          |

**OWNER:**  
A & B INVESTMENT  
883 PACIFIC BLVD., SUITE C  
LOS BANOS, CA 95808  
(916) 488-0018 (PHONE)  
(916) 888-8808 (FAX)

**SUBDIVIDER:**  
BENCHMARK ENGINEERS  
185 PACIFIC BLVD., SUITE C  
LOS BANOS, CA 95808  
(916) 888-0018 (PHONE)  
(916) 888-8808 (FAX)  
COURTESY: BENTLEY SYSTEMS

**STATEMENT OF SUBDIVIDER:**  
600 REGULATED BY CITY OF LOS BANOS GENERAL CODE  
ARTICLE 14 & SECTION 14-2.0101

- 1) ASSessor'S PARCEL NO. 004-120-004, 073-200-016
- 2) CREDITED SOURCE: P.L. 2-8
- 3) DESIGN CONTROL PER CITY OF LOS BANOS ORDINANCES AND STANDARDS
- 4) STORM DRAIN DRAINAGE AND UTILITY LINES PER PLANNED DEVELOPMENT
- 5) STREET WIDTHS BY CITY OF LOS BANOS AS SHOWN ON THIS MAP
- 6) UTILITY LINES BY CITY OF LOS BANOS AS SHOWN ON THIS MAP
- 7) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM
- 8) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM
- 9) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM
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- 18) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM
- 19) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM
- 20) ALL UTILITY LINES SHALL BE DEEPENED TO 48" MINIMUM

**NOTES:**

- 1) STREET IMPROVEMENTS SHALL BE PER CITY OF LOS BANOS
- 2) ALL UTILITIES AND DRAINAGE LINES TO BE INSTALLED
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- 20) ALL UTILITIES AND DRAINAGE LINES TO BE INSTALLED

APPROVED BY THE PLANNING DEPARTMENT, CITY OF LOS BANOS, CALIFORNIA

DATE: \_\_\_\_\_

REVIEWED BY THE COMMUNITY DEVELOPMENT DEPARTMENT FOR CONFORMANCE WITH PLANNING COMMISSION RESOLUTION 2016-15 VESTING TENTATIVE SUBDIVISION MAP 2015-01.



**BENCHMARK ENGINEERING & LAND SURVEYING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
507 J STREET - LOS BANOS, CALIFORNIA 95808  
(916) 752-0000  
(916) 752-0000

**COVER SHEET**  
VESTING TENTATIVE MAP FOR  
**SOUTHPOINTE  
AT REGENCY PARK**  
LOS BANOS, CALIFORNIA

JOB NO. 10000  
DATE: 9/14/15  
SCALE: 1/8"=1'-0"  
SHEET NUMBER  
**1**  
OF 5 SHEETS



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**HORIZONTAL CONTROL PLAN**  
 VISITING TENTATIVE MAP FOR:  
**SOUTHPOINTE**  
**AT REGENCY PARK**  
 LOS ANGELES, CALIFORNIA



**BENCHMARK ENGINEERING, INC.**  
 CIVIL ENGINEERING & LAND SURVEYING  
 107 J STREET • LOS ANGELES, CALIFORNIA 90012  
 (213) 754-0000 FAX (213) 754-0000

|         |         |
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| DATE    | DATE    |
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| SCALE   | SCALE   |
| PROJECT | PROJECT |











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

**Agenda Staff Report**

**TO:** Mayor & City Council Members  
**FROM:** Mark Fachin, P.E., Public Works Director/City Engineer *Mark Fachin*  
**DATE:** April 1, 2020  
**TYPE OF REPORT:** Consent Item  
**SUBJECT:** Final Map No. 2015-01 Southpointe at Regency Park Phase 2

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**Recommendation:**

That the City Council adopts the Resolution and accompanying Subdivision Improvement Agreement approving Final Map No. 2015-01 Southpointe at Regency Park Phase 2.

**Background:**

The Tentative Tract Map No. 2015-01 was approved by the City of Los Banos Planning Commission on May 11, 2016 by Resolution No. 2016-13. In November of 2018, the Public Works staff was contacted by the developer, Stonefield Home, Inc., a California Corporation, for Final Map approval.

**Discussion:**

The subject is generally located within the area bounded by future Southpointe at Regency Park Phase 3 to the north, Verona Subdivision to the South, existing and future Place Road to the west and Ward Road to the east, more specifically identified as APN. 424-120-018. The applicant is Stonefield Home, Inc., a California Corporation. The map consists 20 single family lots on 4+ acres. This Final Map is in substantial compliance with Tentative Subdivision Map No. 2015-01.

**Fiscal Impact:**

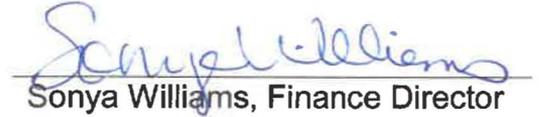
Financial security as required by the Subdivision Improvement Agreement, the Subdivision Map Act and Los Banos Municipal Code has been deposited with the

City. All required processing, development, plan check and inspection fees to date have been paid. All bonds with the County of Merced have been paid.

**Reviewed by:**



Alex Terrazas, City Manager



Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

Tentative Map

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2015-01 SOUTHPOINTE AT REGENCY PARK PHASE 2 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2015-01 Southpointe at Regency Park Phase 2 and accompanying Subdivision Improvement Agreement: and

WHEREAS, the single-family residential subdivision consists of 20 single family lots on 4± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Map, the plan check and inspection fees have been paid in full, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2015-01 Southpointe at Regency Park for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2015-01.
2. Financial Security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 424-120-018**

---

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT A, OF TRACT NO. 2015-01, SOUTHPOINTE AT REGENCY PARK, IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED MAY 30, 2019, IN BOOK 81, PAGES 20 - 24, OF OFFICIAL PLATS.

# Exhibit B - Final Map

## OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE, OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, AS CASCADENTS FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENTS (PUE), LANDSCAPE EASEMENTS (LE), AND SIDEWALK EASEMENTS (SE) AS SHOWN ON THIS FINAL MAP. WE ALSO OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, IN FEE FOR PUBLIC USE, ALL STREET RIGHTS OF WAY; WE ALSO RELINQUISH ALL ACCESS RIGHTS OF LOTS 285 AND 298 TO AND FROM WARD ROAD; ALL AS SHOWN ON THIS FINAL MAP.

OWNER: STONEFIELD HOME, INC. A CALIFORNIA CORPORATION

BY: [Signature] DATE: 2-25-20  
GREG HOSTETLER - manager

TRUSTEE: BARD AGRIFINANCE LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: [Signature] DATE: 2/26/20  
JESSUP S. WILEY

BY: Jessup S. Wiley, Sr. v.P.  
PRINT NAME

TRUSTEE: FIDELITY NATIONAL TITLE COMPANY, A CALIFORNIA COMPANY

BY: [Signature] DATE: 3-10-2020  
DIANE H. ROBINSON

BY: Diane H. Robinson, Asst. V.P.  
PRINT NAME

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Merced

ON February 25, 2020, BEFORE ME, A. Gonzalez

A NOTARY PUBLIC, PERSONALLY APPEARED Greg Hostetler

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: [Signature] COMMISSION NUMBER: 2312271

PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 12/6/2023

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Fresno

ON February 26, 2020, BEFORE ME, L. N. McGinnis

A NOTARY PUBLIC, PERSONALLY APPEARED Jessup S. Wiley

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: [Signature] COMMISSION NUMBER: 2214743

PRINCIPAL COUNTY OF BUSINESS: Fresno MY COMMISSION EXPIRES: 10/15/2021

DATE: 2/21/2020 15:06 FILE: M:\100025\Survey Drawings\PHASE 2\SP PH2-01.dwg

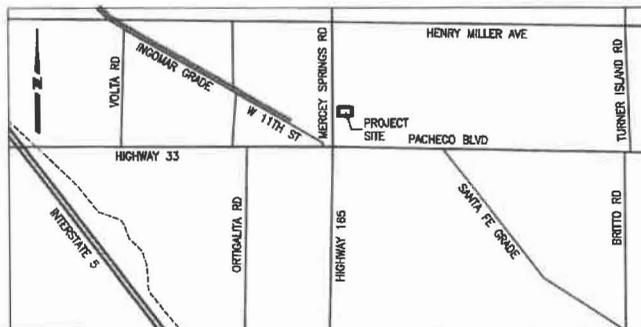
## TRACT NO.2015-01 SOUTHPOINTE, PHASE 2

BEING A SUBDIVISION OF LOT D SHOWN ON SOUTHPOINTE PHASE 1, FILED IN BOOK OF OFFICIAL PLATS, AT PAGES TO , MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
APRIL 2019



## BENCHMARK ENGINEERING, INC.

507 J STREET, LOS BANOS, CALIFORNIA, 93635



## RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213:

THE PROPERTY DESCRIBED ON THE HEREIN SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING, BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BUT NOT LIMITED TO, PLOWING, SPRAYING, AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } s.s.  
COUNTY OF Merced

ON March 10, 2020, BEFORE ME, L. Kadi DeLara

A NOTARY PUBLIC, PERSONALLY APPEARED Diane H. Robinson

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: [Signature] COMMISSION NUMBER: 2159886

PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 7-15-2020

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GREG HOSTETLER IN JULY 2017. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONAL APPROVED TENTATIVE MAP, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE SAID SUBDIVISION IMPROVEMENTS ARE ACCEPTED BY THE CITY OF LOS BANOS, AND THAT THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS 17th DAY OF MARCH, 2020

MICHAEL HALTERMAN, L.S. 8040

## CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT AT THE REQUEST OF THE CITY ENGINEER OF THE CITY OF LOS BANOS, I HAVE EXAMINED THIS FINAL MAP AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT AND COMPLIES WITH APPLICABLE PROVISIONS OF THE SUBDIVISION MAP ACT.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

RYAN J. SCHLESS, P.L.S. 8368  
REVIEWING CITY SURVEYOR

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND STATE THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES OF THE CITY OF LOS BANOS AND MERCED COUNTY, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MARK FACHIN, R.C.E. 34614  
CITY ENGINEER

## CITY CLERK'S STATEMENT

I, LUCILLE L. MALLONEE, CITY CLERK OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THE \_\_\_ DAY OF \_\_\_, 20\_\_\_, THE ACCOMPANYING FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 2 WAS APPROVED; ACCEPTED ON BEHALF OF THE PUBLIC, FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (PUE); ACCEPTED THE OFFER OF DEDICATION IN FEE OF THE STREET RIGHTS-OF-WAY; AND ACCEPTED THE ACCESS RIGHTS OF LOTS 285 AND 298 TO AND FROM WARD ROAD; ALL AS SHOWN ON THIS FINAL MAP, SUBJECT TO ACCEPTANCE OF IMPROVEMENTS.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

LUCILLE L. MALLONEE, CITY CLERK  
CITY OF LOS BANOS

## PLANNING COMMISSION STATEMENT

I, STACY SOUZA ELMS, DIRECTOR FOR THE CITY OF LOS BANOS COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 2, AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 11 DAY OF MAY, 2016, AND THAT THIS FINAL MAP OF TRACT NO. 2015-01 SOUTHPOINTE, PHASE 2 COMPLIES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

STACY SOUZA ELMS, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR  
CITY OF LOS BANOS

## RECORDER'S STATEMENT

FILED THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_, AT \_\_\_ O'CLOCK \_\_\_ M.

IN BOOK \_\_\_ OF OFFICIAL PLATS, AT PAGES \_\_\_, M.C.R.

AT THE REQUEST OF STONEFIELD HOME, INC.

FEES:

BARBARA J. LEVEY, COUNTY RECORDER BY: \_\_\_, DEPUTY

BOOK \_\_\_ PAGE \_\_\_ SHEET 1 OF 3





**SUBDIVISION SUMMARY**

|              |                   |
|--------------|-------------------|
| 20 LOTS      | 2.85 ACRES        |
| STREETS      | 1.14 ACRES        |
| LOT E        | 5.88 ACRES        |
| <b>TOTAL</b> | <b>9.86 ACRES</b> |

LOT B  
81-D.J.P.-200

**CURVE DATA TABLE**

| CURVE | DELTA     | RADIUS  | LENGTH | (M)(C)(D) |
|-------|-----------|---------|--------|-----------|
| C2B   | 10°32'55" | 215.00' | 39.58' | (M)(C)(D) |

**TRACT NO. 2015-01  
SOUTHPOINTE, PHASE 2**

BEING A SUBDIVISION OF LOT D SHOWN ON SOUTHPOINTE PHASE 1, FILED IN BOOK OF OFFICIAL PLATS, AT PAGES TO , MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
APRIL 2019



**BENCHMARK ENGINEERING, INC.**

507 J STREET, LOS BANOS, CALIFORNIA, 93635

**LEGEND**

NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER

- FOUND 3/4" IRON PIPE TAGGED "LS 8040" PER (C) OR (D), OR AS NOTED
- FOUND 3/4" IRON PIPE TAGGED "LS 8040" IN MONUMENT WELL PER (D)
- FOUND GPS MONUMENT AS SHOWN ON REF (G)
- SET 3/4" x 24" IRON PIPE, TAGGED LS 8040
- SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, IN MONUMENT WELL
- SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
- ⊗ SET BRASS TAB STAMPED LS 8040 IN CONCRETE AT 1.00' MEASURED PERPENDICULAR OR RADIALY FROM RIGHT-OF-WAY ANGLE AND CURVE POINTS
- ⊗ SET BRASS TAB STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINES INTO STREET.

**RESTRICTED ACCESS**

- O.R. OFFICIAL RECORDS
- D.N. DOCUMENT NUMBER
- RS RECORD OF SURVEY
- PM PARCEL MAP
- OP OFFICIAL PLATS
- (M) MEASURED ON THIS SURVEY
- (R) RADIAL BEARING
- SPN SEARCHED, FOUND NOTHING
- PUE PUBLIC UTILITY EASEMENT
- CA2 CURVE TABLE REFERENCE
- L99 LINE TABLE REFERENCE
- M.C.R. MERCED COUNTY RECORDS
- CALC CALCULATED FROM RECORD

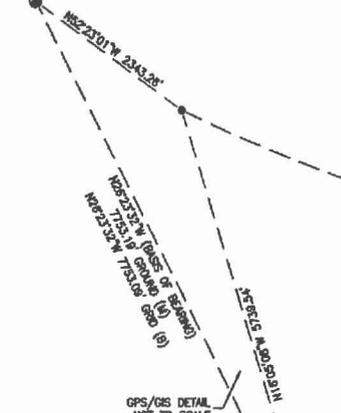
**BASIS OF BEARINGS**

A OBSERVED BEARING OF N02°23'32"W WAS MEASURED FOR THE LINE BETWEEN GPS/GS 1021 AND GPS/GS 1017 AS SHOWN ON THE GPS SURVEY CONTROL NETWORK FILED IN BOOK 28 OF SURVEYS, AT PAGES 9 TO 12, MERCED COUNTY RECORDS, AND IS THE BASIS FOR ALL BEARINGS ON THIS MAP.

**REFERENCES**

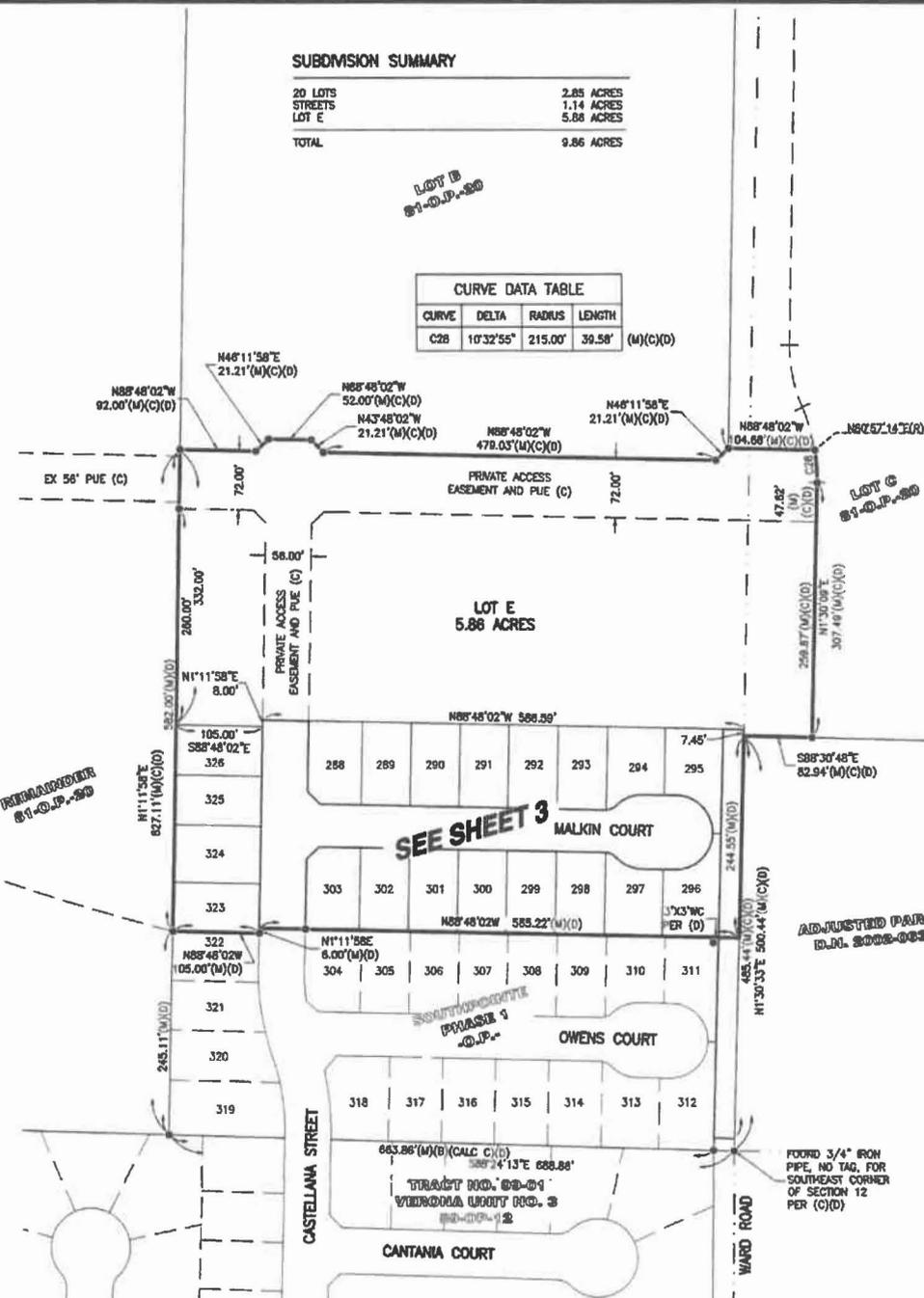
- (A) TRACT NO 99-01, VERONA, UNIT NO 3, BOOK 59 OF OFFICIAL PLATS, PAGES 12 TO 15, M.C.R.
- (B) BOOK 28 OF SURVEYS, PAGES 1-4 GPS SURVEY CONTROL NETWORK, M.C.R.
- (C) TRACT NO 2015-01, SOUTHPOINTE AT REGENCY PARK, BOOK 81 OF OFFICIAL RECORDS, PAGES 20 TO 24, M.C.R.
- (D) TRACT NO 2015-01, SOUTHPOINTE, PHASE 1, BOOK OF OFFICIAL RECORDS, PAGES TO . M.C.R.

2" DIAMETER ALUMINUM CAPS STAMPED GPS/GS 1017 R.C.E. 15310' (B)



GPS/GS DETAIL NOT TO SCALE

2" DIAMETER ALUMINUM CAPS STAMPED GPS/GS 1021 R.C.E. 15310' (B)



- NOTES**
1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
  2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
  3. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.

- REFERENCES**
- (A) TRACT NO 99-01, VERONA, UNIT NO 3, BOOK 59 OF OFFICIAL PLATS, PAGES 12 TO 15, M.C.R.
  - (B) BOOK 28 OF SURVEYS, PAGES 1-4 GPS SURVEY CONTROL NETWORK, M.C.R.
  - (C) TRACT NO 2015-01, SOUTHPOINTE AT REGENCY PARK, BOOK 81 OF OFFICIAL RECORDS, PAGES 20 TO 24, M.C.R.
  - (D) TRACT NO 2015-01, SOUTHPOINTE, PHASE 1, BOOK OF OFFICIAL RECORDS, PAGES TO M.C.R.

- LEGEND**
- NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER
- FOUND 3/4" IRON PIPE TAGGED "LS 8040" PER (C) OR (D), OR AS NOTED
  - FOUND 3/4" IRON PIPE TAGGED "LS 8040" IN MONUMENT WELL PER (D)
  - FOUND GPS MONUMENT AS SHOWN ON REF (B)
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, IN MONUMENT WELL
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
  - SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00' MEASURED PERPENDICULAR OR RADIALY FROM RIGHT-OF-WAY ANGLE AND CURVE POINTS
  - SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINE INTO STREET.
- .R. OFFICIAL RECORDS  
 ○.D. DOCUMENT NUMBER
- RS RECORD OF SURVEY  
 PM PARCEL MAP  
 OP OFFICIAL PLATS  
 (M) MEASURED ON THIS SURVEY  
 (R) RADIAL BEARING  
 SFN SEARCHED, FOUND NOTHING  
 PUE PUBLIC UTILITY EASEMENT  
 C42 CURVE TABLE REFERENCE  
 M.C.R. MERCED COUNTY RECORDS  
 LE LANDSCAPE EASEMENT  
 SE SIDEWALK EASEMENT  
 CALC CALCULATED FROM RECORD

**TRACT NO. 2015-01  
 SOUTHPOINTE, PHASE 2**

BEING A SUBDIVISION OF LOT D SHOWN ON SOUTHPOINTE PHASE 1, FILED IN BOOK OF OFFICIAL PLATS, AT PAGES TO MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
 APRIL 2019



**BENCHMARK ENGINEERING, INC.**

507 J STREET, LOS BANOS, CALIFORNIA, 93635

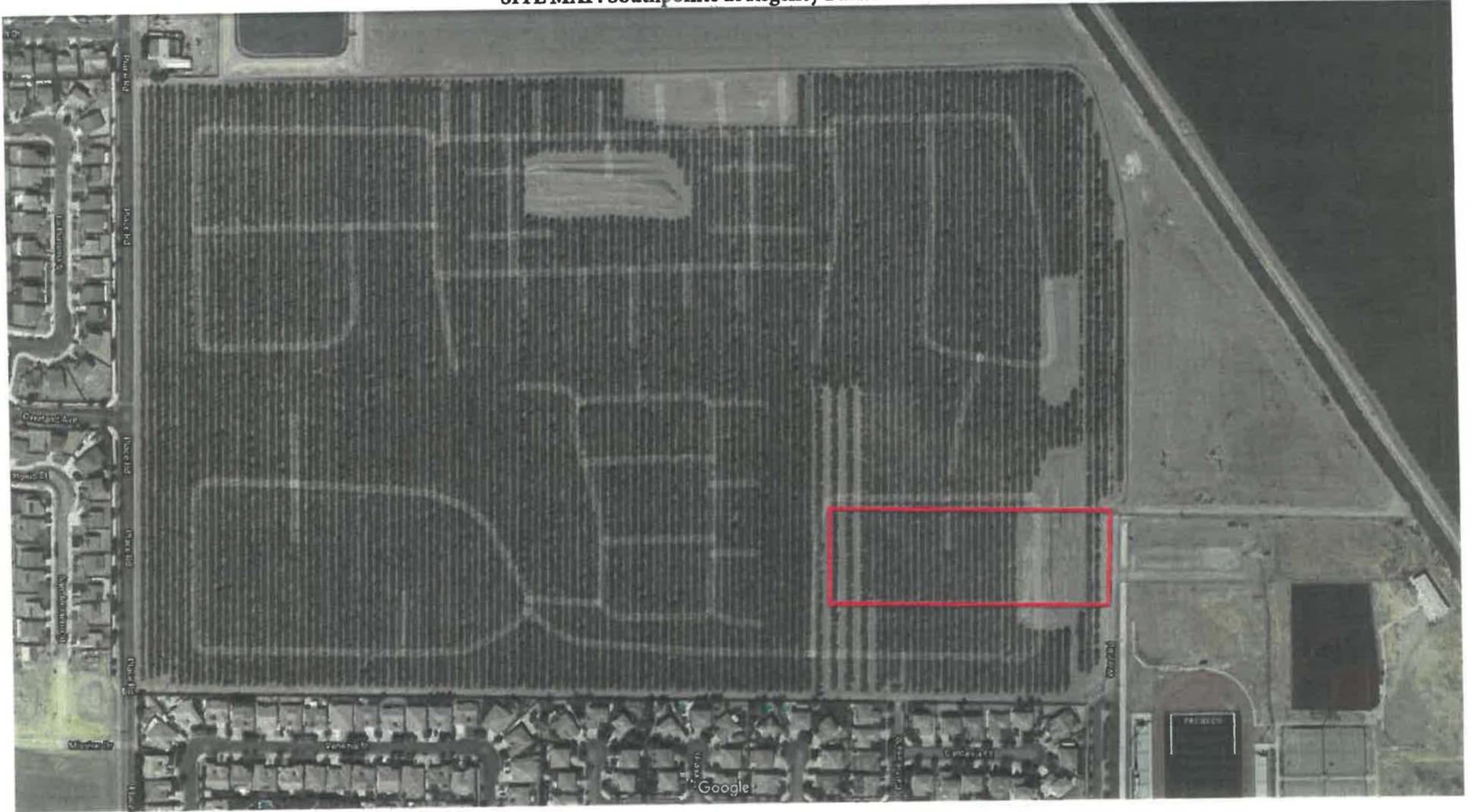
**CURVE DATA TABLE**

| CURVE | DELTA      | RADIUS | LENGTH  |
|-------|------------|--------|---------|
| C29   | 44°35'32"  | 21.00' | 16.34'  |
| C30   | 4°48'57"   | 21.00' | 1.77'   |
| C31   | 38°46'35"  | 21.00' | 14.58'  |
| C32   | 44°35'32"  | 45.00' | 35.02'  |
| C33   | 180°00'00" | 45.00' | 141.37' |
| C34   | 90°18'11"  | 45.00' | 70.92'  |
| C35   | 89°41'49"  | 45.00' | 70.45'  |
| C36   | 44°35'32"  | 45.00' | 35.02'  |
| C37   | 44°35'32"  | 21.00' | 16.34'  |
| C38   | 38°46'35"  | 21.00' | 14.58'  |
| C39   | 4°48'57"   | 21.00' | 1.77'   |



SCALE 1" = 40'

**SITE MAP: Southpointe at Regency Park Phase 2**



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk  
City of Los Banos  
520 J Street  
Los Banos CA 93635

Space above this line for Recorder's use.

### **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2015-01, Southpointe at Regency Park Phase 2, comprised of 20 single family residential lots on approximately 4± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires a condition precedent to the acceptance and approval of said Final Map, the dedication of said easements as are delineated and shown on said Final Map, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the CITY; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2015-01.

NOW, THEREFORE, in consideration of the acceptance of the offers of dedication of easements, and facilities as shown and delineated on said Final Map, and the approval of said Final Map for filing and recording as provided and required by law, it is mutually agreed and understood by and between DEVELOPER(S) and CITY as follows:

**SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 30<sup>th</sup> day of April 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

|                     |    |           |
|---------------------|----|-----------|
| 1. SITE PREPARATION | \$ | 30,138.05 |
| 2. DEMOLITION       | \$ | 3,000.00  |
| 3. WATER            | \$ | 44,170.00 |
| 4. SEWER            | \$ | 23,380.00 |

|                  |       |               |
|------------------|-------|---------------|
| 5. STORM DRAIN   | \$    | 16,010.00     |
| 6. CONCRETE      | \$    | 64,050.50     |
| 7. PAVEMENT      | \$    | 61,437.50     |
| 8. ELECTOLIERS   | \$    | 7,500.00      |
| 9. MISCELLANEOUS | \$    | 82,186.50     |
|                  | TOTAL | \$ 331,872.55 |

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$331,872.55** and Labor and Materials at 50%, **\$165,936.28** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$33,187.26** In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

**ENGINEERING AND INSPECTION**

|  |    |            |
|--|----|------------|
| 5% of Approved Engineer's estimate of \$331,872.55 | \$ | 16,593.63  |
| Less: Deposit for Plan Check (Rec#01369880)        | \$ | (6,637.45) |
| Less: Payment (Rec#01435572)                       | \$ | (9,956.18) |
| SUB-TOTAL  |    | \$ 0       |

**FINAL MAP REVIEW**

|   |              |                |
|---|--------------|----------------|
| Charges for Phase 2                         | \$           | 2,215.53       |
| Less: Deposit for Map Review (Rec#01320913) | \$           | (1,000.00)     |
| Less: Payment (Rec#01435572)                | \$           | (1,215.53)     |
| SUB-TOTAL                                   |              | \$ 0.00        |
|   | <b>TOTAL</b> | <b>\$ 0.00</b> |

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$331,872.55** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2015-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished

slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

11. The Improvement Plans may be modified upon approval by the CITY at no cost to the CITY.

12. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

13. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the

DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

16. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.

17. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.

**18.** Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.

**19.** It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.

**20.** That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.

**21.** DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2015-01 prior to acceptance of public improvements or final of any housing units.

**22.** No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.

**23.** All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.

24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2015-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

**IN WITNESS WHEREOF**, the parties have executed these presents or caused the same to be executed by the officers thereunto duly authorized on the date and year in this AGREEMENT first above written.

Stonefield Home, Inc.  
A California Corporation



\_\_\_\_\_  
Greg Hostetler  
President

**PARTIES OF THE FIRST PART**

CITY OF LOS BANOS  
A Municipal Corporation

---

Michael Villalta  
Mayor

PARTIES OF THE SECOND PART

ATTEST:

---

Lucille L. Mallonee  
City Clerk  
City of Los Banos

**Signatures need to be notarized.  
Attach a Notary Acknowledgement.**

Exhibit A



**BENCHMARK ENGINEERING INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**

JOB #100025  
 AUGUST 7, 2018  
 BY: BW

**ENGINEERS BOND ESTIMATE  
 FOR  
 SOUTHPOINTE AT REGENCY PARK  
 PHASE 2 - 20 LOTS  
 LOS BANOS, CA**

| ITEM                       | DESCRIPTION                              | UNIT | QUAN.   | UNIT PRICE | AMOUNT      |
|----------------------------|--|------|---------|------------|-------------|
| <b>A. SITE PREPARATION</b> |  |      |         |            |             |
| 1.                         | MOBILIZATION                             | LS   | 1       | \$5,000.00 | \$5,000.00  |
| 2.                         | CLEAR AND GRUB                           | SF   | 167,587 | \$0.05     | \$8,379.35  |
| 3.                         | GRADING                                  | SF   | 167,587 | \$0.10     | \$16,758.70 |
| SUB-TOTAL                  |  |      |         |            | \$30,138.05 |
| <b>B. DEMOLITION</b>       |  |      |         |            |             |
| 1.                         | REMOVE EXISTING TREES                    | LS   | 1       | \$2,500.00 | \$2,500.00  |
| 2.                         | REMOVE EXISTING BARRICADES               | EA   | 1       | \$250.00   | \$250.00    |
| 3.                         | REMOVE EXISTING BLOWOFF                  | EA   | 1       | \$250.00   | \$250.00    |
| SUB-TOTAL                  |  |      |         |            | \$3,000.00  |
| <b>C. WATER</b>            |  |      |         |            |             |
| 1.                         | 8" WATER                                 | LF   | 826     | \$20.00    | \$16,520.00 |
| 2.                         | 8" GATE VALVE                            | EA   | 3       | \$1,300.00 | \$3,900.00  |
| 3.                         | 1" WATER SERVICE                         | EA   | 20      | \$500.00   | \$10,000.00 |
| 4.                         | FIRE HYDRANT WITH TEE, GATE VALVE & BURY | EA   | 3       | \$3,500.00 | \$10,500.00 |
| 5.                         | TEMPORARY BLOW-OFF                       | EA   | 1       | \$1,250.00 | \$1,250.00  |
| 6.                         | CONNECT TO EXISTING WATER                | EA   | 2       | \$1,000.00 | \$2,000.00  |
| SUB-TOTAL                  |  |      |         |            | \$44,170.00 |
| <b>D. SEWER</b>            |  |      |         |            |             |
| 1.                         | 6" SEWER                                 | LF   | 469     | \$20.00    | \$9,380.00  |
| 2.                         | 4" SEWER SERVICE                         | EA   | 20      | \$400.00   | \$8,000.00  |
| 3.                         | STANDARD MANHOLE                         | EA   | 2       | \$2,500.00 | \$5,000.00  |
| 4.                         | CONNECT TO EXISTING SEWER                | EA   | 1       | \$1,000.00 | \$1,000.00  |
| SUB-TOTAL                  |  |      |         |            | \$23,380.00 |
| <b>E. STORM DRAIN</b>      |  |      |         |            |             |
| 1.                         | 12" STORM DRAIN                          | LF   | 38      | \$25.00    | \$950.00    |
| 2.                         | 18" STORM DRAIN                          | LF   | 205     | \$32.00    | \$6,560.00  |
| 3.                         | CATCH BASIN                              | EA   | 3       | \$2,000.00 | \$6,000.00  |
| 4.                         | STANDARD MANHOLE                         | EA   | 1       | \$2,500.00 | \$2,500.00  |
| SUB-TOTAL                  |  |      |         |            | \$16,010.00 |
| <b>F. CONCRETE</b>         |  |      |         |            |             |
| 1.                         | 6" VERTICAL CURB & GUTTER                | LF   | 1,494   | \$13.00    | \$19,422.00 |
| 2.                         | HANDICAP RAMP (LABOR ONLY)               | EA   | 2       | \$500.00   | \$1,000.00  |
| 3.                         | SIDEWALK (INCLUDING RETURNS)             | SF   | 6,751   | \$3.50     | \$23,628.50 |
| 4.                         | RESIDENTIAL DRIVEWAY                     | SF   | 20      | \$1,000.00 | \$20,000.00 |
| SUB-TOTAL                  |  |      |         |            | \$64,050.50 |

MODESTO: 915 17th Street • Modesto, CA 95354 • 209.548.9300

LOS BANOS: 507 J Street • Los Banos, CA 93635 • 209.737.0900

ENGINEERS BOND ESTIMATE  
 SOUTHPOINTE AT REGENCY PARK  
 LOS BANOS, CA  
 JOB #100025  
 AUGUST 7, 2018  
 PAGE 2

| ITEM                                   | DESCRIPTION          | UNIT | QUAN.  | UNIT PRICE | AMOUNT              |
|--|----------------------|------|--------|------------|---------------------|
| <b>G. PAVEMENT</b>                     |                      |      |        |            |                     |
| 1.                                     | 0.21'AC/ 0.92' AB    | SF   | 24,335 | \$2.50     | \$60,837.50         |
| 2.                                     | MONUMENT WELL        | EA   | 2      | \$300.00   | \$600.00            |
| SUB-TOTAL                              |                      |      |        |            | \$61,437.50         |
| <b>H. ELECTROLIERS</b>                 |                      |      |        |            |                     |
| 1.                                     | 150W STREET LIGHTS   | EA   | 3      | \$2,500.00 | \$7,500.00          |
| SUB-TOTAL                              |                      |      |        |            | \$7,500.00          |
| <b>I. MISCELLANEOUS</b>                |                      |      |        |            |                     |
| 1.                                     | LANDSCAPING          | SF   | 6,700  | \$7.00     | \$46,900.00         |
| 2.                                     | 6" LANDSCAPE SLEEVES | LF   | 75     | \$7.25     | \$543.75            |
| 3.                                     | 4" LANDSCAPE SLEEVES | LF   | 75     | \$5.25     | \$393.75            |
| 4.                                     | BARRICADE            | LF   | 32     | \$32.00    | \$1,024.00          |
| 5.                                     | MASONRY WALL         | LF   | 211    | \$75.00    | \$15,825.00         |
| 6.                                     | RETAINING WALL       | LF   | 200    | \$50.00    | \$10,000.00         |
| 7.                                     | STRIPING AND SIGNAGE | LS   | 1      | \$2,500.00 | \$2,500.00          |
| 8.                                     | EROSION CONTROL      | LS   | 1      | \$5,000.00 | \$5,000.00          |
| SUB-TOTAL                              |                      |      |        |            | \$82,186.50         |
| <b>CONSTRUCTION SUB-TOTAL=====&gt;</b> |                      |      |        |            | <b>\$331,872.55</b> |
| <b>10% CONTINGENCY=====&gt;</b>        |                      |      |        |            | <b>\$33,187.26</b>  |
| <b>CONSTRUCTION TOTAL=====&gt;</b>     |                      |      |        |            | <b>\$365,059.81</b> |

**NOTE:**

1. THE ABOVE DEVELOPMENT COST ESTIMATE DOES **NOT** INCLUDE LAND, ADJACENT RIGHT-OF-WAY, INTEREST, TAXES, COMMISSIONS, LEGAL FEES, ENGINEERING FEES, GEOTECHNICAL FEES, CITY FEES, FEES CHARGED IN CONNECTION WITH A BUILDING PERMIT. PRICES REFLECT CURRENT NORMAL CONSTRUCTION COSTS AND ARE SUBJECT TO CHANGE ONCE STREET IMPROVEMENT PLANS HAVE BEEN APPROVED.

## Exhibit B

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2015-01 – SOUTHPOINTE AT REGENCY PARK**

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2015-01 and approved Final Development Plan #2015-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2015-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

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

30. 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 Planning Division:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

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

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

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

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

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

Air Quality:

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF). The reimbursements shall only apply to Ward Road up to Overland Avenue intersection and Overland Avenue.
48. Full width improvements for Ward Road from the southerly boundary of the project to the northerly boundary, shall be constructed in conformance with the phasing plan as approved by the Public Works Director.
49. No driveway access shall be allowed from or on Place Road or Overland Avenue.
50. Ward Road shall be designed with a minimum 59' public right-of-way.
51. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
56. Prior to acceptance of the subdivision improvements, the developer shall be responsible for installation of all street and traffic control signs, pavement striping, and street name signs in accordance with City and/or Caltrans standards.

57. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
58. The developer shall design and install traffic calming measures throughout the project area as approved by the City Engineer.
59. Traffic calming shall be provided on the existing and future Castellana Street and Palermo Street.
60. Traffic calming measures may include, but are not limited to, raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts.

**Landscape and Lighting District:**

61. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

**Utilities:**

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

65. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
66. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

Water:

67. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
68. Approved backflow devices shall be installed as required.
69. Domestic water services shall not be placed in driveways.

Sewer:

70. The sewer collection system shall connect to the Meadowlands sewer lift station.
71. Upon issuance of a building permit reimbursements for the Northgate Sewer Lift Station shall be payable in accordance with the Northgate Sewer Lift Station Reimbursement Agreement.
72. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
73. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.

Storm Drainage:

74. The development shall provide storm drainage to the new basin, and then discharge directly to the San Luis Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
75. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
76. Adequate capacity for the storm drainage detention needs of Pacheco High School shall be accommodated within the new storm drainage basin,

described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer.

77. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
78. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
79. All development shall comply with the Phase II storm water regulations.
80. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
81. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
82. Off-street parking shall be provided at the detention basin for a minimum of 10 vehicles as approved by the Public Works Director.

**Public Safety:**

83. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
84. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
85. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
86. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
87. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
88. Fire hydrants (or other methods approved by the Fire Chief) on Overland Avenue shall be in place and functioning prior to approval of the first

residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.

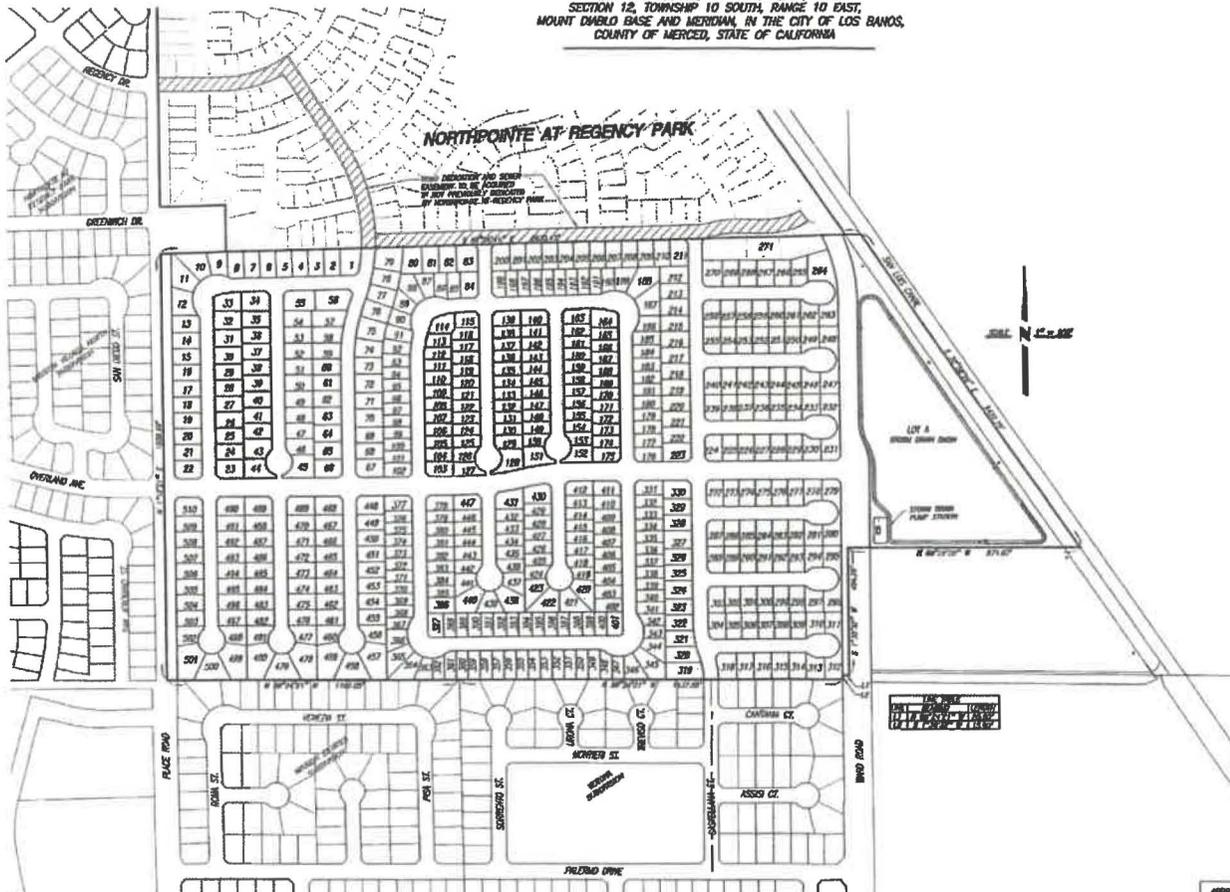
89. Street names shall be approved by the Fire Department.
90. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
91. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department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

**Landscaping:**

92. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
93. The developer shall comply with the adopted street tree ordinance.
94. Masonry walls shall be landscaped with vines to discourage graffiti.
95. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
96. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
97. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.

**VESTING TENTATIVE SUBDIVISION MAP  
SOUTHPOINTE  
AT REGENCY PARK**

**LOS BANOS, CALIFORNIA**  
BEING A SUBDIVISION OF A PORTION OF SECTION 7,  
TOWNSHIP 10 SOUTH, RANGE 11 EAST, AND  
SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST,  
MOUNT Diablo Base and Meridian, in the City of Los Banos,  
County of Merced, State of California





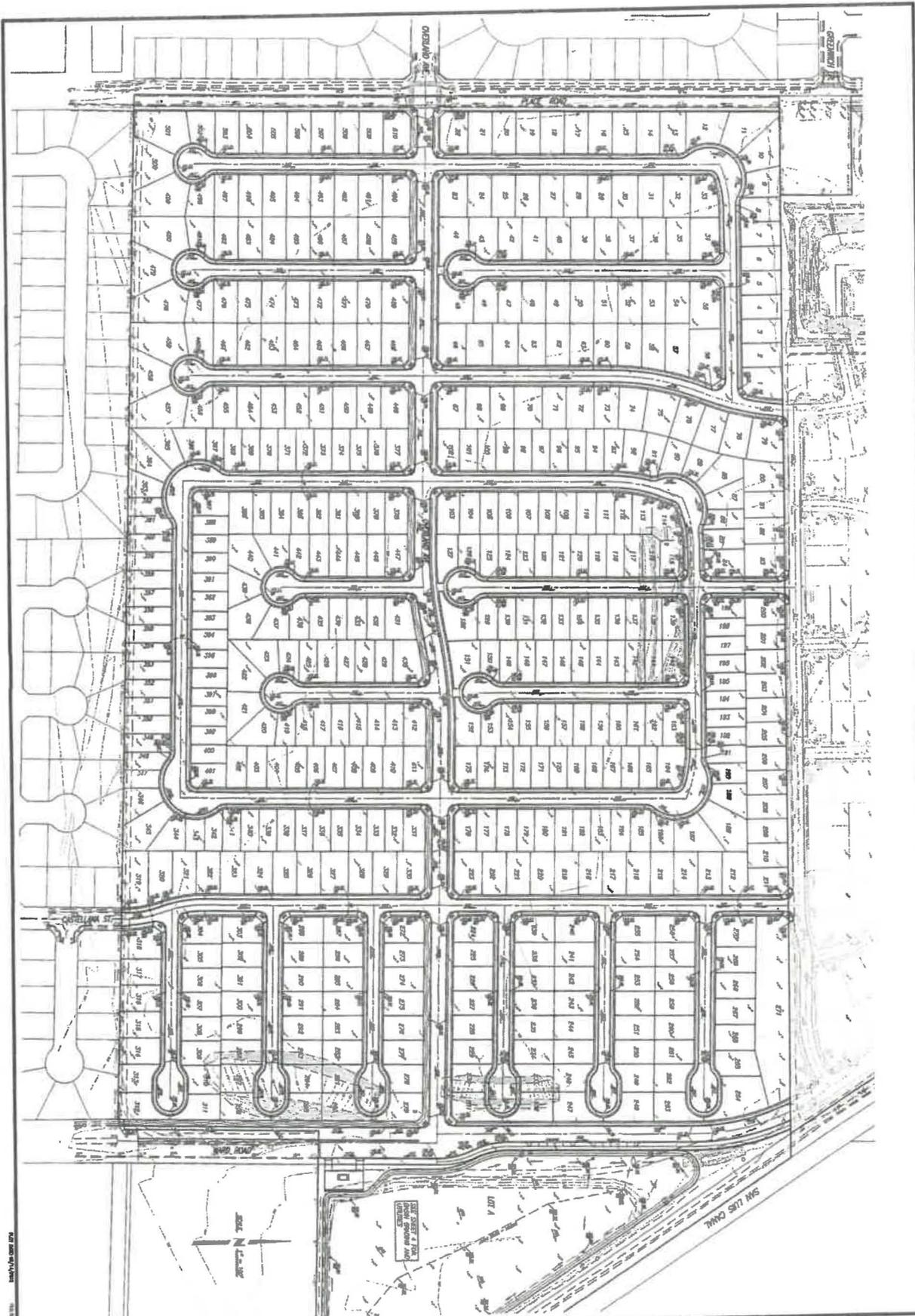
2  
 5  
 8

**HORIZONTAL CONTROL PLAN**  
 VERTICAL DATUM: NAVD83  
 HORIZONTAL DATUM: NAD83  
 SOUTHPOINTE  
 AT REGENCY PARK  
 LOS BANOS, CALIFORNIA



**BENCHMARK ENGINEERING, INC.**  
 CIVIL ENGINEERING & LAND SURVEYING  
 107 J STREET - LOS BANOS, CALIFORNIA 93808  
 (562) 866-4900 FAX (562) 866-4901

|   |                                   |
|---|-----------------------------------|
| PREPARED BY: <i>[Signature]</i><br>DATE: 11/11/2011 |                                   |
| CHECKED BY: _____<br>DATE: _____                    | APPROVED BY: _____<br>DATE: _____ |



DATE: 11/17/11  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: SOUTHPOINTE AT REGENCY PARK  
 SHEET NO. 3 OF 5

**GRADING PLAN**  
 VISITING TENTATIVE MAP FOR  
**SOUTHPOINTE AT REGENCY PARK**  
 LOS BANOS, CALIFORNIA

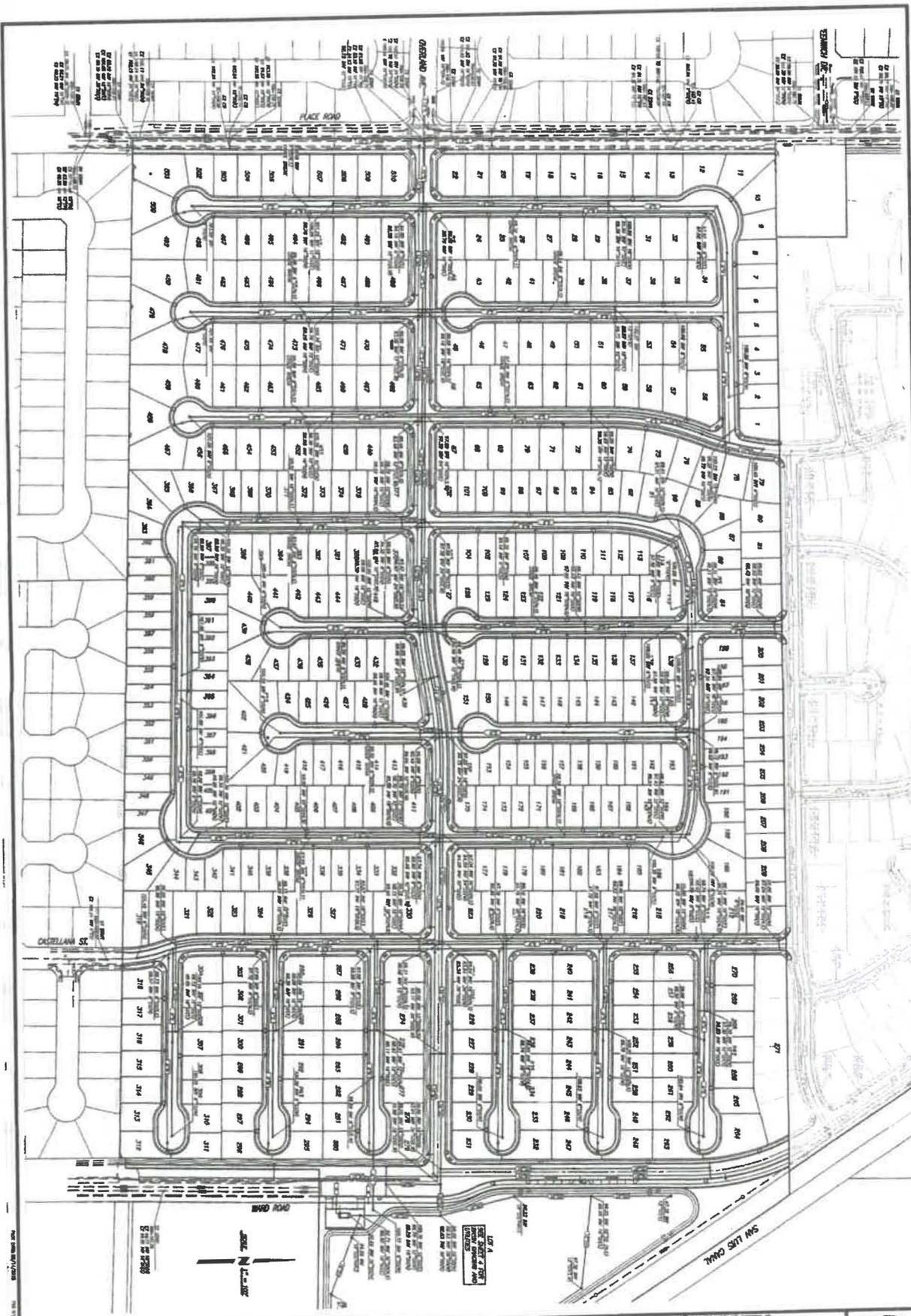


**BENCHMARK ENGINEERING, INC.**  
 CIVIL ENGINEERING & LAND SURVEYING  
 507 J STREET • LOS BANOS, CALIFORNIA • 93605  
 (909) 737-0000 FAX: (909) 548-0002

| NO. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |
|     |           |      |







5  
 6  
 7

**UTILITY PLAN**  
 PRELIMINARY MAP FOR  
**SOUTHPOINTE**  
**AT REGENCY PARK**  
 LOS ANGELES, CALIFORNIA



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 897 1/2 STREET - LOS ANGELES, CALIFORNIA 90036  
 (213) 757-0800 FAX: (213) 648-0008

|     |             |      |          |
|-----|-------------|------|----------|
| NO. | DESCRIPTION | DATE | APPROVED |
|     |             |      |          |
|     |             |      |          |
|     |             |      |          |





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

**Agenda Staff Report**

**TO:** Mayor & City Council Members

**FROM:** Mark Fachin, P.E., Public Works Director/City Engineer 

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Item

**SUBJECT:** Final Map No. 2015-01 Southpointe at Regency Park Phase 3

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**Recommendation:**

That the City Council adopts the Resolution and accompanying Subdivision Improvement Agreement approving Final Map No. 2015-01 Southpointe at Regency Park Phase 3.

**Background:**

The Tentative Tract Map No. 2015-01 was approved by the City of Los Banos Planning Commission on May 11, 2016 by Resolution No. 2016-13. In November of 2018, the Public Works staff was contacted by the developer is Stonefield Home, Inc., a California Corporation, for Final Map approval.

**Discussion:**

The subject is generally located within the area bounded by future Southpointe at Regency Park Phase 4 Subdivision to the north, Verona Subdivision to the south, existing and future Place Road to the west and Ward Road to the east, more specifically identified as APN. 424-120-018. The applicant is Stonefield Home, Inc., a California Corporation. The map consists 20 single family lots on 5.86± acres. This Final Map is in substantial compliance with Tentative Subdivision Map No. 2015-01.

**Fiscal Impact:**

Financial security as required by the Subdivision Improvement Agreement, the Subdivision Map Act and Los Banos Municipal Code has been deposited with the

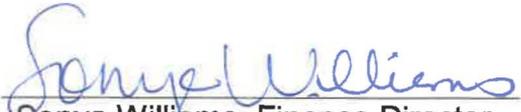
City. All required processing, development, plan check and inspection fees to date have been paid. All County of Merced bonds have been paid.

**Reviewed by:**



---

Alex Terrazas, City Manager



---

Sonya Williams, Finance Director

**Attachments:**

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

Tentative Map

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AND ADOPTING FINAL TRACT MAP NO. 2015-01 SOUTHPOINTE AT REGENCY PARK PHASE 3 AND ACCOMPANYING SUBDIVISION IMPROVEMENT AGREEMENT.**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2015-01 Southpointe at Regency Park Phase 3 and accompanying Subdivision Improvement Agreement: and

WHEREAS, the single-family residential subdivision consists of 20 single family lots on 5.86± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Map, the plan check and inspection fees have been paid in full, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2015-01 Southpointe at Regency Park for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2015-01.
2. Financial Security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.
4. Any pending invoices from outside consulting firms shall be paid upon receipt.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk



**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 424-120-018**

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT A, OF TRACT NO. 2015-01, SOUTHPOINTE AT REGENCY PARK, IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED MAY 30, 2019, IN BOOK 81, PAGES 20 - 24, OF OFFICIAL PLATS.

# Exhibit B - Final Map

## OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE, OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP. WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, AS EASEMENTS FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENTS (PUE), LANDSCAPE EASEMENTS (LE), AND SIDEWALK EASEMENTS (SE), ALL AS SHOWN ON THIS FINAL MAP. WE ALSO OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS, IN FEE FOR PUBLIC USE, ALL STREET RIGHTS OF WAY; WE ALSO RELINQUISH ALL ACCESS RIGHTS OF LOTS 272 TO 278 TO AND FROM OVERLAND AVENUE AND LOTS 278 AND 280 TO AND FROM WARD ROAD; ALL AS SHOWN ON THIS FINAL MAP.

OWNER: STONEFIELD HOME, INC. A CALIFORNIA CORPORATION  
 BY: [Signature] DATE: 2-25-20  
 GREG HOSTETLER - manager

TRUSTEE: BARO AGRIFINANCE LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: [Signature] DATE: 2/26/20  
 SIGNATURE

BY: Jessup S. Wiley, SR. V.P.  
 PRINT NAME

TRUSTEE: FIDELITY NATIONAL TITLE COMPANY, A CALIFORNIA COMPANY

BY: [Signature] DATE: 3-10-2020  
 SIGNATURE

BY: Diane H. Robinson, Asst. V.P.  
 PRINT NAME

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } S.S.  
 COUNTY OF Merced  
 ON February 25, 2020, BEFORE ME, A. Gonzalez  
 A NOTARY PUBLIC, PERSONALLY APPEARED Craig Hostetler

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
 SIGNATURE: [Signature] COMMISSION NUMBER: 2312271  
 PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 12/16/2023

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } S.S.  
 COUNTY OF Fresno  
 ON February 26, 2020, BEFORE ME, Lia N. McInnis  
 A NOTARY PUBLIC, PERSONALLY APPEARED Jessup S. Wiley

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
 SIGNATURE: [Signature] COMMISSION NUMBER: 2214743  
 PRINCIPAL COUNTY OF BUSINESS: Fresno MY COMMISSION EXPIRES: 10/15/2021  
 DATE: 2/21/2020 15:07 FILE: M:\100028\Survey Drawings\PHASE 3\SP PH3-01.dwg

## TRACT NO.2015-01 SOUTHPOINTE, PHASE 3

BEING A SUBDIVISION OF LOT E SHOWN ON SOUTHPOINTE PHASE 2, FILED IN BOOK OF OFFICIAL PLATS, AT PAGES TO , MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
 APRIL 2019



## BENCHMARK ENGINEERING, INC.

507 J STREET, LOS BANOS, CALIFORNIA, 93635



## RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213:

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING, BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BUT NOT LIMITED TO, PLOWING, SPRAYING, AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

## NOTARY STATEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } S.S.  
 COUNTY OF Merced  
 ON MARCH 10, 2020, BEFORE ME, L. Kai De Lara  
 A NOTARY PUBLIC, PERSONALLY APPEARED Diane H. Robinson

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND  
 SIGNATURE: [Signature] COMMISSION NUMBER: 2159886  
 PRINCIPAL COUNTY OF BUSINESS: Merced MY COMMISSION EXPIRES: 7-15-2020

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GREG HOSTETLER IN JULY 2017. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONAL APPROVED TENTATIVE MAP, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE SAID SUBDIVISION IMPROVEMENTS ARE ACCEPTED BY THE CITY OF LOS BANOS, AND THAT THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS 10th DAY OF MARCH, 2020

[Signature]  
 MICHAEL HALTERMAN, L.S. 8040



## CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT AT THE REQUEST OF THE CITY ENGINEER OF THE CITY OF LOS BANOS, I HAVE EXAMINED THIS FINAL MAP AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT AND COMPLIES WITH APPLICABLE PROVISIONS OF THE SUBDIVISION MAP ACT.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

RYAN J. SCHISSL, P.L.S. 8368  
 REVIEWING CITY SURVEYOR

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND STATE THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES OF THE CITY OF LOS BANOS AND MERCED COUNTY, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

MARK FACHIN, R.C.E. 34814  
 CITY ENGINEER

## CITY CLERK'S STATEMENT

I, LUCILLE L. MALLONEE, CITY CLERK OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, DO HEREBY STATE THAT AT THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, STATE OF CALIFORNIA, HELD ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_, THE ACCOMPANYING FINAL MAP OF "TRACT NO. 2015-01 SOUTHPOINTE, PHASE 3" WAS APPROVED; ACCEPTED ON BEHALF OF THE PUBLIC, FOR PUBLIC USE, THE OFFER OF DEDICATION IN EASEMENT OF ALL PUBLIC UTILITY EASEMENTS (PUE), LANDSCAPE EASEMENTS (LE), AND SIDEWALK EASEMENTS (SE); ACCEPTED THE OFFER OF DEDICATION IN FEE OF THE STREET RIGHTS-OF-WAY; AND ACCEPTED THE ACCESS RIGHTS OF LOTS 272 TO 278 TO AND FROM OVERLAND AVENUE AND LOTS 285 AND 286 TO AND FROM WARD ROAD; ALL AS SHOWN ON THIS FINAL MAP, SUBJECT TO ACCEPTANCE OF IMPROVEMENTS.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

LUCILLE L. MALLONEE, CITY CLERK  
 CITY OF LOS BANOS

## PLANNING COMMISSION STATEMENT

I, STACY SOUZA ELMS, DIRECTOR FOR THE CITY OF LOS BANOS COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, DO HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 2015-01 SOUTHPOINTE, PHASE 3", AND THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP APPROVED BY THE CITY PLANNING COMMISSION ON THE 11 DAY OF MAY, 2016, AND THAT THIS FINAL MAP OF "TRACT NO. 2015-01 SOUTHPOINTE, PHASE 3" COMPLIES WITH ALL REQUIREMENTS OF SAID PLANNING COMMISSION.

DATED THIS \_\_\_ DAY OF \_\_\_, 20\_\_

STACY SOUZA ELMS, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR  
 CITY OF LOS BANOS

## RECORDER'S STATEMENT

FILED THIS \_\_\_ DAY OF \_\_\_, 20\_\_, AT \_\_\_ O'CLOCK \_\_\_ M.

IN BOOK \_\_\_ OF OFFICIAL PLATS, AT PAGES \_\_\_, M.C.R.

AT THE REQUEST OF STONEFIELD HOME, INC.

BARBARA J. LEVEY, COUNTY RECORDER BY: \_\_\_, DEPUTY

BOOK \_\_\_ PAGE \_\_\_ SHEET 1 OF 3

# TRACT NO. 2015-01 SOUTHPOINTE, PHASE 3

BEING A SUBDIVISION OF LOT E SHOWN ON SOUTHPOINTE PHASE 2, FILED IN BOOK OF OFFICIAL PLATS, AT PAGES TO , MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 10 EAST, AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 11 EAST, MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA  
APRIL 2019



**BENCHMARK ENGINEERING, INC.**

507 J STREET, LOS BANOS, CALIFORNIA, 93635

### LEGEND

- NOTE: ALL PIPE SIZES ARE INSIDE DIAMETER
- FOUND 3/4" IRON PIPE TAGGED "LS 8040" PER (B) AND (C), OR AS NOTED
  - FOUND MONUMENT IN MONUMENT WELL PER (C)
  - FOUND GPS MONUMENT AS SHOWN ON REF (A)
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, IN MONUMENT WELL
  - SET 3/4" x 24" IRON PIPE, TAGGED LS 8040, AT ALL REAR LOT CORNERS AND LOT ANGLE POINTS, UNLESS NOTED AS A WITNESS CORNER
  - ⊗ SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00' MEASURED PERPENDICULAR OR RADIAL FROM RIGHT-OF-WAY ANGLE AND CURVE POINTS
  - ⊗ SET BRASS TAG STAMPED LS 8040 IN CONCRETE AT 1.00 FOOT PROJECTION OF ALL LOT LINE INTO STREET.
- ////// RESTRICTED ACCESS
- O.R. OFFICIAL RECORDS
  - D.N. DOCUMENT NUMBER
  - RS RECORD OF SURVEY
  - PM PARCEL MAP
  - OP OFFICIAL PLATS
  - (M) MEASURED ON THIS SURVEY
  - (R) RADIAL BEARING
  - SFN SEARCHED, FOUND NOTHING
  - PUE PUBLIC UTILITY EASEMENT
  - LE LANDSCAPE EASEMENT
  - SE SIDEWALK EASEMENT
  - C42 CURVE TABLE REFERENCE
  - L99 LINE TABLE REFERENCE
  - M.C.R. MERCED COUNTY RECORDS
  - CALC CALCULATED FROM RECORD

### BASIS OF BEARINGS

A OBSERVED BEARING OF N26°23'32"W WAS MEASURED FOR THE LINE BETWEEN GPS/GIS 1021 AND GPS/GIS 1017 AS SHOWN ON THE GPS SURVEY CONTROL NETWORK FILED IN BOOK 28 OF SURVEYS, AT PAGES 9 TO 12, MERCED COUNTY RECORDS. AND IS THE BASIS FOR ALL BEARINGS ON THIS MAP.

### REFERENCES

- (A) BOOK 28 OF SURVEYS, PAGES 1-4 GPS SURVEY CONTROL NETWORK, M.C.R.
- (B) TRACT NO 2015-01, SOUTHPOINTE AT REGENCY PARK, BOOK 81 OF OFFICIAL RECORDS, PAGES 20 TO 24, M.C.R.
- (C) TRACT NO 2015-01, SOUTHPOINTE, PHASE 1, BOOK OF OFFICIAL RECORDS, PAGES TO , M.C.R.
- (D) TRACT NO 2015-01, SOUTHPOINTE, PHASE 2, BOOK OF OFFICIAL RECORDS, PAGES TO , M.C.R.

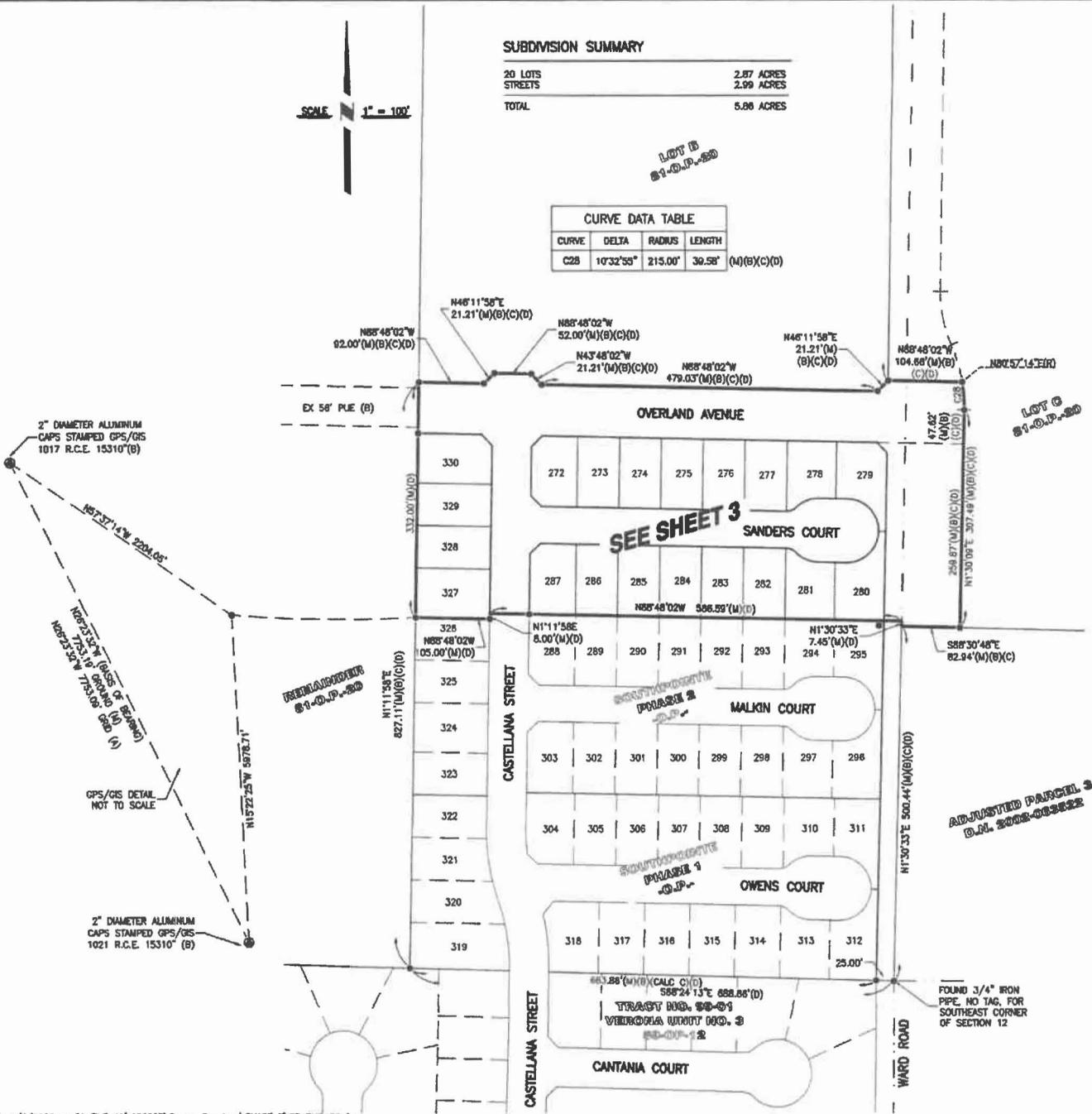
### SUBDIVISION SUMMARY

|         |            |
|---------|------------|
| 20 LOTS | 2.87 ACRES |
| STREETS | 2.99 ACRES |
| TOTAL   | 5.86 ACRES |

### CURVE DATA TABLE

| CURVE | DELTA     | RADIUS  | LENGTH |
|-------|-----------|---------|--------|
| C28   | 10°32'55" | 215.00' | 39.58' |

SCALE 1" = 100'



2" DIAMETER ALUMINUM CAPS STAMPED GPS/GIS 1017 R.C.E. 15310'(B)

2" DIAMETER ALUMINUM CAPS STAMPED GPS/GIS 1021 R.C.E. 15310' (B)

MONUMENT 81-01-P-280

SEE SHEET 3

ADJUSTED PARCEL 3 D.N. 2002-003822



**SITE MAP: Southpointe at Regency Park Phase 3**



Recording Requested By:

City of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk  
City of Los Banos  
520 J Street  
Los Banos CA 93635

Space above this line for Recorder's use.

### **SUBDIVISION IMPROVEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2020, between STONEFIELD HOME, INC., a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2015-01, Southpointe at Regency Park Phase 3, comprised of 20 single family residential lots on approximately 5.86± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires a condition precedent to the acceptance and approval of said Final Map, the dedication of said easements as are delineated and shown on said Final Map, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the CITY; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. \_\_\_\_\_ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2015-01.

NOW, THEREFORE, in consideration of the acceptance of the offers of dedication of easements, and facilities as shown and delineated on said Final Map, and the approval of said Final Map for filing and recording as provided and required by law, it is mutually agreed and understood by and between DEVELOPER(S) and CITY as follows:

**SUBDIVISION AGREEMENT**

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 30<sup>th</sup> day of April 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

**IMPROVEMENTS:**

|                     |    |            |
|---------------------|----|------------|
| 1. SITE PREPARATION | \$ | 46,710.35  |
| 2. DEMOLITION       | \$ | 3,000.00   |
| 3. WATER            | \$ | 107,925.00 |
| 4. SEWER            | \$ | 23,380.00  |
| 5. STORM DRAIN      | \$ | 16,010.00  |
| 6. CONCRETE         | \$ | 64,050.50  |
| 7. PAVEMENT         | \$ | 262,790.50 |
| 8. ELECTOLIERS      | \$ | 22,500.00  |
| 9. MISCELLANEOUS    | \$ | 202,547.00 |
| TOTAL               | \$ | 748,913.35 |

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$748,913.35** and Labor and Materials at 50%, **\$374,456.68** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$74,891.34**. In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

**ENGINEERING AND INSPECTION**

|  |    |             |         |
|--|----|-------------|---------|
| 5% of Approved Engineer's estimate of \$748,913.35 | \$ | 37,445.67   |         |
| Less: Deposit for Plan Check (Rec#01369880)        | \$ | (14,978.27) |         |
| Less: Payment (Rec#01435572)                       | \$ | (22,467.40) |         |
| SUB-TOTAL  |    |             | \$ 0.00 |

**FINAL MAP REVIEW**

|   |           |            |             |
|---|-----------|------------|-------------|
| Charges for Phase 3                         | \$        | 2,129.26   |             |
| Less: Deposit for Map Review (Rec#01332122) | \$        | (1,000.00) |             |
| Less: Payment (Rec#01435572)                | \$        | (1,129.26) |             |
| SUB-TOTAL                                   |           |            | \$ 0.00     |
| <b>TOTAL</b>                                | <b>\$</b> |            | <b>0.00</b> |

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$533,221.04** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2015-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils

Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.

10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

11. The Improvement Plans may be modified upon approval by the CITY at no cost to the CITY.

12. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

13. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this

AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

**15.** It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

**16.** DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.

**17.** Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.

**18.** Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.

**19.** It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.

**20.** That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.

21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2015-01 prior to acceptance of public improvements or final of any housing units.

22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.

23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.

24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

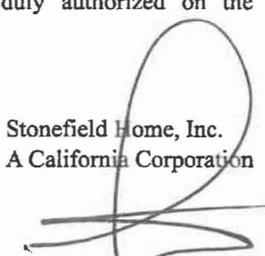
25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2015-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

**IN WITNESS WHEREOF**, the parties have executed these presents or caused the same to be executed by the officers thereunto duly authorized on the date and year in this AGREEMENT first above written.

Stonefield Home, Inc.  
A California Corporation



\_\_\_\_\_  
Greg Hostetler  
President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS  
A Municipal Corporation

\_\_\_\_\_  
Michael Villalta  
Mayor

PARTIES OF THE SECOND PART

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee  
City Clerk  
City of Los Banos

**Signatures need to be notarized.  
Attach a Notary Acknowledgement.**

**Exhibit A**



**BENCHMARK ENGINEERING INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**

JOB #100025  
 AUGUST 7, 2018  
 BY: BW

**ENGINEERS BOND ESTIMATE  
 FOR  
 SOUTHPONTE AT REGENCY PARK  
 PHASE 3 - 20 LOTS  
 LOS BANOS, CA**

| ITEM                       | DESCRIPTION                              | UNIT | QUAN.   | UNIT PRICE | AMOUNT       |
|----------------------------|--|------|---------|------------|--------------|
| <b>A. SITE PREPARATION</b> |  |      |         |            |              |
| 1.                         | MOBILIZATION                             | LS   | 1       | \$5,000.00 | \$5,000.00   |
| 2.                         | CLEAR AND GRUB                           | SF   | 278,069 | \$0.05     | \$13,903.45  |
| 3.                         | GRADING                                  | SF   | 278,069 | \$0.10     | \$27,806.90  |
| SUB-TOTAL                  |  |      |         |            | \$48,710.35  |
| <b>B. DEMOLITION</b>       |  |      |         |            |              |
| 1.                         | REMOVE EXISTING TREES                    | LS   | 1       | \$2,500.00 | \$2,500.00   |
| 2.                         | REMOVE EXISTING BARRICADES               | EA   | 1       | \$250.00   | \$250.00     |
| 3.                         | REMOVE EXISTING BLOWOFF                  | EA   | 1       | \$250.00   | \$250.00     |
| SUB-TOTAL                  |  |      |         |            | \$3,000.00   |
| <b>C. WATER</b>            |  |      |         |            |              |
| 1.                         | 8" WATER                                 | LF   | 840     | \$20.00    | \$16,800.00  |
| 2.                         | 10" WATER                                | LF   | 60      | \$25.00    | \$1,500.00   |
| 3.                         | 16" WATER                                | LF   | 1,005   | \$35.00    | \$35,175.00  |
| 4.                         | 8" GATE VALVE                            | EA   | 4       | \$1,300.00 | \$5,200.00   |
| 5.                         | 10" GATE VALVE                           | EA   | 1       | \$1,500.00 | \$1,500.00   |
| 6.                         | 16" GATE VALVE                           | EA   | 3       | \$2,500.00 | \$7,500.00   |
| 7.                         | 1" WATER SERVICE                         | EA   | 20      | \$500.00   | \$10,000.00  |
| 8.                         | FIRE HYDRANT WITH TEE, GATE VALVE & BURY | EA   | 7       | \$3,500.00 | \$24,500.00  |
| 9.                         | TEMPORARY BLOW-OFF                       | EA   | 3       | \$1,250.00 | \$3,750.00   |
| 10.                        | CONNECT TO EXISTING WATER                | EA   | 2       | \$1,000.00 | \$2,000.00   |
| SUB-TOTAL                  |  |      |         |            | \$107,925.00 |
| <b>D. SEWER</b>            |  |      |         |            |              |
| 1.                         | 6" SEWER                                 | LF   | 469     | \$20.00    | \$9,380.00   |
| 2.                         | 4" SEWER SERVICE                         | EA   | 20      | \$400.00   | \$8,000.00   |
| 3.                         | STANDARD MANHOLE                         | EA   | 2       | \$2,500.00 | \$5,000.00   |
| 4.                         | CONNECT TO EXISTING SEWER                | EA   | 1       | \$1,000.00 | \$1,000.00   |
| SUB-TOTAL                  |  |      |         |            | \$23,380.00  |
| <b>E. STORM DRAIN</b>      |  |      |         |            |              |
| 1.                         | 12" STORM DRAIN                          | LF   | 38      | \$25.00    | \$950.00     |
| 2.                         | 18" STORM DRAIN                          | LF   | 205     | \$32.00    | \$6,560.00   |
| 3.                         | CATCH BASIN                              | EA   | 3       | \$2,000.00 | \$6,000.00   |
| 4.                         | STANDARD MANHOLE                         | EA   | 1       | \$2,500.00 | \$2,500.00   |
| SUB-TOTAL                  |  |      |         |            | \$16,010.00  |
| <b>F. CONCRETE</b>         |  |      |         |            |              |
| 1.                         | 6" VERTICAL CURB & GUTTER                | LF   | 1,494   | \$13.00    | \$19,422.00  |
| 2.                         | HANDICAP RAMP (LABOR ONLY)               | EA   | 2       | \$500.00   | \$1,000.00   |
| 3.                         | SIDEWALK (INCLUDING RETURNS)             | SF   | 6,751   | \$3.50     | \$23,628.50  |
| 4.                         | RESIDENTIAL DRIVEWAY                     | SF   | 20      | \$1,000.00 | \$20,000.00  |
| SUB-TOTAL                  |  |      |         |            | \$64,050.50  |

MODESTO: 915 17th Street • Modesto, CA 95354 • 209.548.9300

LOS BANOS: 507 J Street • Los Banos, CA 93635 • 209.737.0900

ENGINEERS BOND ESTIMATE  
 SOUTHPOINTE AT REGENCY PARK  
 LOS BANOS, CA  
 JOB #100025  
 AUGUST 7, 2018  
 PAGE 2

| ITEM                                   | DESCRIPTION          | UNIT | QUAN.  | UNIT PRICE | AMOUNT       |
|--|----------------------|------|--------|------------|--------------|
| <b>G. PAVEMENT</b>                     |                      |      |        |            |              |
| 1.                                     | 0.21'AC/ 0.92' AB    | SF   | 26,259 | \$2.50     | \$65,647.50  |
| 2.                                     | 0.25'AC/1.13' AB     | SF   | 23,486 | \$2.75     | \$64,586.50  |
| 3.                                     | 0.38'AC/1.54' AB     | SF   | 40,602 | \$3.25     | \$131,956.50 |
| 4.                                     | MONUMENT WELL        | EA   | 2      | \$300.00   | \$600.00     |
| SUB-TOTAL                              |                      |      |        |            | \$262,790.50 |
| <b>H. ELECTROLIERS</b>                 |                      |      |        |            |              |
| 1.                                     | 150W STREET LIGHTS   | EA   | 7      | \$2,500.00 | \$17,500.00  |
| 2.                                     | 200W STRET LIGHTS    | EA   | 2      | \$2,500.00 | \$5,000.00   |
| SUB-TOTAL                              |                      |      |        |            | \$22,500.00  |
| <b>I. MISCELLANEOUS</b>                |                      |      |        |            |              |
| 1.                                     | LANDSCAPING          | SF   | 19,854 | \$7.00     | \$138,978.00 |
| 2.                                     | 6" LANDSCAPE SLEEVES | LF   | 200    | \$7.25     | \$1,450.00   |
| 3.                                     | 4" LANDSCAPE SLEEVES | LF   | 200    | \$5.25     | \$1,050.00   |
| 4.                                     | BARRICADE            | LF   | 142    | \$32.00    | \$4,544.00   |
| 5.                                     | MASONRY WALL         | LF   | 587    | \$75.00    | \$44,025.00  |
| 6.                                     | STRIPING AND SIGNAGE | LS   | 1      | \$5,000.00 | \$5,000.00   |
| 7.                                     | EROSION CONTROL      | LS   | 1      | \$7,500.00 | \$7,500.00   |
| SUB-TOTAL                              |                      |      |        |            | \$202,547.00 |
| <b>CONSTRUCTION SUB-TOTAL=====&gt;</b> |                      |      |        |            | \$748,913.35 |
| <b>10% CONTINGENCY=====&gt;</b>        |                      |      |        |            | \$74,891.34  |
| <b>CONSTRUCTION TOTAL=====&gt;</b>     |                      |      |        |            | \$823,804.69 |

NOTE:

- THE ABOVE DEVELOPMENT COST ESTIMATE DOES **NOT** INCLUDE LAND, ADJACENT RIGHT-OF-WAY, INTEREST, TAXES, COMMISSIONS, LEGAL FEES, ENGINEERING FEES, GEOTECHNICAL FEES, CITY FEES, FEES CHARGED IN CONNECTION WITH A BUILDING PERMIT. PRICES REFLECT CURRENT NORMAL CONSTRUCTION COSTS AND ARE SUBJECT TO CHANGE ONCE STREET IMPROVEMENT PLANS HAVE BEEN APPROVED.

## Exhibit B

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2015-01 – SOUTHPOINTE AT REGENCY PARK**

#### General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2015-01 and approved Final Development Plan #2015-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2015-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

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

30. 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 Planning Division:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

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

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

#### Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Department.

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

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

Air Quality:

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF). The reimbursements shall only apply to Ward Road up to Overland Avenue intersection and Overland Avenue.
48. Full width improvements for Ward Road from the southerly boundary of the project to the northerly boundary, shall be constructed in conformance with the phasing plan as approved by the Public Works Director.
49. No driveway access shall be allowed from or on Place Road or Overland Avenue.
50. Ward Road shall be designed with a minimum 59' public right-of-way.
51. The Class I and II bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City standards.
55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
56. Prior to acceptance of the subdivision improvements, the developer shall be responsible for installation of all street and traffic control signs, pavement striping, and street name signs in accordance with City and/or Caltrans standards.

57. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.
58. The developer shall design and install traffic calming measures throughout the project area as approved by the City Engineer.
59. Traffic calming shall be provided on the existing and future Castellana Street and Palermo Street.
60. Traffic calming measures may include, but are not limited to, raised intersections, speed cushions, stop signs, varied cross sections, and roundabouts.

Landscape and Lighting District:

61. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

Utilities:

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

65. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
66. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.

Water:

67. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
68. Approved backflow devices shall be installed as required.
69. Domestic water services shall not be placed in driveways.

Sewer:

70. The sewer collection system shall connect to the Meadowlands sewer lift station.
71. Upon issuance of a building permit reimbursements for the Northgate Sewer Lift Station shall be payable in accordance with the Northgate Sewer Lift Station Reimbursement Agreement.
72. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
73. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.

Storm Drainage:

74. The development shall provide storm drainage to the new basin, and then discharge directly to the San Luis Canal, as described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer. All improvements to conform to the City's Storm Drainage System Master Plan. All deviations to be approved by the City Engineer.
75. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.
76. Adequate capacity for the storm drainage detention needs of Pacheco High School shall be accommodated within the new storm drainage basin,

described in the Storm Drain Conveyance and Pump Station Analysis dated January 14, 2005, subject to the review of and as may be modified by the City Engineer.

77. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
78. Final Improvement Plans shall include concrete structures at storm basin inlets and outlets. Rip-rap shall not be considered acceptable. The structures shall prevent nuisance water by diverting directly to the pump station.
79. All development shall comply with the Phase II storm water regulations.
80. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
81. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.
82. Off-street parking shall be provided at the detention basin for a minimum of 10 vehicles as approved by the Public Works Director.

**Public Safety:**

83. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
84. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
85. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
86. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
87. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
88. Fire hydrants (or other methods approved by the Fire Chief) on Overland Avenue shall be in place and functioning prior to approval of the first

residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.

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

**Landscaping:**

92. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
93. The developer shall comply with the adopted street tree ordinance.
94. Masonry walls shall be landscaped with vines to discourage graffiti.
95. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
96. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
97. Landscape plans shall be designed in accordance with Title 10, Chapter 2, Water Efficient Landscape Ordinance of the Los Banos Municipal Code.





2  
 6  
 SHEETS

**HORIZONTAL CONTROL PLAN**  
 VERTICAL TENTATIVE MAP FOR:  
**SOUTHPOINTE**  
**AT REGENCY PARK**  
 LOS BANOS, CALIFORNIA

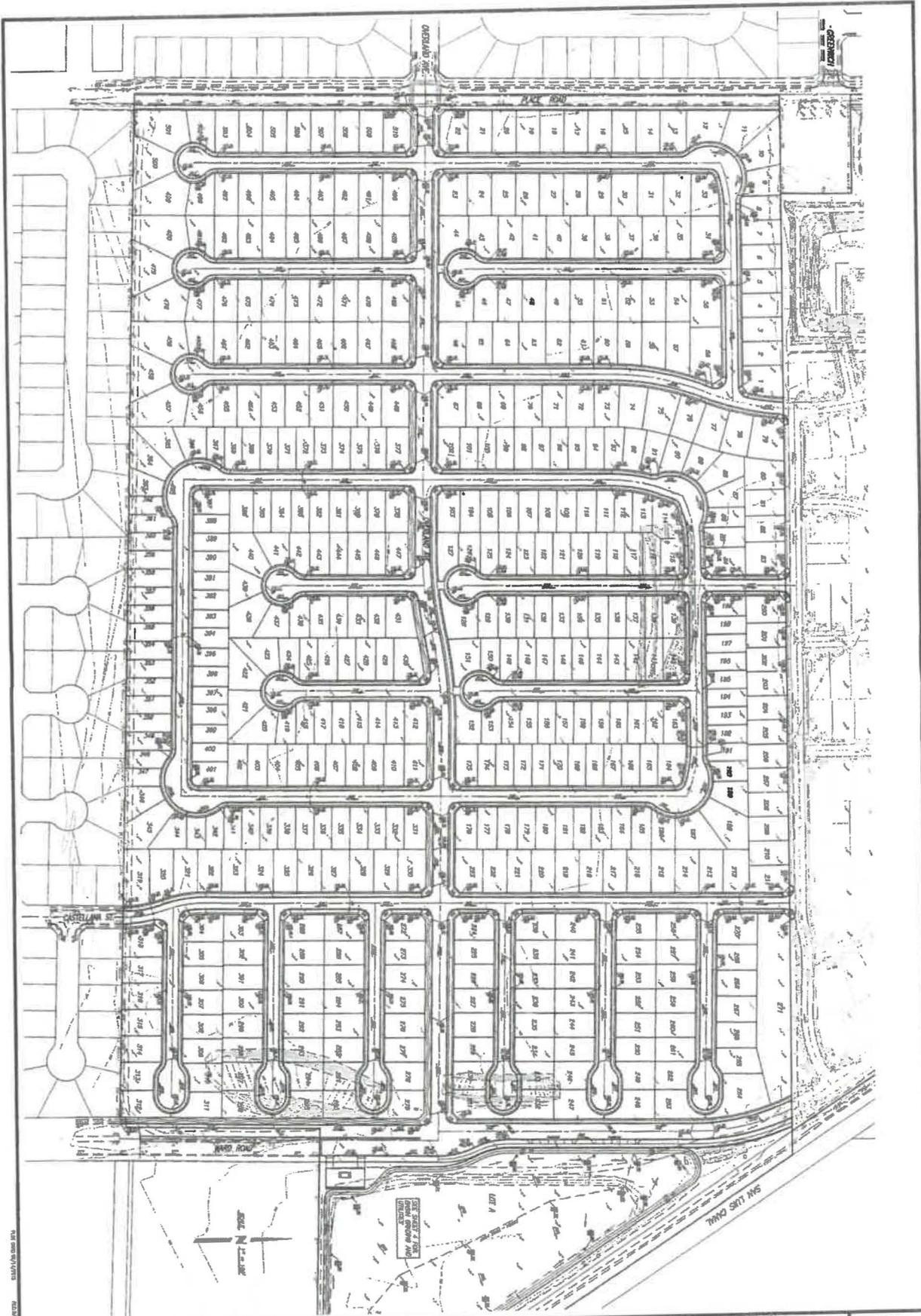


**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 807 J STREET - LOS BANOS, CALIFORNIA - 93888  
 (209) 737-0800 FAX (209) 648-0288

PREPARED UNDER THE SUPERVISION OF: *[Signature]* DATE: 11/11/11

| NO. | DESCRIPTION | DATE | APPROVED |
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DATE: 11/15/05  
 SHEET NO. 3  
 OF 5

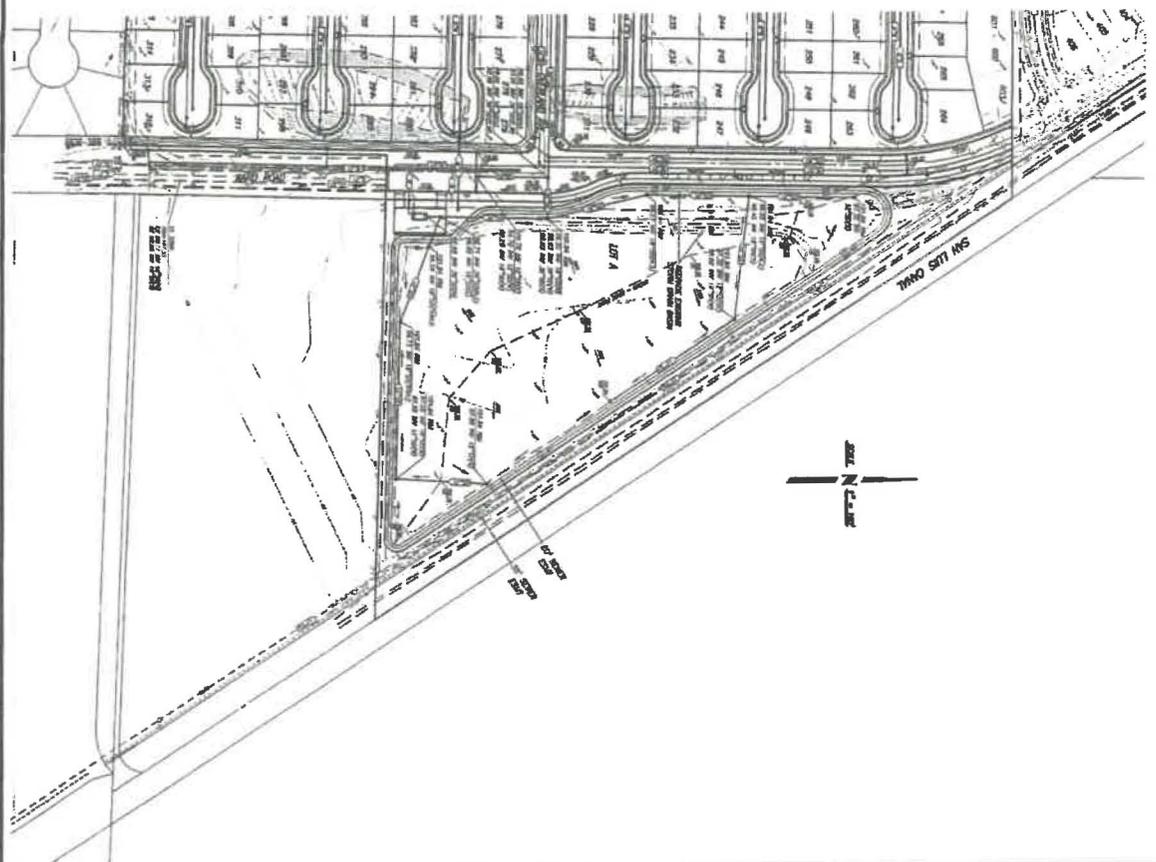
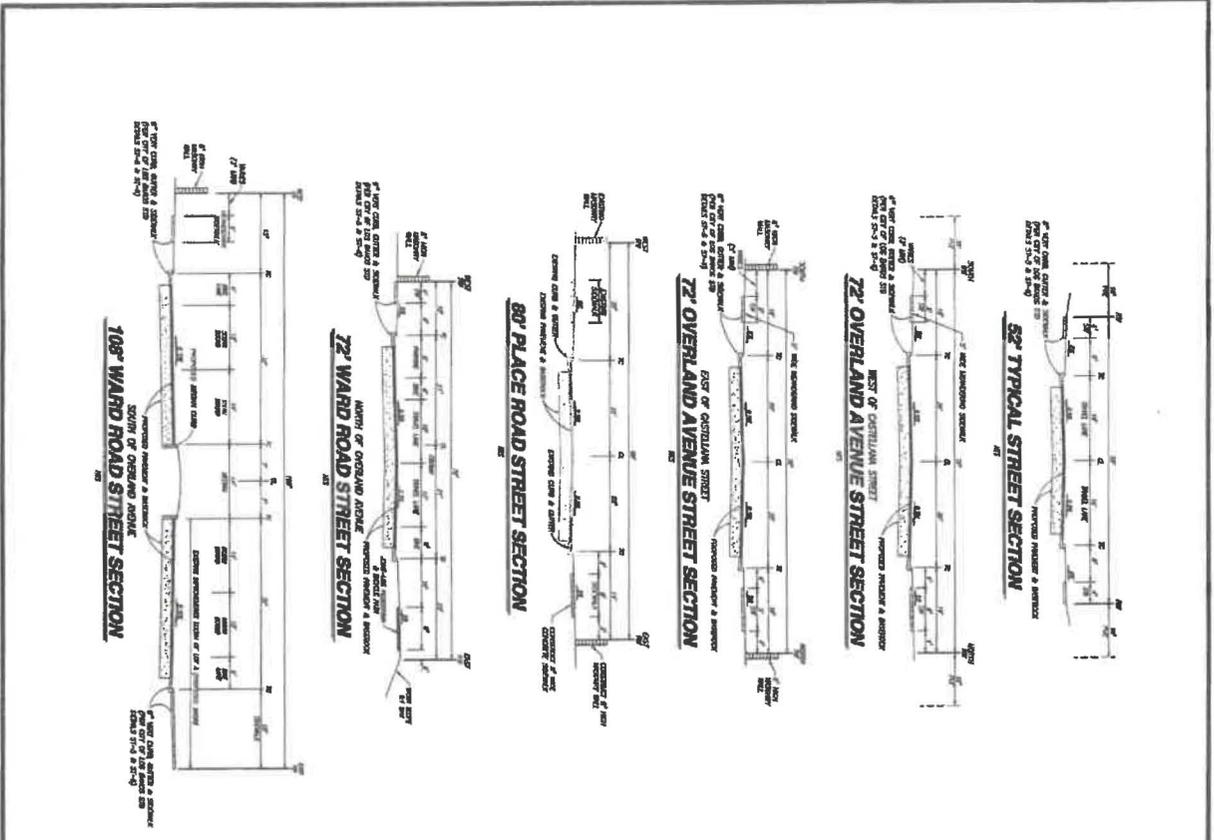
**GRADING PLAN**  
 PRELIMINARY TENTATIVE MAP FOR  
**SOUTHPOINTE**  
 AT **REGENCY PARK**  
 LOS BANOS, CALIFORNIA



**BENCHMARK ENGINEERING, INC.**  
 CIVIL ENGINEERING & LAND SURVEYING  
 507 J STREET, LOS BANOS, CALIFORNIA • 93035  
 (209) 787-0000 FAX: (209) 548-8805

PROPOSED UNDER THE AUTHORITY OF  
*Mark P. Davis* DATE: 11/15/05  
 TITLE: GRADING PLAN  
 SHEET NO. 3 OF 5





|                            |   |  |  |   |
|----------------------------|---|--|--|---|
| SHEET NO. 4<br>OF 5 SHEETS | <b>STORM DRAIN BASIN GRADING &amp; UTILITY PLAN</b><br>VISITING TENTATIVE MAP FOR:<br><b>SOUTHPOINTE AT REGENCY PARK</b><br>LOS BANOS, CALIFORNIA |  <b>BENCHMARK ENGINEERING, INC.</b><br>CIVIL ENGINEERING & LAND SURVEYING<br>607 J STREET - LOS BANOS, CALIFORNIA - 93885<br>(209) 737-0800 FAX: (209) 849-6205 | PREPARED UNDER THE SUPERVISION OF:<br><i>Manuel P. Cruz</i> DATE: 11/11/11<br>CHECKED BY: [ ] DATE: [ ]<br>DESIGNED BY: [ ] DATE: [ ]<br>DRAWN BY: [ ] DATE: [ ] |  |
|                            | DESIGNER:<br>CHECKER:<br>DATE:  |  |  |   |





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

**Agenda Staff Report**

**TO:** Mayor Villalta and City Council Members

**FROM:** Stacy Souza Elms, Community and Economic Development Director

*SSE*

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** Proposed Reasonable Accommodation Ordinance

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**Recommendation:**

Staff recommends that the City Council waives further reading and adopts Ordinance No. 1181 - Adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code Relating to Reasonable Accommodation.

**Background:**

Both Federal and State Fair Housing laws prohibit discrimination in housing against individuals with disabilities. These laws require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to disabled individuals. This includes requiring flexibility in the application of land use and zoning regulations.

Furthermore, California's Fair Employment and Housing Act, the State's Housing Element law, and HUD require that cities utilizing Community Development Block Grant (CDBG) funds prepare an "Analysis of Impediments to Fair Housing Choice." Taken together, these pieces of legislation require that Cities and Counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities, and more specifically, require that Cities and Counties provide individuals with

disabilities, or developers of housing for people with disabilities, flexibility in the application of land use and zoning regulations, practices and procedures.

The law also recognizes that individuals with disabilities may need extra tools to achieve equality. Providing reasonable accommodation is one way for the City of Los Banos to provide relief from land use and zoning and building regulations and procedures that have the effect of discriminating against the development, siting, and use of housing for individuals with disabilities. Furthermore, California Government Code Section 65583(c)(3) states:

*Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.*

On February 26, 2020, the Los Banos Planning Commission held a public hearing for the purpose of considering the proposed Reasonable Accommodation Ordinance. At completion of the public hearing, the Planning Commission considered all evidence presented and recommended approval of the proposed Ordinance to the Los Banos City Council.

On March 18, 2020, the Los Bnaos City Council waived the first reading and introduced Ordinance No. 1181 by title.

**Discussion:**

The 2014-2023 Housing Element of the City of Los Banos General Plan sets forth Policy 5B, which requires the establishment and implementation of a Reasonable Accommodation Ordinance. With this program implemented, the City will be demonstrating to the California Department of Housing and Community Development (HCD) implementation of the goals, policies, and programs of the Housing Element, which is necessary for compliance. It is important for the City to be in compliance with its Housing Element as it a necessary requirement to access any State and some Federal funds.

The intent of the proposed Ordinance is to establish a formal procedure for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of the City's land use regulations and to establish criteria to be used which considering such requests. The proposed Reasonable Accommodation Ordinance provides the City with procedures and criteria to provide persons with disabilities the relief in zoning, permit procedures, and building laws that may prohibit opportunities for housing.

An applicant requesting an accommodation must have a disability that is defined and protected under Federal and State Housing Law. According to the State's Fair Employment and Housing Act (FEHA), there are two categories of disabilities: physical and mental. The applicant is not required to identify the nature or severity of the disability and it is unlawful for the City to make such an inquiry of a person with a disability or one associated with him or her (24 C.F.R. § 100.202; Cal. Gov't Code § 12955(b)). In most instances, the establishment of a protected disability can be met by describing generally the use of the dwelling, such as licensed residential care facility, home for transitional age youth with disabilities, or sober living home for those in recovery.

Furthermore, the application and procedures are approved by the Community and Economic Development Director, reducing the timing of the review process, resulting in a more streamlined process. This is consistent with the intent of the Ordinance of reducing constraints and barriers to housing for persons with disabilities.

### **PROPOSED ORDINANCE:**

The proposed Ordinance establishes the Reasonable Accommodation Ordinance in the City's Zoning Code. In summary, the proposed Ordinance implements the following:

- Establishes criteria and procedures for the request for Reasonable Accommodation that will be used by an individual with a disability protected under fair housing laws;
- Establishes submittal requirements that are applicable to reasonable accommodation, such as documentation of disability, specific exception or modification to the Zoning Code, other information that the Community and Economic Development Director requires to make a determination;
- Appeal procedures for Reasonable Accommodation decisions; and
- Establishes certain findings that the Community and Economic Development Director must make to make a determination whether to grant or deny requested accommodations. These findings are consistent with the Fair Housing Laws.

Examples of the types of request that may be made are provided below:

- **Relief from Setback Requirements:** Wheelchair ramps are required to comply with applicable setback requirements. Under the proposed regulations, an applicant may seek changes related to yard setback requirements to accommodate the installation of ramps to meet the needs of persons with disabilities who use wheelchairs.
- **Fence Height Restrictions:** A housing provider or developer seeks exception to fence height restrictions when greater privacy is necessary for a person with a disability to use and enjoy the outdoors at a residence.
- **Parking:** An applicant may seek special parking exceptions for the use of a vehicle where the height of the vehicle is prohibiting them from using the garage or space at the home.

**ENVIRONMENTAL DETERMINATION:**

The proposed Ordinance is not a project for CEQA purposes and is exempt under State CEQA Guidelines Section 15061(b)(3), General Rule, because it can be seen with certainty that there is not a possibility that the proposal would result in a significant effect on the environment. The proposal is implementing existing State Law and is considered an administrative activity and would not, itself, allow any construction or propose any projects. CEQA will be applied on a project-by-project basis if and when such projects are proposed.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

1. Proposed Ordinance
2. Public Hearing Notice

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS  
ADDING ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS  
MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION**

WHEREAS, the State legislature has found and declared that, among other things, Cities and Counties shall make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities and equal opportunity to housing;

WHEREAS, the City of Los Banos ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies and standards set forth in the City's General Plan, federal law, and state law as it relates to the reasonable accommodation to individuals with disabilities within the City;

WHEREAS, the Los Banos 2030 General Plan, and 2014-2023 Housing Element policy 5B requires the City of Los Banos to establish and implement a Reasonable Accommodation Ordinance;

WHEREAS, the proposed ordinance is attached hereto and incorporated herein by this reference as Attachment A;

WHEREAS, the proposed ordinance does not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that the proposed ordinance is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines Section 15061 (b)(3) and is not subject to environmental review;

WHEREAS, the Planning Commission held a public hearing on February 26, 2020 and recommended approval of the proposed Ordinance with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on March 18, 2020 and April 1, 2020 at which time all individuals desiring to comment on the proposed Ordinance were heard; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES  
ORDAIN AS FOLLOWS:**

Section 1: Article 46 of Chapter 3 of Title 9 of the Los Banos Municipal Code shall be added to read as follows:

**TITLE 9 PLANNING AND ZONING  
CHAPTER 3 ZONING**

## ARTICLE 46. REASONABLE ACCOMMODATION

### **Sec. 9-3.4601 Purpose and Intent.**

It is the policy of the City of Los Banos, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making request for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

### **Sec. 9-3.4602 Applicability.**

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as barrier to fair housing opportunities.

### **Sec. 9-3.4603 Notice to the Public of Availability of Accommodation Process.**

Notice of the availability of reasonable accommodation shall be prominently displayed at the public information counter in the Community and Economic Development Department, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Community and Economic Development Department.

### **Sec. 9-3.4604 Requesting Reasonable Accommodation.**

- (a) In order to make housing available to an individual with a disability, any eligible person as defined in Section 9-3.4602 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

- (b) Requests for reasonable accommodation shall be in writing and provide the following information:
- 1) Name and address of the individual(s) requesting reasonable accommodation;
  - 2) Name and address of the property owner(s);
  - 3) Address of the property for which accommodation is requested;
  - 4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
  - 5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- (c) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- (d) A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
- (e) If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

**Sec. 9-3.4605 Reviewing Authority.**

- (a) Requests for reasonable accommodation shall be reviewed by the "reviewing authority," using the criteria set forth in Section 9-3.4606.
- (b) The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant modifications, or deny a request for reasonable accommodation in accordance with the required findings set for in Section 9-3.4606.
- (c) If necessary to reach a determination on the request for reasonable accommodation, the Community and Economic Development Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request

for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

### **Sec 9-3.4606 Required Findings.**

The written decision to grant, grant modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (a) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (b) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (c) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and
- (d) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

### **Sec 9-3.4607 Written Decision on the Request for Reasonable Accommodation.**

- (a) The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 9-3.4606. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- (b) The written decision of the Community and Economic Development Director shall be final unless an applicant appeals it to the Planning Commission.
- (c) If the reviewing authority fails to render a written decision on the request for reasonable accommodation with the thirty (30) day time period allotted by Section 9-3.4606 the request shall be deemed granted.
- (d) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain the full force and effect.

### **Sec. 9-3.4608 Appeals.**

The decision of the Community and Economic Development Director may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this Chapter.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on the \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES: Council Members

NOES:  
ABSENT:

APPROVED:

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Michael Villalta, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk



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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: March 6, 2020

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – Reasonable Accommodation

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a Statutory Exemption from CEQA pursuant to Section 15061(b)(3) (General Rule) and to consider adding Article 46 to Chapter 3 of Title 9 of the Los Banos Municipal Code relating to reasonable accommodation.

The Los Banos Planning Commission held a public hearing on February 26, 2020 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended adoption of the ordinance as specified above.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, March 18, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director, at City Hall or at (209) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

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

THE CITY OF LOS BANOS

Stacy Souza Elms  
Community and Economic Development Director



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

**Agenda Staff Report**

**TO:** Mayor Villalta and City Council Members

**FROM:** Stacy Souza Elms, Community and Economic Development Director

*SSE*

**DATE:** April 1, 2020

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** SB2/ Housing Element Compliance

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**Recommendation:**

Staff recommends that the City Council waives further reading and adopts Ordinance No. 1182 - Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing and Single Room Occupancy Units.

**Background:**

On January 1, 2008, the Governor of the State of California signed into law Senate Bill 2 (SB2), a bill amending Sections 65583 and 65589.5 of the Government Code mandating certain approaches to local regulation of emergency shelters and transitional and supportive housing. Namely, Senate Bill 2 requires that cities:

- 1) Permit transitional and supportive housing as a residential use which is subject to only those restrictions that apply to other dwellings of the same type in the same zone, and
- 2) Identify at least one zone, with sufficient capacity, to permit emergency shelters without a conditional use permit or other discretionary action.

In addition to SB 2 the Governor of the State of California signed into law AB 2634 requiring local jurisdictions to make provisions for Single Room Occupancy (SRO) Facilities.

In addition to the foregoing, on January 1, 2014, SB 745 went into effect, modifying the definitions of supportive housing, target populations, and transitional housing as defined in SB 2. SB 745 generally amends Section 65582 of the Government Code to replace prior Health and Safety Code definitions for these uses with definitions that specifically relate to housing element law.

Since 1969, Housing Elements have been mandatory portions of local general plans in California because providing housing for all Californians is considered by the state legislature to be of vital statewide importance. A Housing Element provides an analysis of a community's housing needs for all income levels, and strategies to respond to provide for those housing needs. It is a key part of the City's overall General Plan. State Law establishes that each city accommodate its fair share of affordable housing as an approach to distributing housing needs throughout the state. State Housing Element law also recognizes that in order for the private sector to address housing needs and demand, local governments must adopt land-use plans and implementing regulations that provide opportunities for, and do not unduly constrain, housing development by the private sector.

Rules regarding Housing Elements are found in the California Government Code Sections 65580-65589. Unlike the other mandatory general plan elements, the housing element is required to be updated every five years. It is also subject to detailed statutory requirements and mandatory review and approval by the Department of Housing and Community Development.

As evidenced by the multitude of legislation passed starting with and since SB 2 a primary housing goal for the State is ensuring every resident has a decent home and suitable living environment. This includes requirements for municipalities to amend their zoning code to define, permit, and provide accommodations for a variety of housing types including supportive housing, transitional housing, single room occupancy units and address and remove constraints to the maintenance, improvement, and development of housing for the homeless.

On July 25, 2016 the City Council approved the 2014-2023 Housing Element which was subsequently certified by the State Department of Housing and Community Development (HCD).

Accordingly, the Housing Element 2014-2023 outlined several necessary implementation steps to address State and Federal requirements and to improve access to various housing types throughout the City of Los Banos.

Below are excerpts of the language from Housing Element 2014-2023 Program 8F and 8H which discuss the need for updates:

“8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt development standards that allow and accommodate the inclusion of new SRO's.”

“8H. The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.”

On February 26, 2020, the Los Banos Planning Commission held a public hearing for the purpose of considering the proposed amendment to the Zoning Code. At completion of the public hearing, the Planning Commission considered all evidence presented and recommended approval of the proposed Ordinance to the Los Banos City Council.

On March 18, 2020, the Los Bnaos City Council waived the first reading and introduced Ordinance No. 1182 by title.

## **ANALYSIS:**

### **Emergency Shelters**

Senate Bill 2, passed in 2007, amended State housing law (California Government Code Sections 65582, 65583, and 65589.5) regarding shelter for homeless persons. This legislation required local jurisdictions to strengthen provisions for addressing the housing needs of homeless persons, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit.

Currently, emergency shelters are permitted by right in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts and by conditional use permit in the Low Density Residential District (R-1). The City has approximately 54.18 acres of vacant land within its R-2 zone district. This amount of vacant land should be sufficient enough to accommodate the existing and anticipated homeless in the City of Los Banos. The parcels within the R- 2 zone district range in size from less than one (1) acre to as large as thirteen (13) acres, and are suitable for the development of an emergency shelter based on size needed for structures, parking, etc. Staff believes that the Industrial District (I) might actually be a more suitable location for emergency shelters as a conditional use. The Industrial District is generally located at both ends of the rail trail.

The City has not established development criteria for emergency shelters. SB2 allows for the establishment of emergency shelter development criteria with certain parameters established by the State. The regulations for emergency shelters are being incorporated as Article 47 of Chapter 9, Title 3 of the Municipal Code. The regulations include:

(1) No individual shall be denied emergency shelter because of an inability to pay.

(2) Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.

(3) Emergency shelters shall comply with applicable California Health and Safety Codes.

(4) Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within three hundred feet of another such facility, said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities.

(5) Parking shall be as required by Title 9, Article 3, Chapter 20 "Off-Street Parking" unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Community and Economic Development Director or designee.

(6) Each emergency shelter shall include, at a minimum, the following:

a. Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways;

b. If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of ten square feet per bed provided at the facility. If an exterior waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;

c. Clean, sanitary beds and sanitation facilities, including showers and toiletries; and

d. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

(7) At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.

(8) Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:

- a. Central cooking and dining room(s);
- b. Recreation areas, indoor and/or outdoors;
- c. Laundry facilities for clients to wash their clothes;
- d. Intake and administrative offices;
- e. Counseling and other supportive services; or
- f. Secure storage areas for bicycles and other personal possessions.

(9) The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation, as established in Government Code Section 65583 (a)(4)(A).

The City has not received an application for development of an emergency shelter since the adoption of the Housing Element.

The proposed Ordinance does the following: adds emergency shelters as an allowed use in the Industrial District (I) subject to a conditional use permit; establishes development criteria for emergency shelters; and adds a definition for “emergency shelters” and eliminates the definition of “homeless shelters”.

### Supportive and Transitional Housing

Supportive housing combines non-time-limited affordable housing assistance with wrap-around supportive services for people experiencing homelessness, as well as other people with disabilities. Supportive housing is permanent housing with a lease where the tenant pays affordable rent. Health and social services (medical care, mental health and addiction therapy, employment training, and case management) are offered on-site or in close proximity to supportive housing. Housing affordability is ensured either through a rent subsidy or by setting rents at affordable levels.

Transitional housing serves as a short-term stay when an individual or household is either waiting to secure permanent housing, or has secured permanent housing that is not immediately available. Transitional housing is also known as “bridge” or “interim housing.” Services are typically provided to prepare residents to transition to permanent housing. The stay is usually limited for a limited time period. Stays can be from two weeks to twenty four months. Transitional housing provides people with help after a crisis such as homelessness or domestic violence.

Government Code § 65583(c)(3) states that supportive and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same types in the same zone.

To implement the State law and Housing Element Program 8H, the proposed Ordinance includes proposed amendments to the Zoning Code to allow supportive and transitional housing throughout the City where other residential uses of the same type (single family or multifamily) are permitted. Specifically allowed in Low Density Residential (R-1); Medium Density Residential (R-2); High Density Residential (R-3); Mixed Use District (M-X); and Rail Corridor District (R-C).

The proposed Ordinance also includes new definitions for supportive and transitional housing, consistent with state law definitions in California Government Code Sections 65582(g) and 65582(i), respectively. The existing definition for transitional and supportive housing would be replaced with a definition based on State law.

### Single Room Occupancy Housing

The Governor of the State of California signed into law AB2634 requiring local jurisdictions to make provisions for Single Room Occupancy (SRO) Facilities.

Single Room Occupancy Housing (SRO) is identified in Housing Element Program 8F as a specialized housing type to be accommodated. State law requires that the City accommodate this housing type, to provide smaller, less expensive housing units in order to meet our regional housing needs for lower incomes. To implement the State law and Housing Element Program 8F, the proposed Ordinance includes amendments to the Zoning Code to include a new definition for single residential occupancy housing consistent with state law and to include the use as a conditional use in the High Density Residential District (R-3).

The proposed Ordinance also provides regulations for single room occupancy housing units and facilities that would be applied in addition to the regulations of the underlying zoning district where SRO development would be permitted.

The regulations for SRO Housing are being incorporated as Article 48 of Chapter 9, Title 3 of the Municipal Code. The regulations include:

(1) Tenancy of each SRO unit shall not be for less than 30 days. No transient occupancy is allowed; SRO units shall be occupied as the primary residence of the tenant.

(2) Excluding the bathroom area and closet(s), the SRO unit must be a minimum of two hundred fifty (250) square feet in floor area and the maximum size shall be not more than three hundred (300) square feet. Each SRO unit shall be designed to accommodate a maximum of two people.

(3) Each SRO unit must include a closet.

(4) An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen for every twenty (20) SRO units or portion thereof that do not have full kitchens, or have one kitchen on any floor where SRO units without kitchens are located.

(5) An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. Common bathrooms must be located on any floor with any unit that does not have a full bathroom. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(6) Each SRO facility shall have at least ten (10) square feet of common usable area per unit; however no SRO facility shall provide less than two hundred (200) square feet of common outdoor area and two hundred (200) square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight (8) feet wide shall not be included as outdoor common space.

(7) A SRO facility with eight (8) or more units shall provide twenty-four (24) hour on-site management, and include a dwelling unit designated for the manager. All SRO facilities must have a management plan approved prior to occupation by the Los Banos Community and Economic Development Director or designee. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

(8) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every ten (10) SRO units or fractional number thereof, with at least one (1) washer and dryer per floor.

(9) A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water must be provided on each floor of the SRO facility.

(10) Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units.

(11) SRO facilities and SRO units shall comply with all requirements of the California Building Code and all other codes. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Building Official.

(12) Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways.

**ENVIRONMENTAL REVIEW:**

The adoption of the proposed ordinance is covered by the “general rule” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Staff’s determination is that it can be seen with certainty that there is no possibility that the proposed regulations contained in the ordinance will have a significant effect on the environment. Therefore, the adoption of the ordinance is not subject to CEQA.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

1. Proposed Ordinance
2. Public Hearing Notice – March 6, 2020

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9 CHAPTER 3 OF THE LOS BANOS MUNICIPAL CODE REGARDING EMERGENCY SHELTERS, SUPPORTIVE AND TRANSITIONAL HOUSING AND SINGLE ROOM OCCUPANCY UNITS**

WHEREAS, Government Code Section 65583 (Senate Bill 2 (SB2)) obligates cities and counties to establish a zoning district that allows emergency shelters as a land use which does not require a conditional use permit or other discretionary approval, and allows for the opportunity to create written standards for the development and operation of emergency shelters;

WHEREAS, the currently Emergency Shelters are permitted by right only in the Medium Density Residential (R-2) and High Density Residential (R-3) Districts and by conditional use permit in the Low Density Residential (R-1);

WHEREAS, SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone;

WHEREAS, AB 2634 local jurisdictions are now required to make provisions for Single Room Occupancy (SRO) Facilities;

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding emergency shelters and supportive and transitional housing to be in compliance with SB2;

“Implementation Program 8H. The City will review and amend if necessary, Title 9, Chapter 3 to ensure that Transitional and Supportive Housing complies with Senate Bill 2. If necessary, the City shall amend the Zoning Ordinance to permit Transitional and Supportive Housing as a residential use in all zones allowing residential uses and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. In addition, the City shall amend Article 2: Definitions to include Transitional and Supportive Housing and Target Population, per Senate Bill 745.”

WHEREAS, Housing Element Objectives and Policies adopted by the City Council on July 25, 2016 calls for amending the Zoning Code regarding single room occupancy units to be in compliance with AB 2634:

“Implementation Program 8F. The City will amend Title 9, Chapter 3 to allow for the location of Single Room Occupancy (SRO) uses as a conditional use in the High Density Residential District (R-3) and adopt

development standards that allow and accommodate the inclusion of new SRO's."

WHEREAS, the proposed amendments to the Los Banos Municipal Code are intended to ensure the City's procedural and substantive requirements for regarding emergency shelters, supportive and transitional housing and single room occupancy units are consistent with State law and the adopted Objectives and Policies of the 2014-2023 Housing Element;

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

WHEREAS, the Planning Commission held a public hearing on February 26, 2020 and recommended approval of the proposed Ordinance with a finding of General Plan consistency; and

WHEREAS, the City Council conducted a duly noticed public hearing on the on March \_\_, 2020 and April \_\_, 2020 at which time all individuals desiring to comment on the proposed amendments were heard.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1: The above recitals and findings are true and correct and incorporated herein by this reference.

Section 2: The following definitions are hereby deleted from Section 9-3.201 of the Los Banos Municipal Code:

~~"Homeless shelter" means any structure designed, constructed, intended, or occupied for temporary occupancy by homeless persons for dwelling, lodging, or sleeping purposes. Medical assistance, training, counseling, and personal services essential to enable homeless persons to make the transition to permanent shelter may be provided, with or without meals, as part of the operation of a homeless shelter.~~

~~"Transitional and/or supportive housing" means housing with supportive services that is limited to occupancy of up to twenty-four (24) months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently~~

~~homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low income persons.~~

Section 3: The following definitions are hereby added to Section 9-3.201 of the Los Banos Municipal Code to read as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).

"Single-Room Occupancy (SRO) Facility" means any building containing five or more guest rooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by residents, which is also the primary residence of those residents. The individual units shall lack either kitchen facilities or individual bathrooms, or both. If full kitchen and bathroom facilities are provided in any living unit, then that unit shall not be considered a Single-Room Occupancy (SRO) unit for purposes of this section; it shall be considered a single family or multi-family residential unit, as the case may be. A Single-Room Occupancy Facility does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities, hospitals, or similar use or other transient lodging facilities.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (as defined by Government Code Section 65582). Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).

"Transitional housing" means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible

program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing does not include state licensed residential care facilities.

Section 4: Section 9-3.502 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.502 Uses permitted (R-C).**

The following uses shall be permitted in the Rail Corridor District:

- (a) Mixed use development;
- (b) Commercial;
- (c) Live-work facilities;
- (d) Stacked flats;
- (e) Courtyard flats;
- (f) Townhouses;
- (g) Public/civic buildings and public spaces;
- (h) Cottage houses;
- (i) Accessory buildings;
- (j) Supportive housing; and
- (k) Transitional housing.

Section 5: Section 9-3.602 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.602 Uses permitted (R-1).**

The following uses shall be permitted in the Low Density Residential District:

- (a) Single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) One secondary dwelling unit subject to the provisions of this chapter;
- (e) Employee needs housing for up to six (6) unrelated persons;
- (f) Group home;
- (g) Residential care facility for up to six (6) unrelated persons;
- (h) Special needs housing for up to six (6) unrelated persons;
- (i) Accessory buildings if secondary to primary use;
- (j) Home occupations;
- (k) Small family daycare;
- (l) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;

- (m) Supportive housing; and
- (n) Transitional housing.

Section 6: Section 9-3.603 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.603 Uses permitted subject to securing use permits (R-1).**

The following uses shall be permitted in the Low Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (e) Crop and tree farming;
- (f) Public utility uses, but not including storage or corporation yards;
- (g) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (h) Large family day care homes and day care centers;
- (i) Employee needs housing for more than six (6) unrelated persons;
- (j) Residential care facility for more than six (6) unrelated persons;
- (k) Special needs housing for more than six (6) unrelated persons; and
- (l) Emergency shelter.

Section 7: Section 9-3.702 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.702 Uses permitted (R-2).**

The following uses shall be permitted in the Medium Density Residential District:

- (a) Triplexes, duplexes, attached or detached single-family dwellings;
- (b) Public schools;
- (c) Public parks and playgrounds;
- (d) Employee needs housing for up to six (6) unrelated persons;
- (e) Group home;
- (f) Residential care facility for up to six (6) unrelated persons;
- (g) Special needs housing for up to six (6) unrelated persons;
- (h) Accessory buildings if secondary to primary use;
- (i) Home occupations;
- (j) Small family daycare;

- (k) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (l) Emergency shelter;
- (l) Supportive housing; and
- (m) Transitional housing.

Section 8: Section 9-3.703 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.703 Uses permitted subject to securing use permits (R-2).**

The following uses shall be permitted in the Medium Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (d) Churches and public uses;
- (e) Public utility uses, but not including storage or corporation yards;
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Employee needs housing for more than six (6) unrelated persons;
- (i) Residential care facility for more than six (6) unrelated persons;
- (j) Special needs housing for more than six (6) unrelated persons; and
- (k) Mobile home parks (subject to requirements of Article 17 of this chapter).

Section 9: Section 9-3.802 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.802 Uses permitted (R-3).**

The following uses shall be permitted in the High Density Residential District:

- (a) Multifamily uses;
- (b) Apartments;
- (c) Triplexes;
- (d) Group dwellings with more than six (6) residents;
- (e) Public schools;
- (f) Public parks and playgrounds;
- (g) Employee needs housing for more than six (6) unrelated persons;
- (h) Residential care facility for more than six (6) unrelated persons;
- (i) Special needs housing for more than six (6) unrelated persons;

- (j) Accessory buildings;
- (k) Small family daycare;
- (l) Home occupations;
- (m) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity;
- (n) Emergency housing;
- (o) Supportive housing; and
- (p) Transitional housing.

Section 10: Section 9-3.803 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.803 Uses permitted subject to securing use permits (R-3).**

The following uses shall be permitted in the High Density Residential District subject to securing a use permit:

- (a) Parochial schools;
- (b) Private academic schools when teaching an approved academic curriculum;
- (c) Churches and public uses;
- (d) Public utility uses;
- (e) Mobile home parks (subject to requirements of Article 17 of this chapter);
- (f) Ducks, pigeons, geese, and chickens serving as household pets or 4H or FFA animal projects, in a number deemed appropriate;
- (g) Large family day care homes and day care centers;
- (h) Home occupations involving an employee or employees, advertising of the residence and/or customers on site;
- (i) A not for profit membership or charitable organization provided the chief activity is not customarily carried on as a business; and
- (j) Single Room Occupancy Facility.

Section 11: Section 9-3.902 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.902 Uses permitted (M-X).**

The following uses shall be permitted in the Mixed Use District:

- (a) Art, craft and photography galleries/studios;
- (b) Music and dance studios;
- (c) Banks, savings and loan facilities;
- (d) Eating and/or drinking establishments;
- (e) Communication facilities;
- (f) Food service;

- (g) Specialty food or drink shops;
- (h) Health clubs or exercise studios;
- (i) Maintenance and repair service, small equipment;
- (j) Offices, business, professional or medical;
- (k) Personal services;
- (l) Recreation and entertainment;
- (m) Bed and breakfast inn, hotel or motel;
- (n) Cultural and/or historical institutions;
- (o) Government offices;
- (p) Public parking facilities;
- (q) Retail sales;
- (r) Residential
- (s) Public utility distribution and transmission line towers and poles and underground facilities for the distribution of gas, water, communications, and electricity; and
- (t) Churches.
- (u) Supportive housing; and
- (v) Transitional housing.

Section 12: Section 9-3.1503 of the Los Banos Municipal Code is hereby amended to read as follows:

**Sec. 9-3.1503 Uses permitted subject to obtaining use permits (I).**

The following uses shall be permitted in the General Industrial District subject to securing a use permit:

- (a) Material storage yards (auto wrecking and salvage yards) when conducted within a solid fence at least seven (7') feet in height and when all material is stacked below the top of the fence;
- (b) Meat packing, stockyards, and the slaughter of animals and fowl;
- (c) Storage and handling of explosive materials;
- (d) Outdoor advertising structures not appurtenant to any permitted use;
- (e) Adult entertainment businesses subject to the provisions starting in Section 11-15.1.01;
- (f) Emergency shelters; and
- (g) Other uses as deemed appropriate by the Planning Commission.

Section 13: Article 47 of Chapter 3 of Title 9 is hereby added to the Los Banos Municipal Code to read as follows:

**Article 47. Emergency Shelters.**

**Sec. 9-3.4701**

(a) Consistent with Government Code Sections 65582, 65583(a), and 65589.5, all California cities are required to identify a minimum of one zone that permits emergency shelters by right. The purpose of this Article is to establish standards to ensure that the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood, and that they are developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Los Banos.

(b) Emergency shelters may be allowed in the Medium Density Residential District; High Density Residential District; and General Industrial District, as a permitted use, subject to a non-discretionary Zoning Clearance issued by the Community and Economic Development Director pursuant to Government Code Section 65583 (a)(4).

(c) Emergency shelters are subject to the following standards.

(1) No individual shall be denied emergency shelter because of an inability to pay.

(2) Emergency shelters shall be operated under the authority of a governing agency or private organization that provides, or that contracts to provide, emergency shelters and which, when required by law, is properly registered and licensed.

(3) Emergency shelters shall comply with applicable California Health and Safety Codes.

(4) Emergency shelters shall comply with all property development standards of the zone in which they are located, and in addition, no emergency shelter shall be located within three hundred feet of another such facility, said measurement being defined as the shortest distance between the outside walls of the structures housing such facilities.

(5) Parking shall be as required by Title 9, Article 3, Chapter 20 "Off-Street Parking" unless the applicant provides substantial evidence demonstrating that the actual parking need is lower, subject to the approval of the Community and Economic Development Director or designee.

(6) Each emergency shelter shall include, at a minimum, the following:

a. Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways;

b. If client intake is to occur on-site, there shall be an indoor client intake/waiting area equal to a minimum of ten square feet per bed provided at the facility. If an exterior

waiting area is also provided, it shall be enclosed or screened from public view and adequate to prevent obstructing of the public right-of-way and required parking and access;

c. Clean, sanitary beds and sanitation facilities, including showers and toiletries; and

d. Segregated sleeping, lavatory and bathing areas if the emergency shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.

(7) At least one facility manager shall be on-site at all hours the facility is open and one hour prior to and after facility operating hours. At least one full-time equivalent employee shall be required to be on-site during facility operating hours for every 20 beds in the facility.

(8) Emergency shelters may provide one or more of the following types of supportive facilities or services for the exclusive use or benefit of the shelter clients:

- a. Central cooking and dining room(s);
- b. Recreation areas, indoor and/or outdoors;
- c. Laundry facilities for clients to wash their clothes;
- d. Intake and administrative offices;
- e. Counseling and other supportive services; or
- f. Secure storage areas for bicycles and other personal possessions.

(9) The agency or organization operating the shelter shall have a written Facility Management Plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; training, counseling, and treatment programs for residents, and facility information, including the number of persons who can be served nightly, the location of onsite waiting and intake areas, the provision of onsite management, and onsite security during hours of operation, as established in Government Code Section 65583 (a)(4)(A).

Section 14: Article 48 of Chapter 3 of Title 9 is hereby added to the Los Banos Municipal Code to read as follows:

**Article 48. Single Room Occupancy (SRO) Facilities.**

**Sec. 9-3.4801**

(a) The purpose of this Article is to establish standards to ensure that the development of single room occupancy (SRO) facilities does not adversely impact adjacent parcels or the surrounding neighborhood, and that they are developed in a

manner that protects the health, safety, and general welfare of the nearby residents and businesses, and the character of the City of Los Banos.

(b) Single Room Occupancy (SRO) Facilities may be allowed in the (R-3) High Density Residential zone, subject to design review and a conditional use permit. An SRO facility is not required to conform to the density standards of the General Plan or the Zoning Code. Except as set forth herein, SRO facilities shall comply with all property development standards of the zone in which they are located

(c) Single Room Occupancy (SRO) facilities are subject to the following standards:

(1) Tenancy of each SRO unit shall not be for less than 30 days. No transient occupancy is allowed; SRO units shall be occupied as the primary residence of the tenant.

(2) Excluding the bathroom area and closet(s), the SRO unit must be a minimum of two hundred fifty (250) square feet in floor area and the maximum size shall be not more than three hundred (300) square feet. Each SRO unit shall be designed to accommodate a maximum of two people.

(3) Each SRO unit must include a closet.

(4) An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen for every twenty (20) SRO units or portion thereof that do not have full kitchens, or have one kitchen on any floor where SRO units without kitchens are located.

(5) An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. Common bathrooms must be located on any floor with any unit that does not have a full bathroom. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(6) Each SRO facility shall have at least ten (10) square feet of common usable area per unit; however no SRO facility shall provide less than two hundred (200) square feet of common outdoor area and two hundred (200) square feet of common indoor area. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space.

Landscape areas that are less than eight (8) feet wide shall not be included as outdoor common space.

(7) A SRO facility with eight (8) or more units shall provide twenty-four (24) hour on-site management, and include a dwelling unit designated for the manager. All SRO facilities must have a management plan approved prior to occupation by the Los Banos Community and Economic Development Director or designee. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

(8) Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every ten (10) SRO units or fractional number thereof, with at least one (1) washer and dryer per floor.

(9) A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water must be provided on each floor of the SRO facility.

(10) Parking ratio of one space per unit and bicycle rack storage of one rack per 5 units.

(11) SRO facilities and SRO units shall comply with all requirements of the California Building Code and all other codes. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible. An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the Building Official.

(12) Interior and exterior lighting necessary for security, safety, and operational purposes shall conform to the California Code of Regulations Title 24, Parts 2, 2.5 and 6 or any successor provisions as applicable in effect at the time the application is deemed complete. Exterior lighting shall be stationary, directed away from adjacent properties and public right-of-ways.

Section 15. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 16. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have

passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 17. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 18. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on the \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES: Council Members  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk



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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: March 6, 2020

Regarding: Notice of Public Hearing

Proposal: Proposed Ordinance – SB 2 Compliance

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a Statutory Exemption from CEQA pursuant to Section 15061(b)(3) (General Rule) and to amend Chapter 3 of Title 9 of the Municipal Code as it relates to removing barriers for development of supportive and transitional housing, emergency shelters, and single room occupancies in accordance with State Housing Element Law.

The Los Banos Planning Commission held a public hearing on February 26, 2020 for the purpose of considering the above mentioned project. At the completion of the public hearing, the Planning Commission duly considered all evidence presented and recommended adoption of the ordinance as specified above.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, March 18, 2020 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Stacy Souza Elms, Community and Economic Development Director, at City Hall or at (209) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing per Government Code Section 65009.

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

THE CITY OF LOS BANOS

Stacy Souza Elms  
Community and Economic Development Director