



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION
NOTICE OF ADJUSTED MEETING TIME/ACCESS

NOTICE IS HEREBY GIVEN that, due to the declaration of the COVID-19 pandemic as a local emergency and in order to minimize the spread of the virus, regularly scheduled Planning Commission meetings will be held remotely on the second and fourth Wednesdays of each calendar month at 4:00 p.m. at City Hall at 520 J Street, Los Banos, California until further notice. While City Hall remains closed to the public, meetings can be accessed in real time from a computer, tablet, or smartphone using the GoToMeeting application. Meetings can also be accessed by telephone. Instructions to access each meeting will be posted on individual meeting agendas.

Dated this 16th day of April 2020.

A handwritten signature in blue ink, appearing to read "Sandra Benetti", is written over a horizontal line.

Sandra Benetti, Planning Technician
Los Banos, California



City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

WEDNESDAY, APRIL 22, 2020

In accordance with Executive Orders N-25-20, N-29-20, and guidance from the California Department of Public Health, in order to minimize the spread of the COVID-19 virus, the City Hall Council Chambers will be closed to the public during this Planning Commission Meeting. The following alternatives are available to members of the public who wish to watch the meeting and/or provide comments to the Commission before and during the meeting.

Audio/Video Broadcast: This Planning Commission meeting can be accessed in real time from your computer, tablet, or smartphone using GoToMeeting at the following link: <https://global.gotomeeting.com/join/812521949>. Get the free GoToMeeting application now and be ready when the meeting starts: <https://global.gotomeeting.com/install/292250869>. You can also dial in to listen to the meeting using your phone by calling (646) 749-3112 and using Access Code: 812-521-949.

Public Comment: If you wish to make either a general public comment for items not on the agenda and under the jurisdiction of the Commission or to comment on a specific agenda item, please submit your comments via email, preferably in advance of the meeting, by 4:00 p.m. on the day of the meeting. Please reference the agenda item you are commenting on and submit your comments to the Planning Commission Secretary at planningcommission@losbanos.org. Your comments will be placed into the record for the meeting. To be read into the record, your email subject line must include "Public Comment – Not on the Agenda" or "Public Comment – Agenda item #[insert item #]".

Public Hearings: Public comment during public hearings will be taken in real time via email. Once the public hearing is opened, the Commission will pause the meeting for five minutes in order to receive emails directed at the public hearing and will read comments into the record after resuming the meeting. Please indicate that comments are for a particular public hearing by including "Public Comment – Agenda item #[insert item #] in the subject line of the email and the title of the public hearing. Emails during the meeting must be sent to the Planning Commission Secretary at planningcommission@losbanos.org.

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

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

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

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

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

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

1. CALL TO ORDER **4:00 PM**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: (Planning Commission Members)
Cates __, Higby __, Robinson __, Toscano __, Uhley __
4. APPROVAL OF AGENDA
Recommendation: Approve the agenda as submitted.
5. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF FEBRUARY 26, 2020
Recommendation: Approve the minutes as submitted.
6. CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF MARCH 11, 2020
Recommendation: Approve the minutes as submitted.
7. PUBLIC FORUM: Members of the public may address the Commission on any item of public interest that is within the jurisdiction of the Commission, including agenda and non-agenda items. No action will be taken on non-agenda items. Speakers are limited to a five (5) minute presentation.

8. PUBLIC HEARINGS: If You Challenge the Proposed Action as Described herein in Court, You May Be Limited to Raising Only Those Issues You or Someone Else Raised at the Public Hearing Described herein, or in Written Correspondence, Delivered to the City at, or Prior to, the Public Hearing.
- A. Public Hearing – To Consider a Negative Declaration (SCH #2020020445) for OA Holdings No. 1, LLC & MMCG DBR Los Banos, LLC for Tentative Parcel Map #2020-01 to Divide a 1.22 Acre Parcel into Two (2) Parcels with Parcel A Totaling 0.69 Acres and Parcel B Totaling 0.53 Acres; Site Plan Review #2016-06 for the Development of Two (2) Commercial Retail Structures: a 2,500 Square Foot Commercial Structure to Serve as a Quick Serve Restaurant with a Drive Through Window (Parcel A) and an 800 Square Foot Structure to Serve as a Quick Serve Restaurant with a Drive-Through Window (Parcel B); and Conditional Use Permit #2020-01 for the Allowance of the On-Sale and On-Site Consumption of Alcohol Through a Type 41 Beer and Wine ABC License in Conjunction with a Bona-Fide Eating Establishment and for a Proposed Freestanding Sign to be Twenty-Five (25') Feet Tall Located within the Highway-Commercial Zoning District (H-C) at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor Parcel Number: 428-140-030.
- 1) Planning Commission Resolution No. 2020-08 – Recommending to the Los Banos City Council Certification of Negative Declaration (SCH#2020020445) for Commercial Project for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 428-140-030.
 - 2) Planning Commission Resolution No. 2020-09 – Approving Tentative Parcel Map #2020-01 for the Minor Subdivision of a 1.22 Acre Parcel into Two Parcels for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located within the Highway-Commercial Zoning District at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 428-140-030.
 - 3) Planning Commission Resolution No. 2020-10 – Approving Site Plan Review #2016-06 for the Development of Two Commercial Structures Totaling 3,300 Square Feet for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 428-140-030.
 - 4) Planning Commission Resolution No. 2020-11 – Approving Conditional Use Permit #2020-01 to Allow the Variation of the Highway-Commercial Zoning District Sign Standards for a Freestanding Sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC Located within the Highway-Commercial Zoning District at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor's Parcel Number: 428-140-030.

- 5) Planning Commission Resolution No. 2020-12 – Recommending Approval of Conditional Use Permit #2020-02 to the Los Banos City Council to Allow for the Sale of Alcohol Under a Type 41 On-Sale of Beer and Wine License for a Restaurant to Be Located at 1420 E. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 428-140-030.

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

- B. Public Hearing – To Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and Mobile Food Vendor Permit #2020-02 to Allow the Operation of a Mobile Food Vending Vehicle on Private Property for Sergio Buenrostro Sosa dba Tacos Y Birria La Perla Located within the Highway-Commercial Zoning District at 849 W. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 027-181-011.

- 1) Planning Commission Resolution No. 2020-13 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2020-02 for the Operation of a Mobile Food Vending Unit to Vend on Private Property Located at 849 W. Pacheco Blvd., More Specifically Identified as Assessor’s Parcel Number: 027-181-011.

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

9. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT

10. COMMISSIONER REPORTS

- A. Cates
- B. Higby
- C. Robinson
- D. Toscano
- E. Uhley

11. ADJOURNMENT.

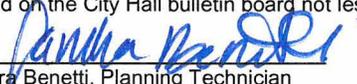
APPEAL RIGHTS AND FILING PROCEDURES

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

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

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

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


Sandra Benetti, Planning Technician

Dated this 16th day of April 2020

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 26, 2020**

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

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

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Thomas Higby III, Rob Robinson, Susan Toscano, and Katherine Uhley.

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

REORGANIZATION OF PLANNING COMMISSION – SELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON.

Commissioner Uhley moved to nominate Commissioner Cates as Chairperson.

Motion by Uhley seconded by Higby to close nominations for Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Uhley seconded by Higby to nominate Commissioner Cates as Chairperson. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley.

Commissioner Higby moved to nominate Commissioner Toscano as Vice Chairperson.

Motion by Higby to close nominations for Vice Chairperson. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Higby to nominate Commissioner Toscano as Vice Chairperson. The motion carried by the following roll call vote: AYES: Cates, Higby, Robinson, Toscano, Uhley.

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

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JANUARY 8, 2020. Motion by Uhley, seconded by Higby to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present.

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

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

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND APPROVING SITE PLAN REVIEW #2019-04 FOR THE DEVELOPMENT OF AN UNMANNED TELECOMMUNICATIONS FACILITY WHICH INCLUDES ONE (1) 70’ TALL DISGUISED MONOPOLE AND VARIOUS GROUND EQUIPMENT INCLUDING PERIMETER FENCING OF A 600 SQUARE FOOT PORTION OF LEASED PRIVATE PROPERTY WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 220 WILLMOTT AVENUE, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 081-110-055. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

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

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-05 – Approving a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Approving Site Plan Review #2019-04 for the Development of an Unmanned Telecommunications Facility which Includes One (1) 70’ Tall Disguised Monopole and Various Ground Equipment to Be Fenced within a 600 Square Foot Portion of Leased Private Property within the General-Industrial Zoning District Located at 220 Willmott Avenue, More Specifically Identified as Assessor’s Parcel Number: 081-110-055. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL TO ADD ARTICLE 46 TO CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO REASONABLE

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

Commissioner Higby inquired if any requests have been brought to the City at this point.

Community & Economic Development Director Elms responded that the City has not received requests thus far.

Commissioner Higby inquired how the City could verify if there truly is a disability.

Community & Economic Development Director Elms stated that there are confinements within the law, how staff has not had any requests and this wouldn't be very common, and the request for the accommodation is typically only necessary with a certain disability.

Commissioner Higby stated that this seems like it could be easily abused and inquired if there is a way to minimize that possibility.

City Attorney Vaughn responded that the application will ask the applicant to divulge information and sign under penalty of perjury, spoke of how staff won't investigate every single claim made on every single application, how this shouldn't be a big concern, the severity of the variance in terms of impact on the neighborhood will drive the need to investigate, how he doesn't believe there will be a systemic problem with abuse of this ordinance, this is a required ordinance by our Housing Element, and the City has limited discretion in how its set up.

Commissioner Uhley inquired if there will be a cost incurred by the City at all.

City Attorney Vaughn stated that the cost for administrative review would be recovered through the application fee.

Community & Economic Development Director Elms clarified further that the cost of the building permit would be paid by the applicant.

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

Motion by Toscano, seconded by Uhley to adopt Planning Commission Resolution No. 2020-04 – Recommending to the City Council Adoption of 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. The motion carried by the affirmative action of all Planning Commission Members present.

PUBLIC HEARING – TO CONSIDER A STATUTORY EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) AND TO CONSIDER A RECOMMENDATION TO THE

LOS BANOS CITY COUNCIL 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. City Attorney Vaughn presented the staff report, which included a PowerPoint presentation.

Commissioner Uhley commented that the industrial zone is a brilliant place for a homeless shelter and inquired if there a developer currently looking to build here.

City Attorney Vaughn responded that staff is not aware if there is current interest but there is state funding ready to go to help developers fund these projects.

Community & Economic Development Director Elms commented that grant funding was awarded thru the continuum of care to secure two bridge houses and a respite care house so there will now be some beds available, how the issue is finding landlords willing to lease to those types of facilities, there is also one existing permanent supportive housing for those folks receiving support from the Mercey County Behavioral Health Department, and how bridge housing falls under transitional housing while they wait for permanent housing and are getting services.

Commissioner Uhley commented that our City is fortunate in regards to some of these pressing homeless issues.

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

Motion by Uhley, seconded by Higby to adopt Planning Commission Resolution No. 2020-06 – Recommending to the City Council Adoption of an Ordinance of the City Council of the City of Los Banos Amending Title 9 Chapter 3 of the Los Banos Municipal Code Regarding Emergency Shelters, Supportive and Transitional Housing, and Single Room Occupancy Units. The motion carried by the affirmative action of all Planning Commission Members present.

DESIGN REVIEW STUDY SESSION – DEVELOPMENT OF TWO (2) COMMERCIAL STRUCTURES TOTALING 3,300 SQUARE FEET LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-140-030. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

KERRY ROHRMEIER, Tectonics Design Group, spoke of doing several Dutch Bros projects in the northwest, proposing two small scale buildings, both Dutch Bros and Chipotle are modern in their thinking and approach to business, asked to consider the modern architectural characteristics like the existing Les Schwab building nearby, and

spoke of how they want to provide something to the community that still represents the brand and is attractive for the company.

MATT NOHR, Orosco Group, spoke of the design aesthetic and design elements trying to achieve, handed out renderings and photos of these building developed in other jurisdictions, and spoke of the modern look of the existing nearby Les Schwab building.

There was discussion among commissioners, staff, and the applicant regarding architecture including the color of the building and the need to address the flat walls.

Community & Economic Development Director Elms suggested that the Planning Commission can ask to bring in beige or white tones with the red rather than the gray or fog colors, suggested wall trellises on the building massing, a tower on the drive thru elevation for the Dutch Bros building and wherever there is a flat wall, and stated this is an opportunity to ensure a complementary style for both buildings.

Mr. Nohr responded that they can add trellises and ficus plants to soften the façade as well.

Commissioner Robinson suggesting that the applicant compromise with the City and tie the two in as far as color as staff has suggested and how he supports this project.

Commissioner Uhley commented that they two buildings should complement each other and stated that the last two images on the handouts versus what was on the site plan elevations would be more favorable.

Chairperson Cates spoke of supporting branding but there is a need to compliment the area as far as color and architecture, how he doesn't want to make things too restrictive but would like a compromise.

Commissioner Robinson stated that he would like to see the color palate blend in more.

Commissioner Uhley stated that red is too bold for the area and how she would not like to use the Les Schwab building as an example for architecture and color.

There was agreement among Commissioners that the metal look would be fine, but the bright red color is too bold.

Commissioner Toscano stated that she completely supports branding but would like to go with the consensus of the Commission.

Mr. Nohr stated that Dutch Bros will be first project to come forward for development and Chipotle will follow right after.

Commissioner Uhley stated that she does not like the blue banding around the Dutch Bros building.

Ms. Rohrmeier stated that Dutch Bros is very dedicated to the blue and gray colors, how the canopy breaks up the vertical height, and how she will bring the feedback back to her team, but can't offer very much variation.

There was discussion among commissioners, staff, and the application regarding landscaping including the current vegetation.

Michael Amabile, Espana's Restaurant Owner, spoke in favor of this project, the importance to tie the two driveways together, and how he is willing to get rid of the oleanders on the highway side.

Community & Economic Development Director Elms commented that hopefully there could be a reciprocal easement.

Mr. Nohr stated that it would have to be a business term between the two property owners.

Mr. Amabile spoke of the aged water line and how it runs right under the building.

There was discussion among commissioners, staff, and the application regarding lighting including how the area is relatively well lit already.

Feedback given to applicant only, no action taken.

CONSIDERATION OF APPOINTMENT OF A PLANNING COMMISSIONER AND AN ALTERNATE TO THE TRAFFIC SAFETY COMMITTEE.

Motion by Toscano, seconded by Higby to appoint Commissioner Uhley to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present.

Motion by Toscano, seconded by Higby to appoint Commissioner Cates as an alternate to the Traffic Safety Committee. The motion carried by the affirmative action of all Planning Commission Members present.

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms reported that the Planning Commission Academy is coming up next week and will departing on Wednesday and returning on Friday.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Thanked staff for their hard work and efforts and welcomed Commissioner Robinson to the Commission.

HIGBY: No report.

ROBINSON: No Report.

TOSCANO: No Report.

UHLEY: No report.

ADJOURNMENT: The meeting was adjourned at the hour of 9:18 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sandra Benetti, Planning Technician

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
MARCH 11, 2020**

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

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

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

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members John Cates, Thomas Higby III, Rob Robinson, Susan Toscano, and Katherine Uhley (arrived at 7:01 p.m.)

STAFF MEMBERS PRESENT: City Attorney William A. Vaughn, Community & Economic Development Director Stacy Elms, Associate Planner Rudy Luquin, and Deputy City Clerk Sara Blevins.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by Toscano, seconded by Higby to approve the agenda with the removal of Agenda Item No. 8 – Presentation Regarding Planning Nuts & Bolts. The motion carried by the affirmative action of all Planning Commission Members present.

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

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

PUBLIC HEARING – TO CONSIDER A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MOBILE FOOD VENDOR PERMIT #2020-01 TO ALLOW THE OPERATION OF A MOBILE FOOD VENDING VEHICLE ON PRIVATE PROPERTY FOR ROSA FABIAN DBA TACOS LA PATRONA 209 LOCATED WITHIN THE PUBLIC FACILITIES ZONING DISTRICT AT 520 WEST I STREET, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 027-032-007. Associate Planner Luquin presented the staff report, which included a PowerPoint presentation.

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

Motion by Higby, seconded by Uhley to adopt Planning Commission Resolution No. 2020-07– Approving the Project to be Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant To Section 15311, Accessory Structures, and Approving Mobile Food Vendor Permit #2020-01 for the Operation of a Mobile Food Vending Unit to Vend on Private Property Located at 520 West I Street, More Specifically Identified as Assessor’s Parcel Number: 027-032-007. The motion carried by the affirmative action of all Planning Commission Members present.

PRESENTATION AND TRAINING REGARDING THE RALPH M. BROWN ACT. City Attorney Vaughn presented the PowerPoint presentation.

The Planning Commissioners were provided a quiz prior to the meeting in regards to the Ralph M. Brown Act to test their knowledge. City Attorney Vaughn provided the correct answers to the quiz after his presentation.

Informational item only, no action taken.

~~**PRESENTATION REGARDING PLANNING NUTS & BOLTS.** City Attorney Vaughn presented the PowerPoint presentation.~~

~~Informational item only, no action taken.~~

COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR REPORT.

Community & Economic Development Director Elms thanked the Commissioners who attended the Planning Commission Academy and spoke to the information that is available to those Commissioners who did not get to attend. She spoke to the successes of the conference and advised all to stay healthy.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Chairperson Cates echoed the other Commissioners’ gratitude for being able to attend the Planning Commission Academy and thanked staff for their support. He spoke to the importance of the Academy and all the benefits involved in attending.

HIGBY: Commissioner Higby thanked City Attorney Vaughn for the training he provided this evening. He further spoke to how thankful he was for attending the Planning Commission Academy and for the City’s support in allowing him to attend.

ROBINSON: No Report.

TOSCANO: No Report.

UHLEY: Commissioner Uhley apologized for her being late to the meeting. She spoke to how she was thankful for being able to attend the Planning Commission Academy and also for the training provided by City Attorney Vaughn.

ADJOURNMENT: The meeting was adjourned at the hour of 7:40 p.m.

APPROVED:

John Cates, Chairperson

ATTEST:

Sandra Benetti, Planning Technician



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS

FROM: RUDY LUQUIN, ASSOCIATE PLANNER 

FOR: APRIL 22, 2020

SUBJECT: NEGATIVE DECLARATION (SCH #2020020445), TENTATIVE PARCEL MAP #2020-01, SITE PLAN REVIEW #2016-06, CONDITIONAL USE PERMIT #2020-01 AND CONDITIONAL USE PERMIT #2020-02 FOR OA HOLDINGS NO. 1 LLC AND MMCG DBR LOS BANOS, LLC

RECOMMENDATIONS:

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

1. Approve Resolution No. 2020-08, recommending approval to the Los Banos City Council to certify Negative Declaration (SCH#2020020445) for the project to be located at 1420 E. Pacheco Blvd.; Assessor's Parcel Number: 428-140-030; and
2. Approve Resolution No. 2020-09, approving Tentative Parcel Map #2020-01 for the minor subdivision of a 1.22 acre parcel into two (2) parcels within the Highway Commercial Zoning District located at 1420 E. Pacheco Blvd.; Assessor's Parcel Number: 428-140-030; and
3. Approve Resolution No. 2020-10, approving Site Plan Review #2016-06 for the development of two (2) commercial structures totaling 3,300 square feet including various site improvements located at 1420 E. Pacheco Blvd.; Assessor's Parcel Number: 428-140-030; and
4. Approve Resolution No. 2020-11, approving Conditional Use Permit #2020-01 for a variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign to be located at 1420 E. Pacheco Blvd.; Assessor's Parcel Number: 428-140-030; and
5. Approve Resolution No. 2020-12 recommending approval of Conditional Use Permit #2020-02 to the Los Banos City Council to allow for the sale of alcohol

under a Type 41 on-sale beer and wine license for Chipotle to be located at 1420 Pacheco Blvd.; Assessor's Parcel Number: 428-140-030

PROJECT DESCRIPTION:

In January of 2015, the applicant OA Holdings No. 1, LLC submitted an application for a Site Plan Review and a Conditional Use Permit entitlements. The Site Plan Review entitlement was for a multi-tenant commercial building. The application was subsequently withdrawn by the applicant. A couple of years later in September of 2017 the applicant applied for a Conditional Use Permit for a freestanding sign that was proposed to be twenty-five (25') feet tall and have 162 square feet of allowable signage. Both the height and sign square footage exceeded the Los Banos Municipal Code allowances. The Conditional Use Permit was granted and subsequently expired due to lack of use.

The applicants, MMCG DBR Los Banos, LLC and OA Holdings No. 1 LLC, are proposing entitlements to perform a minor subdivision on the project site, the development of two (2) commercial structures along with site improvements, and two (2) Conditional Use Permits. One Conditional Use Permit is requested for the allowance to sell and on-site consumption for beer and wine through a Type 41 ABC License. The second Conditional Use Permit is to approve a proposed freestanding sign that would exceed the height and signage area allowed pursuant to the Los Banos Municipal Code.

The project will consist of a Tentative Parcel Map for a minor subdivision of the project site which is a 1.22 acre parcel into two (2) parcels, Parcel A will result in a 0.69 acre parcel and Parcel B will total 0.53 acres.

The requested Site Plan Review entitlement for the project will be to permit the development of two (2) commercial buildings. Building A will be a 2,500 square foot commercial structure with a drive through to be utilized as a quick serve restaurant and Building B will be an 800 square foot building with a drive through and walk up ordering window for a quick serve restaurant. The project proposal further includes various improvements to the project site such as grading, paving, landscaping, and lighting.

The Conditional Use Permits portion of the project are for the allowance of alcohol sales and on-site consumption of beer and wine in conjunction with a bona-fide eating establishment and the second Conditional Use Permit is to approve a freestanding sign to exceed the maximum height and signage area permitted within the Highway Commercial Zoning District.

The project site is located on a previously developed parcel at 1420 E. Pacheco Blvd. The previous structure on the project site was demolished in June 2015. Despite being previously developed, the proposed project site is presently vacant with the ability to connect to utilities. The project site is surrounded by various commercial uses to the east and west, legal non-conforming public facilities use directly south, and residential uses to the north. The proposed commercial development is a permitted use by right within the Highway Commercial Zoning District.

PROJECT LOCATION:

The Project site is located approximately 545 feet east of the north east corner of Mercey Springs Road (HWY 165) and Pacheco Boulevard (HWY 152) intersection. The site is surrounded by commercial development to the east, west, and south and residential development to the north. The project site can be accessed from Pacheco Boulevard and Mercey Springs Road.



LAND USE:

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

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

LDR = Low Density Residential
C = Commercial

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an initial study was prepared to identify and assess potential environmental impacts of the project. Through the information detailed in the initial study, staff made the determination that the project would not result in significant environmental effects and no mitigation measures would be necessary constituting a Negative Declaration. Staff prepared a Notice of Intent for a Negative Declaration which

was posted at the Merced County Clerk's Office for circulation and review on February 21, 2020 until March 22, 2020. Staff has received one (1) comment letter from Caltrans, which is attached to this staff report (Attachment 3).

PROJECT ANALYSIS:

Existing Setting

The proposed project site is a vacant 1.22 acre parcel located approximately on the north east corner of the Mercey Springs Road (HWY 165) and Pacheco Boulevard (HWY 152) intersection. Urban development consisting of residential development has occurred on the north of the project site and commercial development to the east, west and south areas of the project site, along with associated street and utility improvements. The topography of the project site is relatively flat. There is small vegetation located throughout the undeveloped project site. This vegetation will be removed as part of the development of the proposed project.

TENTATIVE PARCEL MAP ANALYSIS:

In General

Land cannot be divided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (commencing with California Government Code Section 66410). The local General Plan, local zoning ordinance, local subdivision ordinance, and other local ordinances govern the design of the subdivision, the size of lots, and the types of improvements and infrastructure (street construction, sewer lines, drainage facilities, etc.).

In most cases the sub-divider will be responsible for installing or constructing improvements such as streets, drainage facilities or sewer lines to serve the subdivision. These improvements must be installed or constructed or secured by bond before the City will grant final approval of the Tentative Parcel Map (Final Map) and allow the subdivision to be recorded at the Merced County Recorder's office. Lots within the subdivision cannot be sold until the Final Map has been approved by the City and officially recorded with the Merced County Recorder. Generally, a Tentative Parcel Map has the life span of 24 months unless extended. If the Tentative Parcel Map expires before approval of the final map it cannot be revived. Instead, a new Tentative Map must be applied for, processed, and approved. The Tentative Parcel Map is consistent with the Los Banos Municipal Code and the Los Banos 2030 General Plan.

Review of a Tentative Map is limited to review of its consistency with the General Plan, the Los Banos Municipal Code, the local Subdivision Ordinance, and that State mandated findings can be made.

Code Requirements – Technical Review

Title 9, Chapter 2 of the Los Banos Municipal Code regulates the processing and approval of all subdivisions within the City of Los Banos. In accordance with the Code, the Tentative Parcel Map has been reviewed by the Project Review Board prior to its submission to the Planning Commission.

Among other things the Project Review Board was required to and has reviewed the Tentative Parcel Map for: a) suitability of the land for subdivision; b) overall design of the subdivision and its conformity with all pertinent requirements of the Code; c) provisions for and suitability of public improvements such as street improvements, underground utilities, fire hydrants, ornamental electroliers, storm drains, streets, trees, sidewalks, water supply, and sewage disposal and easements for utilities and drainage; d) provisions for public areas such as parks and schools.

The Project Review Board reviewed Tentative Parcel Map #2020-01 and their recommendations are incorporated into the Conditions of Approval.

Project Design

The proposed commercial Tentative Parcel Map is a traditional parcel map by definition. The proposed parcel map will consist of the minor subdivision of one (1) 1.22 acre parcel into two (2). Parcel A will be 0.69 acre which totals 30,056 square feet and Parcel B will be 0.53 acres, totaling 23,086 square feet. The proposed density is approximately 0.062 floor area ratio which is well below the prescribed densities ranging from 0.25 floor area ratio to 0.60 floor area ratio with a typical floor area ratio of 0.25 for buildout estimates. The minor subdivision will be a standard commercial development and will be built in accordance with the Los Banos Municipal Code and all City Standards and Specifications will apply.

Pursuant to Los Banos Municipal Code Title 9 Chapter 3 Article 13, Highway Commercial, the minimum lot size for commercial parcels is 1,000 square feet. The proposed project meets and exceeds the minimum lot size requirements for the Highway Commercial Zoning District.

Land Use

The project site is designated as Commercial according to the Los Banos General Plan and zoned Highway Commercial (H-C) in accordance with the Los Banos Zoning Map. The proposed parcel map is proposing to subdivide 1.22 acres into two (2) Highway Commercial parcels. The proposed commercial subdivision and use is consistent with the 2030 Los Banos General Plan and Los Banos Municipal Code Title 9, Chapter 3, Zoning, Article 13, Highway Commercial Zoning District.

FINDINGS:

State law and the Zoning Ordinance of the Los Banos Municipal Code (LBMC) set forth the considerations to be addressed in reviewing a Tentative Tract Map. The Planning Commission must make the following findings before making its action.

1. The proposal is consistent with the Los Banos General Plan and Zoning Ordinance.

The project and its improvements are compatible with the objectives, policies, land uses, and programs specified in the General Plan.

The map and improvements conform to the Highway Commercial Zoning District. Commercial development is permitted in the underlying zoning district pursuant to the Los Banos Municipal Code Title 9, Chapter 3, Zoning, Article 13, Highway Commercial.

2. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City.

The project meets all applicable City standards pertaining to public health, safety, and welfare (e.g., standards pertaining to public utilities and services, public road design and traffic safety, fire hazards and noise hazards). All public safety measures are addressed through the design and conditions of approval of the Tentative Parcel Map. The parking lot design is satisfactory to the Los Banos Fire Department and City Engineer. The proposed commercial structures will be required to meet the requirements of the California Building Code, Fire Code, and other applicable City codes and/or requirements. The site is free from toxic or hazardous materials and no earthquake, landslide, flooding, or other natural hazards exist at this site. The proposed commercial parcels are compatible with the adjacent uses, properties, and neighborhoods, and will not be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the City. The proposed minor subdivision design, parcel sizes, lot configurations, and proposed infrastructure improvements are adequate to accommodate the density and intensity of the development proposed.

3. The project site is physically suitable for residential development and density.

The property is not in a flood zone or earthquake fault zone. Project construction would involve minimal site grading and alteration of existing topography. Thus, the project site is physically suitable for the proposed development. The proposed density is approximately 0.062 floor to area ratio.

4. The design of the subdivision or its related improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

No conflicts with easements acquired by the public at large, for access through or use of the property within the proposed subdivision have been identified.

5. The design of the subdivision and improvements covered by the proposed tentative subdivision map will not cause substantial environmental damage and avoidably injure fish and/or wildlife or their habitat.

As part of the environmental assessment, the City found no potential for significant environmental effects. The project site does not include any rare, threatened or sensitive plants or wildlife. No creeks, wetlands, water bodies or mapped environmentally sensitive habitat are located on the project site. Conditions of Approval include conditions that require best management practices to be incorporated before and during construction to minimize impacts to groundwater and surface water quality.

6. The discharge of waste from the proposed subdivision would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board (RWQCB).

Future commercial development would not result in the discharge of waste from the project site in violation of existing requirements prescribed by the local RWQCB. Sewer capacity is available for this subdivision. The project would not discharge any waste other than domestic sewage and all sewage would be discharged into the City's sanitary sewer system for ultimate treatment. Storm water runoff would be collected and conveyed through the City's storm water system in accordance with the City's Storm Drain Master Plan.

7. The restriction on approving a tentative subdivision map on land covered by a land conservation contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act) is not applicable.

The site is not covered by a land conservation contract, including a Williamson Act contract.

8. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site. The proposed commercial structures on the proposed parcels are designed, oriented and set apart from one another in order to incorporate passive heating and cooling opportunities. The commercial structures in the project will comply with the City's Green Building Ordinance, which requires that each home achieve a "Green Commercial" rating on the "Commercial Green Building Rating System."

SITE PLAN REVIEW ANALYSIS:

Code Requirements

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

Project Design

The proposed project consists of two (2) commercial structures comprising of 3,300 square feet amongst two (2) contiguous parcels. Parcel A will have a 2,500 square foot commercial building with drive through for a proposed quick serve restaurant. Parcel B will have an 800 square foot building with a drive through for a proposed quick serve restaurant. The project will have two (2) points of access: one off of Mercey Springs Road and one off of Pacheco Boulevard. The project will also consist of associated site and utility improvements.

The applicants are proposing to have color palates consisting of three (3) colors for Building A and two (2) colors for Building B. Building A's color palate will consist of a white (body), a dark charcoal grey (trimming and accents). The color palate for Building B will consist of white (body) and blue (accent). The proposed color palates are compatible and consistent with the City of Los Banos preferred color palates. The applicants worked extensively with staff to provide a palate that would blend into the existing area while still maintaining their corporate branding. Staff has analyzed the proposed color palates and believes it will be compatible with the surrounding area.

The complete design of Building A will consist of the following elements: parapet roof, two (2) awnings - one at the entrance and the other at the drive through area of the building. The body of the structure will consist of stucco walls and a tall (tower) vertical steel siding wall at the drive thru. The drive thru and side elevations will have attached trellises and a mullion window screening accent near the drive-thru.

The complete design for Building B will consist of the following elements: parapet roof, stone veneer ledgerstone at the base of the structure, various awnings at the drive-thru, walk up, and window locations, stucco walls with indentation markings to break up the monotony of the walls, and a tower at the drive through window.

The site plan includes detailed architecture and elevations.

The site plan is designed with 40 off-street parking spaces with three (3) designated as handicap parking. Pursuant to Section 9-3.2004 of the Los Banos Municipal Code, the required off-street parking spaces are 21 in regards to the multiple commercial uses. Thus the proposed total of 40 off-street parking spaces exceeds the required amount and is consistent Los Banos Municipal Code Title 9 Article 20.

Land Use

The project site is designated as Commercial according to the Los Banos 2030 General

Plan and is zoned Highway Commercial in consistency with the Los Banos Municipal Code. The proposed project is proposing to subdivide 1.22 acres into two (2) commercial parcels for commercial development. The proposed commercial development is consistent with the Los Banos 2030 General Plan and Los Banos Municipal Code.

Landscape and Lighting

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

Circulation

Trip generation estimates were developed by using the fast-food Restaurant with a drive through window (Land Use Code 934) and Coffee Shop with a drive through window (Land Use Code 937) trip rates that are published in the Institute of Transportation Engineering (ITE), Trip Generation 10th Edition. Being that the project is highway commercial development a portion of the trips will be considered "pass by" trips and another portion of the trips will be considered as "primary". "Pass by" trips are existing trips in the adjacent traffic flow that would be attracted by the proposed Project. "Primary" trips are trips intended to go to the project site that would be added to the adjacent traffic flow. The Traffic Study stated that the project can potentially generate 1,831 average daily trips. The analysis suggests that 171 would be A.M. peak hour trips and 117 would be P.M. peak hour trips. The analysis states the total trip generation from the proposed project would be an average of the 915 daily trips. 86 A.M. peak hour trips and 59 P.M. peak hour trips would be "pass by" trips. The "primary" trips generated result to an average of 916 daily trips; 85 A.M. peak hour trips and 58 P.M. peak hour trips.

The impacts of developing the proposed project have been identified by superimposing project traffic with the existing traffic conditions. The projected levels of service at all studied intersections will operate within the City of Los Banos minimum level of service (LOS D) or greater. Therefore, the potential traffic associated with the project would result in a less than significant impact on the existing circulation patterns and is consistent with the Los Banos 2030 General Plan's Implementing Action C-I-10 of the 2030 General Plan states, "Develop and manage the roadway system to obtain segments as LOS C and intersections at LOS D or better for two hour peak periods (AM and PM) on all major roadways and intersections in Los Banos."

Infrastructure/Services

Water: There is an existing connection on the site in which the City will provide water services. A second connection will be needed to accommodate the second building with water services.

Sewer: There is an existing connection on the site in which the City will provide sewer services. A second connection will be needed to accommodate the second building with sewer services.

Drainage: The City of Los Banos would provide storm water drain services by connecting to the City of Los Banos via an existing storm drain line located in the westerly adjacent parking lot.

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

DESIGN REVIEW

Pursuant to Section 9-3.2818(a) of the Los Banos Municipal Code, the Los Banos Planning Commission held a study session on February 26, 2020, to provide the applicant with feedback early on in the design process. The Commission evaluated architectural elements, landscape and site treatment, and lighting elements as described in Section 9-3.2818(c) of the Los Banos Municipal Code.

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

PROJECT REVIEW BOARD

The Project Review Board (PRB) reviewed the project proposal on March 17, 2020, for these aspects

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

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

FINDINGS FOR APPROVAL:

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

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

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

ECONOMIC DEVELOPMENT POLICY ED-G-1:

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

ECONOMIC DEVELOPMENT POLICY ED-G-3:

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

ECONOMIC DEVELOPMENT POLICY ED-G-7:

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

LAND USE POLICY LU-G-1:

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

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

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

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

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

Evidence/Analysis: The proposed use is surrounded by residential development to the north, and commercial development to the west, east and south of the project site. The proposed commercial developments will be compatible with the existing area. As noted in the Traffic Study Report, the potential traffic associated with the project will have less than a significant impact on the existing traffic.

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

Evidence/Analysis: The design of the proposed design of the two (2) commercial structures are mainly contemporary with some Spanish/ Mission theme architectural elements, which are consistent with the designated style for Pacheco Boulevard in accordance to the Los Banos Community Design Standards. The colors for the structures will considerably resemble earth tone colors which are preferred colors according to the Design Standards. The design of the structure will also be compatible in character with the surrounding commercial structures in the area. The applicant received positive feedback from the Planning Commission Study Session.

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

Evidence/Analysis: The design of the proposed commercial developments are moderately consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish/ Mission, and the proposed designs have some elements that are preference for the Spanish/ Mission Theme. The applicants have mainly proposed contemporary architectural elements in the comprehensive design of the commercial development. The complete design of Building A will consist of parapet roof, two (2) awnings one at the entrance and the other at the drive through area of the building. The body of the structure will compose of: stucco walls, tall (tower) vertical steel siding wall at drive through, and a mullion window screening accent near the drive-thru. The complete design for Building B will consist of parapet roof, stone veneer ledgestone at the base of the structure, various awnings at the drive-thru, walk up, and window locations, stucco walls with indentation markings to break up the monotony of the walls, and a tower at the drive through window. The proposed colors are considerably earth toned. The inclusive project will be consistent amongst itself and significantly compatible surrounding commercial buildings in the area.

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

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

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

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

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code Section 9-3.2822, a Conditional Use Permit is required for the variation of sign standards. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

General Use Permit Criteria:

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

Staff has analyzed the proposal pursuant to the above criteria set forth in the Los Banos Municipal Code and offers the following analysis:

1. The proposed use and project is consistent with the City of Los Banos 2030 General Plan, and the Los Banos Municipal Code;
 - a. The Los Banos 2030 General Plan designation is Highway Commercial, which permits Commercial and Retail uses, such as signs.

The following specific General Plan Implementing Actions and policies that are applicable to the proposed project:

LAND USE GUIDING POLICY LU-G-10:

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

IMPLEMENTING ACTION LU-I-14:

Establish a distinct design character for Pacheco Boulevard with signage, landscaping, designer lighting poles, and other visual cues to provide celebrated entrance into the City.

IMPLEMENTING ACTION LU-I-31:

Integrate standards for varying scales of commercial development including large-format regional centers, neighborhood-serving centers, and mixed-use Downtown into the zoning regulations.

Evidence/Analysis: The proposed variation in freestanding sign height and sign display area of the Highway Commercial Zoning District Sign Standards intent is to draw attention and attract potential clientele from the Pacheco Boulevard (HWY 152) and Mercey Springs Road (HWY 165) intersection.

- b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a district exclusively for commercial and retail uses.

Evidence/ Analysis: The proposed project is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and Los Banos Municipal Code Title 9 Chapter 3 Article 28 Signs. The proposed project is also consistent with the existing commercial uses in the surrounding area.

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

The proposed variation of freestanding sign in height and a sign display area from the Highway Commercial Zoning District Sign Standards is permitted with a Conditional Use Permit. Signs in general are permitted in the Highway Commercial Zoning District in accordance with the Sign Standards for the zoning district.

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

The proposed variation of the freestanding sign's height and sign display area from the Highway Commercial Zoning District Sign Standards is in conjunction with a commercial/ retail use which is compatible to the surrounding area. The proposed project will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the City. The project will improve the surrounding area by developing a vacant interior commercial lot .

USE PERMIT ANALYSIS

Code Requirements

Pursuant to the Los Banos Municipal Code Section 9-3.2322, a Conditional Use Permit is required for any establishment dispensing for sale or other consideration alcoholic beverages, including beer and wine, for on-sale or off-sale. The Planning Commission is the recommending body and the City Council is the decision making body for Conditional Use Permits for the on-sale and off-sale of alcoholic beverages. A Conditional Use Permit may be granted if the proposed use is conforming to the following criteria:

General Use Permit Criteria:

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

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

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

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

1. The primary use of Chipotle will be a casual family eating establishment/ restaurant (dine-in).
2. The surrounding area, adjacent uses, and function are primarily commercial and residential in nature. A restaurant providing for the on-sale of beer and wine in this location is consistent with the commercial uses of the Highway Commercial Zoning District.
3. Staff is unaware of any significant problems related to crime and loitering, in the surrounding area which would be exacerbated by the on-sale of beer and wine at this location.
4. The approval of the on-sale of beer and wine will not contribute to the undue proliferation of alcohol sales in the area where that use would be undesirable taking into account the characteristics of the area. The entitlement will include conditions of approval which will regulate the operational characteristics of allowing the serving of beer and wine and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering.

5. The proposed use is not located within the immediate vicinity to any churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds. The nearest school would be Los Banos Junior School which is located approximately 2,100 feet northeast of the project site. The nearest places of worship are Praise Fellowship International which is approximately 578 feet northeast of the project site and Westside Community Church is approximately 1,000 feet north of the project location. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol which are intended to preserve the public health, safety, and welfare of persons and property in the vicinity.
6. The project is located on Pacheco Boulevard which is primarily occupied by commercial uses. Conditions of approval will regulate loitering and operational characteristics to insure that the proposal will not interfere with the movement of people along the public right-of-way.
7. The nearest residence is located directly to the north of the project site. It is not anticipated that the proposed use would have a negative impact on the surrounding area. The applicant will be conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, The City of Los Banos Municipal Code, adopted Building Codes and all other applicable laws and ordinances pertaining to the proposed use.

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

Alcoholic Beverage Control

The Alcoholic Beverage Control Board (ABC) is the issuing authority for a Type 41 alcohol license. The City's authority for the sale of alcohol is through its land use powers embodied within the Los Banos Municipal Code Title 9 Chapter 3, Zoning.

ABC has the authority according to Section 23801 of the Business and Professions Code to exercise certain conditions under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

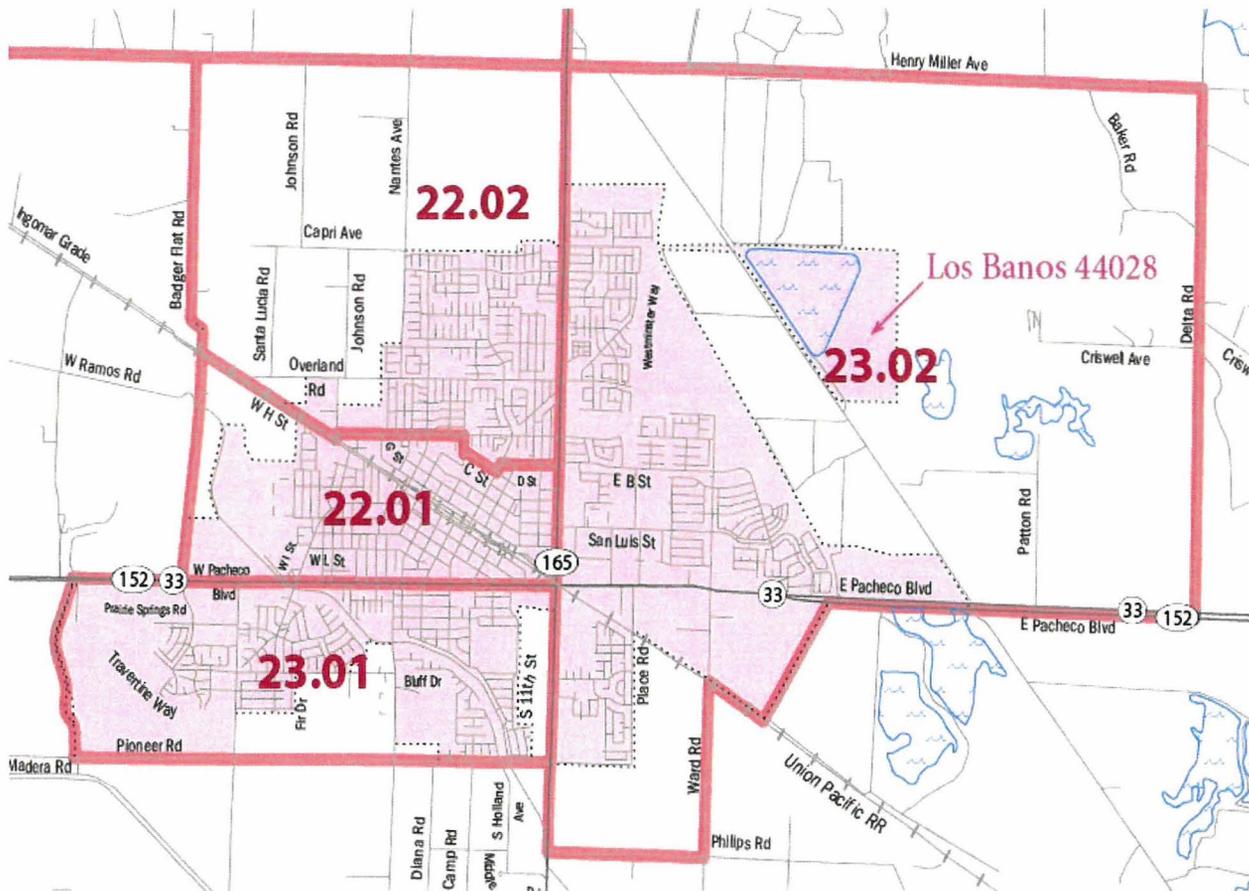
- a) Restrictions as to hours of sale
- b) Display of signs

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

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

Census Tract

The project site is located in census tract 23.02.



As of the date of this report there are 8 on-sale licenses currently in use in this specific census tract. The nearest active on-sale alcohol license to the project site within the same census tract is Españas Southwest Bar & Grill located directly adjacent to the east of the project site. Approval of this on-sale license would make the ninth (9) on-sale license within the census tract.

License Type	Business Name	Premises Address
47	Chilli's Grill & Bar	1905 Pacheco Blvd
47	Españas Southwest Bar & Grill	1460 E. Pacheco Blvd.
41	El Michoacano	2160 E. Pacheco Blvd., Ste A
41	Wingstop	1989 E. Pacheco Blvd.
47	El Campesinos Restaurant & Bar	1639 E. Pacheco Blvd.
41	Roundtable Pizza #1055	1462 S. Mercey Springs Rd..
41	Rico's Pizza	2160 E. Pacheco Blvd., Ste K
41	Mountain Mike's Pizza	2260 E. Pacheco Blvd, Ste A & B

Type 41 license = On-sale beer and wine Type 47 license = On-sale general

The beer and wine will be kept in a specific location as shown on the attached floor plan and the distilled spirits will be kept behind the cash registers at all times. The applicant has also provided a security plan showing the camera locations.

PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise and notices were mailed out to property owners within a 300' radius of the Project site on Friday, April 10, 2020. As of the date of this report no comments have been received.

RECOMMENDATION:

1. Approve Resolution No. 2020-08, recommending approval to the Los Banos City Council to certify Negative Declaration (SCH#2020020445) for the project to be located at 1420 E. Pacheco Blvd, Assessor's Parcel Number: 428-140-030 ; and
2. Approve Resolution No. 2020-09, approving Tentative Parcel Map #2020-01 for the minor subdivision of a 1.22 acre parcel into two (2) parcels within the Highway Commercial Zoning District located at 1420 E. Pacheco Blvd, Assessor's Parcel Number: 428-140-030; and
3. Approve Resolution No. 2020-10, approving Site Plan Review #2016-06 for the development of two (2) commercial structures totaling 3,300 square feet including various site improvements located at 1420 E. Pacheco Blvd,; Assessor's Parcel Number: 428-140-030; and
4. Approve Resolution No. 2020-11, approving variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign to be located at 1420 E. Pacheco Blvd,; Assessor's Parcel Number: 428-140-030; and
5. Approve Resolution No. 2020-12 recommending approval of Conditional Use Permit #2020-02 to the Los Banos City Council to allow for the sale of alcohol under a Type 41 on-sale beer and wine license for Chipotle to be located at 1420 E. Pacheco Blvd,; Assessor's Parcel Number: 428-140-030

ATTACHMENTS:

1. Resolution 2020-08
 - Exhibit A: CEQA Findings
2. Initial Study/ Negative Declaration
3. Comment Letter – Caltrans Dist. 10
4. Resolution 2020-09
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
5. Resolution 2020-10
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
6. Resolution 2020-11
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
7. Resolution 2020-12
 - Exhibit A: CEQA Findings
 - Exhibit B: Findings for Approval
 - Exhibit C: Conditions of Approval
8. Tentative Parcel Map, Plan Set including signs, and Camera Plan
9. Public Hearing Notice – April 10, 2020

RESOLUTION #2020-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING TO THE LOS BANOS CITY COUNCIL CERTIFICATION OF NEGATIVE DECLARATION (SCH#2020020445) FOR COMMERCIAL PROJECT FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC LOCATED AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

WHEREAS, OA Holdings No. 1 LLC and MMCG DBR Los Banos LLC., (Applicants) filed an application for a Tentative Parcel Map for the minor subdivision of 1.22 acres into two parcels, a Site Plan Review for the development of two commercial structures, a Conditional Use Permit for a free standing sign for the variation from Highway Commercial Sign Standards in regards to height and display area, and a Conditional Use Permit to allow the on-sale of beer and wine through a Type 41 ABC License in conjunction with a bona-fide eating place; and

WHEREAS, an Initial Study and Negative Declaration were prepared for the project in accordance with CEQA Guidelines Section 15070; and

WHEREAS, a Notice of Intent to adopt a Negative Declaration for the project was submitted to the State Clearing House and posted at the Merced County Clerk's Office for a 30 day public review period commencing on February 21, 2020, and ending on March 22, 2020; and

WHEREAS, the Notice of Intent was published in the Los Banos Enterprise on February 21, 2020; and

WHEREAS, a public hearing was duly noticed for Wednesday, April 22, 2020, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on Friday, April 10, 2020, to consider a Negative Declaration (SCH#2020020445) for the project; and

WHEREAS, at the April 22, 2020, Planning Commission Meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the criteria established in Section 9-3.705 and 9-3.706 of the Los Banos Municipal Code; and

WHEREAS, the Los Banos Planning Commission has reviewed and considered the Initial Study and Negative Declaration (SCH#2020020445) for the project incorporated herein by reference and finds that there are no significant effects on the environment as a result of the project.

NOW, THEREFORE, BE IT RESOLVED that the Los Banos Planning Commission does hereby make the appropriate findings set forth in Exhibit A (CEQA Findings), attached hereto and incorporated herein by this reference and recommends certification to the Los Banos City Council of Negative Declaration (SCH#2020020445), attached hereto and incorporated herein as Exhibit B, for the project located at 1420 E. Pacheco Blvd., more specifically identified as Assessor's Parcel Numbers: 428-140-030..

The foregoing resolution was introduced at a regular meeting of the Los Banos Planning Commission held on the 22nd day of April 2020, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chair

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC PROJECT

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the project was evaluated in an Initial Study which determined that the project would not involve nor create any significant environmental effects, and a Negative Declaration (SCH#2020020445) was made.
2. The Negative Declaration was adequately noticed and circulated for public review and one (1) public comment letter was received by Caltrans for the proposed Negative Declaration. The City distributed the Notice of Intent with copies of the Negative Declaration, and posted the Notice of Intent at the Merced County Clerk's office on February 21, 2020, to March 22, 2020.
3. On the basis of the whole record, including the Negative Declaration and public comment, the Planning Commission finds that there is no substantial evidence that the Project will have a significant effect on the environment.
4. The Negative Declaration was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study/ Negative Declaration.
5. The City of Los Banos Community and Economic Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based upon.
6. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration for the project.



City of
Los Banos
At the Crossroads of California

Initial Study/ Negative Declaration

OA Holdings No.1, LLC & MMCG DBR Los Banos LLC

New Commercial Development

**Tentative Parcel Map #2020-01, Site Plan Review #2016-06, & Conditional Use
Permit #2020-01**

February 21, 2020

Lead Agency:

City of Los Banos

Community and Economic Development Department

Contact: Rudy Luquin, Associate Planner

City Hall 520 J St.

Los Banos, CA 93635

(209) 827-2432

www.losbanos.org

Purpose

The California Environmental Quality Act (CEQA) requires that public agencies document and consider the potential environmental effects of any agency actions that meet CEQA's definition of a "Project". Briefly summarized, a "Project" is an action that has the potential to result in direct or indirect physical changes in the environment. A Project includes the agency's direct activities as well as activities that involve public agency approvals or funding. Guidelines for an agency's implementation of CEQA are found in the "CEQA Guidelines" (Title 14, Chapter 3 of the California Code of Regulations).

Provided that a Project is not found to be exempt from CEQA, the first step in the agency's evaluation of the potential environmental effects of the Project is the preparation of an Initial Study. The purpose of an Initial Study is to determine whether the Project would involve "significant" environmental effects as defined by CEQA and to describe feasible mitigation measures that would be necessary to avoid the significant effects or reduce them to a less than significant level. In the event that the Initial Study does not identify significant effects, or identifies mitigation measures that would reduce all of the significant effects of the Project to a less than significant level, the agency may prepare a Negative Declaration. If this is not the case, the agency must prepare an Environmental Impact Report (EIR); the agency may also decide to proceed directly with the preparation of an EIR without preparation of an Initial Study.

The purpose of this Initial Study and Proposed Negative Declaration (IS/ND) is to identify the potential environmental impacts associated with the proposed OA Holdings No. 1, LLC Commercial Project located within the City of Los Banos, County of Merced.

Pursuant to Section 15367 of the CEQA Guidelines, the City is the Lead Agency in the preparation of this IS/ND, and any additional environmental documentation required for the Project. The City has responsibility for approval or denial of the Project application. The intended use of this document is to provide information to support conclusions regarding the potential environmental impacts of the Project. The IS/ND provides the basis for input from public agencies, organizations, and interested members of the public.

Project Location

The Project site is located on a 1.22 acre interior lot in the approximate north east corner of the intersection of Mercey Springs Boulevard (Highway 165) and Pacheco Boulevard (Highway 152) within the City of Los Banos, County of Merced. The uses surrounding the site include:

East: Retail/Commercial Restaurant

South: Public Facilities- Cal Trans Maintenance Station

West: Retail/Commercial Restaurants

North: Low Density Residential

Project Description

The proposed project will consist of a Tentative Parcel Map dividing a 1.22 acres parcel into two (2) parcels; Parcel A totaling 0.69 acres and Parcel B totaling 0.53 acres; the development of two (2) commercial retail structures, Building A, a 2,500 commercial structure to serve as a quick serve restaurant with a drive through window located on Parcel A and Building B, an 800 square foot structure to serve as a quick serve restaurant with a drive through window to be located on Parcel B. The new development will also include a parking lot, landscaping, exterior lighting, and utility improvements to be consistent with the City of Los Banos City Standards. The project will also consist of a Conditional Use Permit for the allowance of the on-sale and on-site consumption of alcohol through a Type 41 Beer and Wine ABC license in conjunction with a bona-fide eating establishment. Also, the requested Conditional Use Permit will allow for a proposed freestanding sign to be twenty-five (25') feet tall which exceeds the twenty (20') foot permitted height criteria. The project site will be accessible through existing driveway approach located on Pacheco Boulevard.

A copy of the proposed project's expansion plans are included as part of this Initial Study as Exhibit A.

There is an existing water service and sanitary connection on the property in which service will be provided by the City of Los Banos. A second connection will be required to accommodate the two (2) commercial structures. The site also has potential to connect to the City of Los Banos Stormwater System. There are also existing connections to dry utilities (i.e. gas and electric) provided by Pacific Gas and Electric.

The existing site is vacant land. There was a commercial structure formally at the project site and was demolished in June 2015. The area directly around then project site consists of existing commercial restaurant businesses precisely to the east and west and a Low Density Residential neighborhood directly to the north the project site.

Environmental Determination:

The Lead Agency has prepared an Initial Study, following, which considers the potential environmental effects of the proposed project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the Lead Agency, that the project may have a potentially significant effect on the environment.

Therefore, the Lead Agency proposed to adopt a Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.



Rudy Luquin, Associate Planner



Date

**City of Los Banos
520 J Street
Los Banos, CA 93635
(209) 827-7000**

Environmental Checklist Form

Project Title

Tentative Parcel Map #2020-01, Site Plan Review #2016-06, & Conditional Use Permit #2020-01

Lead Agency Name and Address

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

Contact Person and Phone Number

Rudy Luquin, Associate Planner
Phone: (209) 827-2432
rudy.luquin@losbanos.org

Project Sponsor's Name and Address

OA Holdings No. 1, LLC
10 Harris Court, Suite B-1
Monterey, CA 93940

MMCG DBR Los Banos, LLC
5750 Genesis Court, Suite 103
Frisco, TX 75034

Project Location and Setting

The Project site is located on a 1.22 acre interior lot in the approximate north east corner of the intersection of Mercey Springs Boulevard (Highway 165) and Pacheco Boulevard (Highway 152) within the City of Los Banos, County of Merced. The uses surrounding the site include:

East: Retail/Commercial Restaurant

South: Public Facilities- Cal Trans Maintenance Station

West: Retail/Commercial Restaurants

North: Low Density Residential

Figure 1- Location Map, provides an illustration of the proposed project's regional location.

Figure 2 – Vicinity Map

The proposed project site has been previously utilized for a commercial retail business. In June of 2015 the commercial structure was demolished by the property and maintained vacant ever since. Urban development (primarily commercial development) has occurred on the east, west, and south areas of the project site, along with associated street and utility improvements. Directly, to the south of the project site there is a legal non-conforming public facility use utilized by the State of California, Department of Transportation (Cal- Trans). The topography of the site is relatively flat. There is minor vegetation located throughout the previously developed project site. This vegetation will be removed as part of the development of the proposed project.

General Plan and Zoning Designations

General Plan: Commercial

Zoning: Highway Commercial

Project Description

The proposed project will consist of a Tentative Parcel Map dividing a 1.22 acres parcel into two (2) parcels; Parcel A totaling 0.69 acres and Parcel B totaling 0.53 acres; the development of two (2) commercial retail structures; Building A, a 2,500 commercial structure to serve as a quick serve restaurant with a drive through window to be located on Parcel A and Building B, an 800 square foot structure to serve as a quick serve restaurant with a drive through window to be located on Parcel B. The new development will also include a parking lot, landscaping, exterior lighting, and utility improvements to be consistent with the City of Los Banos City Standards. The project will also consist of a Conditional Use Permit for the allowance of the on-sale and on-site consumption of alcohol through a Type 41 Beer and Wine ABC license in conjunction with a bona-fide eating establishment. Also, the requested Conditional Use Permit will allow for a proposed freestanding sign to be twenty-five (25') feet tall which exceeds the twenty (20') foot permitted height criteria. The project site will be accessible through existing driveway approach located on Pacheco Boulevard.

A copy of the proposed project's expansion plans are included as part of this Initial Study as Exhibit A.

There is an existing water and sanitary connection in which service will be provided by the City of Los Banos. The site also has potential to connect to the City of Los Banos Stormwater System. There are existing dry utilities (i.e. gas and electric) that will be provided by Pacific Gas and Electric.

The existing site is vacant land. There was a commercial structure formally at the project site and was demolished in June 2015. The area directly around then project site consists of existing commercial restaurant businesses precisely to the east and west and a Low Density Residential neighborhood directly to the north of the lot.



Figure 1 – Location Map



Figure 2 – Vicinity Map

SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: (Boxes are checked below if the proposed project has the potential to cause significant impacts. If none then "No Significant Impacts" may be checked)

- | | | |
|-------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/ Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/ Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/ Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/ Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

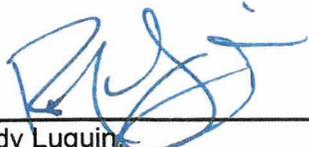
I find that the proposed project COULD NOT have a significant effect on the environment, and a
X NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have significant effect on the environment, because all potentially significant effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standard, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Rudy Luquin
Associate Planner

2/21/2020

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

Notes:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site, as well as on-site, cumulative, as well as project-level, indirect, as well as direct, and construction, as well as operational impacts.
3. Once a determination has been made that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impact Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist references. Reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list is attached, and other sources used or individuals contacted are cited in the discussion.
8. This initial study format is the format suggested in the 2017 CEQA Guidelines.
9. The explanation of each issue identifies:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant

ENVIRONMENTAL REVIEW CHECKLIST: (A brief answer to all questions is provided)

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

I. **Aesthetics. Would the proposal:**

- a. Have a substantial adverse effect on a scenic vista?

Comments: According to the City of Los Banos 2030 General Plan and Environmental Impact Report (EIR), the proposed project area is not considered a scenic vista. Therefore, the proposed project will have a less than significant impact.

- b. Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Comments: The proposed project is located on a State designated highway Highway 152 (Pacheco Boulevard) and near Highway 165 (Mercey Springs Road). Based on a review of the California Department of Transportation website (<https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf>), the nearest State designated scenic highway is Interstate 5, between the SR 152 and north to the San Joaquin County line. The proposed project is not located on or adjacent to the designated scenic highway area of Interstate 5 ranging Highway 152 until the San Joaquin County Line, and therefore will have no impact to a State scenic highway.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Comments: The proposed project is located on an a 1.22 acre previously developed interior lot within the approximate north east corner of the Mercey Springs Road (HWY 165) and Pacheco Boulevard (HWY 152) and within the City of Los Banos and is currently surrounded by urban development on all four sides. The existing visual character of the proposed project and its surroundings consists of commercial and some residential development. The development of the proposed retail/ commercial development in this area would enhance the existing visual character of the project site, given that it would be located adjacent to existing commercial/ retail development within the City limits, it would be considered contextually consistent with surrounding land uses.

- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Comments: Development of the proposed project will include the installation of parking lot lighting and lighting associated with commercial development. As such, the proposed project will result in a new source of light. However, any proposed lighting installed will be installed in accordance with the City of Los Banos standards and specifications. In addition, the project site is surrounded by existing development on four sides and associated lighting (i.e. street lighting, parking lot lighting, illuminated signs, etc.). Therefore, the proposed project will have no impact to lighting and glare.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

ii. **Agriculture and Forest Resources** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring program of the California Resource Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: According to the State of California Department of Conservation Farmland Mapping and Monitoring Program, the proposed project is located on land classified as "Urban and Built-Up Land" and is not located on soils classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the proposed project will have no impact.

b.	Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The proposed project is currently zoned Highway Commercial (H-C). The project site was evaluated by the City of Los Banos 2030 General Plan/EIR and identified as being "Urban and Built-Up Land", and therefore, is not considered to be agricultural or forest land. In addition, a Williamson Act Contract does not exist for the project site. Therefore, the proposed project will have no impact.

c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: Please refer to comment II.b.

d.	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The proposed project is located on existing fallow land, and is bounded by existing commercial structures and uses to the north, east, and west and low density residential structures and uses immediately to the south. Thus, the project site is not located on lands considered to be forest land or designated conversion of forest land to non-forest uses. Therefore, the proposed project will have no impact.

e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comments: As noted above, the proposed project is located on land that was not in production for agricultural crops. The project site is bounded by existing retail/commercial land uses to the north, east, and west, residential uses to the north, and a public facility use directly to the south. The project area is designated and zoned for urban development by the City of Los Banos 2030 General Plan and Zoning Ordinance. Therefore, the proposed project will have no impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
--------------------------------------	-----------------------------------------------------------	------------------------------------	--------------

Categories and Issues:

- III. **Air Quality** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:
- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursor)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

BACKGROUND DISCUSSION:

The proposed project is located in west Merced County, which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the federal and state Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as "criteria" air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect the public health; secondary standards are established to protect the public welfare. The attainment status of the SJVAB for Merced County with respect to the applicable AAQS are shown in the following table.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas, not including the City of Los Banos, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)
- Rule 9510 (Indirect Source Review)

**SAN JOAQUIN VALLEY FEDERAL AND STATE
AAQS ATTAINMENT STATUS**

Pollutant	Designation / Classification Federal Standards ^a	State Standards ^b
Ozone, 1-hour	No federal standard ^f	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme ^e	Nonattainment
PM10	Attainment ^c	Nonattainment
PM2.5	Nonattainment ^d	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation	Attainment
Hydrogen Sulfide	No federal standard	Unclassified

Sulfates	No federal standard	Attainment
Visibility-Reducing Particles	No federal standard	Unclassified
Vinyl Chloride	No federal standard	Attainment

^aSee 40 CFR Part 81

^bSee CCR Title 17 Sections 60200-60210

^cOn September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

^dThe SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

^eThough the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010).

^fEffective June 15, 2005, the EPA revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

ROG	10 tons/year
NOx	10 tons/year
PM10	15 tons/year

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. In accordance with Table 5-3(C) of GAMAQI, the proposed project is considered a Small Project Analysis Level (SPAL), as it contains less than 11,000 square foot new development. Because the proposed project qualifies as SPAL, GAMAQI notes that it has no possibility of exceeding emission thresholds.

Project construction will be subject to SJVAPCD rules related to control of construction emissions, including the various rules comprising Regulation VIII. The application of these rules to the project will further limit the potential air quality effects of the project.

The project will generate minimal amounts of new on-road traffic and associated ROG, NOx and PM emissions during project operation. Operation of the project site will not generate any substantial air emissions. As shown in the table below, potential emissions from project operation will be incidental and will not approach the GAMAQI significance thresholds.

Potentially significant emissions related to the construction and operation of land development projects are subject to regulation under SJVAPCD Rule 9510 Indirect Sources. Development associated with the proposed project will exceed the thresholds triggering the requirements of Rule 9510. Therefore, the project proponent will be required to comply with Rule 9510 and conduct an Indirect Source Review (ISR) process with the SJVAPCD.

COMMENTS:

- a) The proposed project will not involve any conflict with, or potential to obstruct, implementation of, applicable Air Quality Attainment Plans. As discussed above, project related air emissions will be minor and below the threshold identified in GAMAQI. Therefore, the proposed project will have a less than significant impact.
- b) Proposed project construction emissions will be minor and short-term, and will not contribute to or cause violation to any air quality standards. The proposed project will not involve any substantial operational emissions. Therefore, the proposed project will have a less than significant impact.
- c) The proposed project will result in minor ROG, NOx, and particulate matter emissions during project construction, which will contribute to existing non-attainment status of the SJVAB for ozone and particulate matter. However, in accordance with GAMAQI, these emissions are considered to be below the threshold and therefore be less than significant. The proposed project will be required to comply with Rule 9510, and conduct an ISR process with the SJVAPCD. The ISR process will determine the proposed project's actual

emission and subsequently, allow for mitigation under Rule 9510. Therefore, the proposed project will have a less than significant impact.

- d) Sensitive receptors are defined as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

The proposed project is located in the vicinity of various retail commercial uses, and is surrounded on three sides by existing retail commercial development. However, because the proposed project is considered a Small Project Analysis Level (SPAL) under GAMAQI, the proposed project has no possibility of exceeding the emission thresholds and therefore, will have a less than significant impact.

- e) The proposed project does not involve any features that will generate odors. Therefore, the proposed project will have a less than significant impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

IV. **Biological Resources** Would the project:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: As noted previously, the proposed project is located on previously disturbed vacant land and is surrounded by urban development on the north, south, east, and west sides. However, based on a review of the City's 2030 General Plan EIR, and most notably, Figure 3.8-1, the proposed project is located within an area designated as Urban and is not known to be occupied by any special status species and/ or habitats. Thus, a biological assessment of the site is not warranted by staff as there is no impact.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Based on the Los Banos 2030 General Plan and EIR, the proposed project is not located within an area known to contain riparian habitat. Most, if not all, of the riparian habitat located within the City is located along Los Banos Creek. The proposed project is not located within, or adjacent to Los Banos Creek. Therefore, the proposed project will have a no impact.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Based on the Los Banos 2030 General Plan and EIR, there are no identified wetlands within the project site. Therefore, the proposed project will have no impact.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The project site is surrounded by existing development on the north, south, east and west sides. New development created as a result of the proposed project would have no impacts to wildlife corridors as surrounding urban development already exist. Therefore, the proposed project will have no impact.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Development of the proposed project will not require the removal of any trees. Therefore, the proposed project will have no impact.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The City of Los Banos, including the proposed project, is not located within an adopted Habitat Conservation Plan or Natural Community Plan. Therefore, the proposed project will have no impact.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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V. **Cultural Resources** Would the project:

- | | | | | | |
|----|----------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|----------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project site is presently vacant; previously the project site had a small commercial structure. Based on a review of the Los Banos 2030 General Plan EIR, there are thirteen (13) historic resource sites within the City's Planning Area, primarily in the downtown area. The nationally registered historic Canal Farm Inn is one of these sites specified as a historic resource and is located directly to the east of the proposed project site. As such, there are no historic resources or sites as defined by Section 15064.5 of the Government Code within the actual proposed project site. Therefore, the proposed project will have a less than significant impact.

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. | Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: Based on a review of the Los Banos 2030 General Plan and EIR, the Los Banos Creek area has been identified as a highly sensitive area for potential archaeological sites. The proposed project is not located within the Los Banos Creek area, and therefore, potential impacts to archaeological resources are considered to be minimal. The project site has been previously disturbed as a commercial structure used to be located on the project site and was demolished in June 2015. It would be unlikely that unknown cultural resources would be found on-site during grading and excavation associated with construction and installation of utilities for the new development. Therefore, the proposed project will have a less than significant impact.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The Los Banos 2030 General Plan and EIR do not identify any unique paleontological resources or sites or unique geologic features within the proposed project area. As noted in the 2030 General Plan, paleontological resources have been typically identified within the Los Banos Creek area. Therefore, the proposed project will have a less than significant impact.

- | | | | | | |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: It is not anticipated that the proposed project will disturb any human remains. However, through development and construction of the proposed project, human remains may be identified, particularly during activities requiring ground disturbance (i.e. grading, trench digging, etc.). Disturbance of any archaeological or cultural resource during construction of the proposed project would be a significant environmental impact. If archaeological resources are found during construction, the project proponent will be required to comply with Los Banos General Plan implementation policy POSR-I-37, which requires pre-construction field surveys (where appropriate) and monitoring during any ground disturbance for all development. Implementation of this General Plan policy would reduce the potential impact to a less than significant level.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
VI. Geology and Soils Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: There are no known earthquake faults that are passing through the project site. The effects of seismic activity were addressed in the Los Banos General Plan EIR and found to be potentially significant. Implementation of General Plan policies S-I-8 mitigates this potentially significant impact to a less than significant level. Policy S-I-8 requires all new buildings be built according to the seismic requirements of the Uniform Building Code. Therefore, these potential impacts are considered less than significant. No further environmental review is necessary.

b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments: Development of the proposed project will include grading of the site to allow for the installation of the commercial building pads. Thus, said grading would result in the loss of topsoil. However, through the preparation of Improvement Plans, the proposed project will be required to obtain a Grading Permit from the City of Los Banos. The Grading Permit process will ensure the proposed project is graded in accordance with the City of Los Banos Standards and Specifications. Therefore, the proposed project will have a less than significant impact.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments: According to the United States Department of Agriculture (USDA) <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> the soils in the area of the project site are primarily Woo-Urban land complex on flat or nearly flat ground that may be subject to vertical displacement under seismic or static conditions. Such movement could include settlement, compaction, or liquefaction. Future development on the project site (e.g. commercial pads and parking lot) would implement standard engineering and seismic safety design techniques in conformance with the recommendation of a project specific design level geotechnical investigation as a standard condition of development would reduce potential impacts to less than significant.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comments: As noted above, the soils within the project area are generally Woo-Urban land complex. The soil is well drained, but has moderate expansion potential. Future development on the project site would be required to follow the recommendations of a project-specific design-level geotechnical investigation as a standard condition of development. Development within the City of Los Banos would require review and approval by the Los Banos Building Department and the City Engineer. Given that the proposed

project would be required to conform to the recommendations of the geotechnical report and the requirements of the City of Los Banos, the potential risks associated with expansive soils would be reduced to less than significant levels.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

Comments: The project will be served by City of Los Banos sanitary sewer system. The uses of septic tanks or alternative water systems are not part of the proposed project. Therefore, the proposed project will have no impact.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
VII. Greenhouse Gas Emissions Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background Discussion:

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs that trap heat in the earth's atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a "serious threat to the economic well-being, public health, natural resources and the environment of California." As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO2. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State's Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The City of Los Banos 2030 General Plan and EIR includes policies and mitigation measures that reduce the impact level that is less than significant. Policies POSR-I-46, 52, 53, and C-I-4 of the City's 2030 General Plan include measures, that upon implementation, helps reduce the amount of greenhouse gases generated per capita in the City. It is important to note that the proposed project is consistent with the City's 2030 General Plan.

The SJVAPCD adopted a Climate Change Action Plan in 2008, and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

Comments:

VII-a) The proposed project would not generate any substantial greenhouse gas emissions beyond what has previously been identified in the City's 2030 General Plan and EIR. The proposed project is consistent with the 2030 General Plan, and will comply with the Policies noted in the discussion above.

VII-b) The proposed project will not involve any known conflict with any adopted plan, policy, or regulation for reducing greenhouse gas emissions. The City of Los Banos also requires that all buildings conform to the energy conservation requirements of the California Administrative Code Title 24, as well as the California Green Building Standards (CALGreen) code, which includes requirements for energy and water conservation in new construction.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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VIII. **Hazards and Hazardous Material** Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The project site was previously developed and used for retail/commercial purposes and the proposed project and the development of the project will not involve the transport, use, or disposal of hazardous materials. The proposed development will not transport, use, or dispose of hazardous materials; therefore, the proposed project will have a no impact.

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: It is not anticipated that through the development of the proposed project, foreseeable upset and accident conditions will occur. Development of the proposed project will comply with all Federal, State, and local policies and regulations related to the construction of the proposed project. Therefore, the proposed project will have no impact.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project is located approximately 1,926 feet (0.3647 miles) of Los Banos Junior High School, 1750 San Luis Street, which is west of the project site. However, as noted above in VIII-a, the proposed development will not involve the emission or handling of hazardous materials, and all Federal, State, and local policies and regulations related to hazardous materials shall be complied with. Therefore, the proposed project will have no impact.

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Appendix A of the Los Banos 2030 General Plan provides a list of hazardous sites within the City of Los Banos. Based on a review of Appendix A, the proposed project is not located on a site identified as hazardous. Therefore, the proposed project will have no impact.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The Los Banos Municipal Airport is located within the City of Los Banos and is a general aviation facility with a single paved runway 3,800 feet in length. According to the Merced County Airport Land Use Compatibility Plan, adopted June 21, 2012, the proposed project is not located within the airport's "Airport Influence Area". Therefore, the proposed project will have no impact.

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The project site is not located within the vicinity of a private airstrip. Therefore, the proposed project will have no impact.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Comments: The Los Banos Fire Department has reviewed the proposed project, and provided feedback to ensure the proposed project complies and/or interferes with any emergency response plan or emergency evacuation plan. To ensure this compliance and non-interference, the projects proponents will be required to submit for approval to the Los Banos Fire Department the proposed project's Improvement Plans. Therefore, the proposed project will have no impact.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Comments: The proposed project is located within an urban area and within the City of Los Banos, and is surrounded by existing development on the north, south, east, and west sides. As such, no wildlands exist within or adjacent to the proposed project. Therefore, the proposed project will have no impact.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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IX. **Hydrology and Water Quality** Would the project:

- | | | | | |
|-------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project will not violate any Federal, State, or local water quality standards or waste discharge requirements. Prior to the approval of the project, the Applicant will be required to obtain approval from the City of Los Banos for the project's Improvement Plans. These Improvement Plans include the design of infrastructure (i.e. water, sanitary sewer, storm drainage) required for the proposed project. Review and approval by City staff will ensure the proposed project complies with any applicable water quality standards and waste discharge requirements. Therefore, the proposed project will have a less than significant impact.

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Substantially deplete groundwater supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project site has an existing domestic water infrastructure connection from the previous commercial structure and an additional connection may be required for the separate structures which shall be served by the City of Los Banos domestic water system. According to Section 8.2 of the Los Banos 2030 General Plan, "the 2008 Urban Water Management Plan estimates that this supply is sufficient to meet City needs through 2030." Therefore, it is anticipated that the City has sufficient supply to meet the demands of the proposed project. As such, the proposed project will have a less than significant impact.

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project will alter the existing drainage pattern of the site by way of construction and converting the site from raw ground to urban development. However, the proposed project, and its storm water drainage will be designed to meet the standards and requirements of the Los Banos Standards and Specifications as a condition of approval. Compliance will be ensured through the proposed project's Improvement Plan process. Therefore, the proposed project will have a less than significant impact.

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project will contribute runoff water by the development of the two (2) commercial structures and associated improvements (i.e. parking lot, water, sanitary sewer, storm drainage, etc.). However, there is potential to connect to an existing stormwater system that connects to the City of Los Banos Stormwater System. Nonetheless, the connection design of the proposed project's storm water drainage will be designed to meet the standards and requirements of the City of Los Banos as a condition of approval. Therefore, the proposed project will have a less than significant impact.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project will not degrade water quality within the vicinity of the project site. Therefore, the proposed project will have a less than significant impact.

- f. Otherwise substantially degrade water quality?

Comments: Please refer to the comments and determination above, for IX-a.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?

Comments: Based on a review of FEMA Flood Map No. 06047C0850G, dated December 2, 2008, which includes the proposed project site, the proposed project is not located within a 100-year flood plain. Therefore, the proposed project will have no impact.

- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Comments: Please refer to the comments and determination above, for IX-g.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam??

Comments: The proposed project is located within the Planning Area as it defined in the Los Banos 2030 General Plan. According to Section 7.2 of the Los Banos 2030 General Plan, "three dams close to Los Banos have the potential of inundating portions or the whole of the Planning Area. Flood zone mapping by the U.S. Army Corps of Engineers indicates that all of the Planning Area is located within the San Luis Reservoir dam inundation area. Northern portions of the Planning Area are also located within the Los Banos Detention Reservoir and the Little Panoche Reservoir Dam inundation area." All three dams are owned by the Bureau of Reclamation, and are inspected regularly for their structural integrity. In response to the potential of inundation by a result of dam failure, the City has adopted General Plan policies, which include coordination with the U.S. Army Corps of Engineers on potential flooding risks, and ensuring that City staff and Emergency Response Services are trained to respond to catastrophic dam failure. Therefore, the proposed project will have a less than significant impact.

- j. Inundation by seiche, tsunami, or mudflow?

Comments: The City of Los Banos, including the proposed project, is located approximately sixty-six (66) miles east of the Pacific Ocean. Exposure of future residents within the proposed project to the risk of seiches, tsunami, or mudflows is minimal. Therefore, the proposed project will have no impact.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

X. **Land Use and Planning** Would the project:

a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comments: The proposed project is located within the City of Los Banos, which is an urbanized City located along State Route 152 and State Route 165. Specifically, the proposed project is surrounded by existing commercial development on the west and east. Public Facilities use directly south of the project site and existing residential development to the north. Therefore, the proposed project would not physically divide the established community, and would have no impact.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The proposed project is consistent with existing uses within the project vicinity and would not result in substantial land use conflicts with the surrounding commercial uses in the area. The proposed project is also consistent with the 2030 Los Banos General Plan and the Los Banos Municipal Code, Title 9, Chapter 3, Article 13, Highway Commercial Zoning District. Thus the proposed project will have no impact.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The proposed project is not located within an adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, the proposed project will have no impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XI. **Mineral Resources** Would the project:

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments XI-a,b: Section 5.6 of the Los Banos 2030 General Plan, dated July 15, 2009, states, "According to the Department of Conservation: Mines and Geology, there are no known significant mineral resources located within the Planning Area. The Planning Area contains parts of San Luis Ranch alluvium and Modesto alluvium, known mineral occurrences of underdetermined mineral resources significance. According to the State Office of Mine Reclamation, sand and gravel is currently mined within portions of the Los Banos Creek Fan, located southwest of the Planning Area. Although further exploration of the Planning Area could result in the reclassification of specific localities, no mineral resources have been historically exploited or are being currently exploited commercially within the Planning Area."

The proposed project is located within the Planning Area as it is defined in the Los Banos 2030 General Plan, and is consistent with the land use designation prescribed by the General Plan. Therefore, as determined in the Los Banos 2030 General Plan, the proposed project will have no impact to mineral resources of Statewide or local importance.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XII. **Noise** Would the project:

- | | | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: Within the City of Los Banos, a primary source of noise is vehicle traffic. Under the City of Los Banos Municipal Code Section 9.3706 (f) noise source exemptions, noise sources associated with existing food processing, agricultural packing, or dairy or other industrial or commercial operations provided the noise levels generated by such operations do not exceed current levels. Any new construction or expansion of such operations shall not exceed the exterior noise level standard set forth in Section 9.32704 (ranging from 70 dBA to 90 dBA). The proposed project will increase the number of vehicle trips within the project area. However, based on a review of Figure 3.11-3 of the Los Banos 2030 General Plan EIR, the proposed project is not located within an area identified as exceeding the City's General Plan noise standard upon build-out of the City's "Planning Area." Therefore, the proposed project will not exceed the Los Banos General Plan noise standards, and will have a less than significant impact.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. | Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: Construction of the proposed project will expose the surrounding area to groundborne vibration and noise levels. However, that exposure will be temporary, and the project proponent will be required to comply with the Los Banos Noise Control Ordinance, Article 27. Therefore, the proposed project will have a less than significant impact.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c. | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The Los Banos 2030 General Plan EIR states, "The future noise contours suggest that even at build-out there is virtually no land, other than directly on the roadways, being exposed to noise levels above 60 dB." Figure 3.11-3 of the 2030 General Plan EIR further illustrates areas within the City that would be exposed to noise levels above the City's standard. Development of the proposed project will increase noise levels in the project area. However, the proposed project is not located within an area anticipated to generate noise levels above the standard identified in the Los Banos 2030 General Plan. Therefore, the proposed project will have a less than significant impact.

- | | | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d. | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: Please refer to XII-c for comments and determination.

- | | | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e. | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Figure 3-11.2 of the 2030 General Plan EIR illustrates the existing noise contours as it relates to the airport. The 55 dBA CNEL noise contour line for the airport is not near the project site, so noise levels from aircraft operations do not exceed standards. Therefore, the proposed project will have a no impact.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Comments: The project site is not located within the vicinity of a private airstrip. Therefore, no impacts would occur related to noise from a private airstrip.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XIII **Population and Housing** Would the project:

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project will not induce any population growth as the project is commercial and will not generate an influx of job opportunities. Therefore, the proposed project will have no impact.

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project will not result in the displacement of existing housing which would necessitate the construction of replacement housing. Therefore, the proposed project will have no impact.

- | | | | | | |
|----|----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|----------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project site consists of previously developed vacant commercial parcel and at build-out will not displace substantial number of existing housing. Therefore, the proposed project will have no impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XIV. **Public Services**

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

1) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments: The proposed project consists of new commercial development on a previously developed parcel. The new commercial development will not impact public services such as fire protection, police protection, schools, and parks. The developer of the proposed expansion project will be required to pay the applicable Capital Facilities Fee at the time of the building permit issuance. The intent of the Capital Facilities Fee is to offset any potential impacts to public services and facilities. Therefore, the proposed project will have a less than significant impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XV. **Recreation**

- | | | | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project will not increase the use of existing park facilities in the City of Los Banos.

- | | | | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The proposed project does not consist of the development of new recreational facilities, nor will it necessitate the construction or expansion of existing recreational facilities. As noted above, the developer of the proposed project will be required to pay the applicable Capital Facilities Fee at the time of the building permit issuance. The intent of the Capital Facilities Fee is to offset any potential impacts to public services and facilities, including parks and recreational facilities, as a result of new development. Therefore, the proposed project will have a less than significant impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XVI. | **Transportation / Traffic:** Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: The City's 2030 General Plan Circulation Element provides the guiding policies and implementing actions associated with transportation in the City. Specifically, Implementing Action C-I-10 of the 2030 General Plan states, "Develop and manage the roadway system to obtain segments as LOS C and intersections at LOS D or better for two hour peak periods (AM and PM) on all major roadways and intersections in Los Banos."

Trip generation estimates were developed by using the fast-food Restaurant with a drive through window (Land Use Code 934) and Coffee Shop with a drive through window (Land Use Code 937) trip rates that are published in the Institute of Transportation Engineering (ITE), Trip Generation 10th Edition. Being that the project is highway commercial development a portion of the trips will be considered "pass by" trips and another portion of the trips will be considered as "primary". "Pass by" trips are existing trips in the adjacent traffic flow that would be attracted by the proposed Project. "Primary" trips are trips intended to go to the project site that would be added to the adjacent traffic flow. The Traffic Study stated that the project can potentially generate 1,831 average daily trips. The analysis suggests that 171 would be A.M. peak hour trips and 117 would be P.M. peak hour trips. The analysis states the total trip generation from the proposed project would be an average of the 915 daily trips. 86 A.M. peak hour trips and 59 P.M. peak hour trips would be "pass by" trips. The "primary" trips generated result to an average of 916 daily trips; 85 A.M. peak hour trips and 58 P.M. peak hour trips.

The impacts of developing the proposed project have been identified by superimposing project traffic with the existing traffic conditions. The intersections that were studied were Pacheco Blvd. / Mercey Springs Rd., Pacheco Blvd. / Miller Ln., Pacheco Blvd. / Shopping Center Driveway, and Mercey Springs Rd. / Shopping Center Driveway. During the A.M. peak hour trips Pacheco Blvd. / Mercey Springs Rd. intersection will have a level of service (LOS) C and a level of service (LOS) D during P.M. peak hours. The Pacheco Blvd. / Miller Ln. intersection will have a level of service (LOS) C during A.M. peak hour trips and level of service (LOS) B P.M. peak hour trips. The Pacheco Blvd. / Shopping Center Driveway and the Mercey Springs Rd. / Shopping Center Driveway will both operate at a level of service (LOS) A during A.M. and PM peak hours. The projected levels of service at all studied intersections will operate within the City of Los Banos minimum level of service (LOS D) or greater. Therefore, the project would result in a less than significant impact.

- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: Please see the comment above in item XVI-a.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project will not result in the change of air patterns, most notably from the Los Banos Municipal Airport. Therefore, the proposed project will have no impact.

- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The proposed project will be developed to be consistent with the City of Los Banos standards and specifications. The design features of the proposed project commercial uses are compatible with surrounding existing commercial uses and consistent with the 2030 Los Banos General Plan land use designation of Commercial and the Los Banos Municipal Code, Title 9, Chapter 3, Article 13, Highway Commercial Zoning District. As such, hazards due to a design feature are not anticipated to occur. Therefore, the proposed project will have no impact.

e. Result in inadequate emergency access?

Comments: The proposed development site has four (4) existing access point shall remain. One access from Mercey Springs Road and the other three (3) access points from Pacheco Boulevard. The proposed project site will have more than sufficient and adequate emergency access. Therefore, the proposed project will have no impact.

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Comments: The proposed project will develop on a previously developed vacant parcel within an existing Shopping Center. A component of the project will consist of frontage improvements in which all completed curb, gutter, and sidewalk improvements will be to City of Los Banos Standards and any improvements performed on Pacheco Blvd/ Highway 152 shall be done with an encroachment permit for California Department of Transportation and to the Cal-trans Standard. However, the proposed frontage improvements will not conflict any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities and also will not decrease the performance of safety of any of these programs or facilities. Public transit is not located near the project site, however the nearest public transit stop is roughly 2,715 feet away from the project site which is located at the frontage of the Food 4 Less store. There are existing sidewalks and pedestrian paths. Therefore, the proposed project will have no significant impact.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XVII. **Tribal Cultural Resources**

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

Comments: Tribal cultural resources are generally defined by Public Resources Code 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe. A Sacred Lands File Search, performed by the Native American Heritage Commission (NAHC) for the immediate project area did not indicate the presence of Native American cultural resources in the immediate project area. The project site was previously developed has been annually disked and is surrounded by existing developments. As such, the proposed project will have a less than significant impact.

2. A resource determined by the lead agency, in its discretion and supported by a substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Comments: The project site is not known to contain any identified Native American tribal cultural resources and is not a known Native American sacred site. A Sacred Lands File Search, performed by the Native American Heritage Commission (NAHC) for the immediate project area failed to indicate the presence of Native American cultural resources in the immediate area. In addition, General Plan policies, as previously discussed, would ensure that the proposed project would not cause any substantial adverse changes in the significance of previously unknown tribal cultural resources. Given the results of the NAHC and compliance with the General Plan, impacts related to tribal cultural resources, in accordance with the criteria set forth in Public Resource Code Section 5024.1, would be considered less than significant.

Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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Categories and Issues:

XVIII. **Utilities and Service Systems:** Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Comments: The proposed project has an existing connection to the City's existing sanitary sewer system from a previous building at the site. The City has sufficient capacity to accommodate the proposed project and will not exceed any treatment requirements imposed by the Regional Water Quality Control Board. Therefore, the proposed project will have a less than significant impact.

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Comments: The proposed project has an existing connection to the City's existing water and sanitary sewer system from a previous building at the site and will require a second connection to accommodate the two (2) commercial structures. The proposed project will not be required to increase the size of existing water and sanitary sewer lines in order to serve the project. The City has sufficient capacity in its domestic water and sanitary sewer systems to accommodate development within the proposed project. Therefore, the proposed project will have a less than significant impact.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Comments: The proposed project will connect to the City's existing storm drainage system via connecting to an existing storm drain line located on the property to the west. The design and installation of the proposed project's storm water drainage will be designed to meet the standards and requirements for the Los Banos Public Works as a conditional of approval, and would not require the construction or expansion of new/existing facilities. Therefore, the proposed project will have a less than significant impact.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Comments: It has been determined that there is sufficient water supply capacity available to serve the proposed project. The proposed project does not require the construction of new or expansion of existing facilities.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Comments: It has been determined that there is sufficient waste water supply capacity available to serve the proposed project. The proposed project does not require the construction of new or expansion of existing facilities.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Comments: Solid waste in the City of Los Banos is managed by the Merced County Association of Governments. The majority of

the City's solid waste is taken to Billy Wright Landfill and additional waste is taken to Highway 59 Landfill. The City's 2030 General Plan EIR determined that there are sufficient options for expansion or relocation of services to meet the demand created by future growth in Los Banos. Therefore, the proposed project will have a less than significant impact.

- g. Comply with federal, state, and local statutes and regulations related to solid waste?

Comments: The proposed project will comply with all Federal, State, and local statutes and regulations related to solid waste. Therefore, the proposed project will have a less than significant impact.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
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MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: Finding (a) is checked as “no Impact” on the basis of the proposed project’s potential impact on biological resources, as described in Category 4 of this Initial Study. Potential impacts were identified in this issue area but they were identified to be less than significant.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: As described in this Initial Study, the potential environmental effects of the proposed project will either be less than significant, or will have no impact at all. Where the proposed project involves potentially significant impacts, these impacts would have a less than significant impact with conditions incorporated.

The potential environmental impacts identified in this Initial Study have been considered in conjunction with each other as to their potential to generate other potentially significant impacts. The various potential environmental impacts of the proposed project will not combine to generate any potentially significant cumulative impacts.

The City of Los Banos 2030 General Plan and EIR comprehensively account for ongoing and foreseeable urban development within the City’s “Planning Area” and the cumulative environmental impacts of planned development. Future urban development in Los Banos includes the provision of roads, utilities, schools, and recreational facilities needed to serve City residents and visitors as their demands for urban services increase over time.

The proposed project will contribute to planned urban development in the City of Los Banos, by developing two (2) new commercial structures and associated parking lot and improvements. The potential environmental impacts associated with the proposed project represent a portion of the environmental consequences of the planned growth and development permitted by the 2030 General Plan. The proposed project may involve a minor addition to the potential environmental impacts identified in the 2030 General Plan EIR, but the proposed project will not result in any substantial contribution to any of the significant cumulative impacts identified in the 2030 General Plan EIR.

- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: This Initial Study has considered the potential environmental impacts of the proposed project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the proposed project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, was considered, and no other such impacts were identified.

REFERENCES

- City of Los Banos 2030 General Plan
- City of Los Banos Zoning Ordinance
- CEQA

All reference material may be reviewed at the City of Los Banos Community Development Department, 520 J Street, Los Banos, CA 93635.

APPENDIX A

**Tentative Parcel Map #2020-01, Site Plan Review #2016-06, &
Conditional Use Permit #2020-01**

LEGAL DESCRIPTION

TENTATIVE PARCEL MAP NO. 2020-

PARCEL ONE:

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

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.A.M., ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 40.00 FEET AND NORTH 88 DEG. 34' EAST, 578.21 FEET FROM THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.A.M.; THENCE NORTH 0 DEG. 48' 1/2 WEST 340.47 FEET; THENCE EAST 100.20 FEET; THENCE SOUTH 1 DEG. 07' 1/2 EAST 336.43 FEET; THENCE ALONG THE NORTH LINE OF STATE HIGHWAY, SOUTH 88 DEG. 34' WEST, 161.94 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE GRANT DEED FROM EDWARD W. HOSTETLER AND MERRY BELLE HOSTETLER AS CO-TRUSTEES OF THE HOSTETLER LIVING TRUST DATED JANUARY 20, 1978 TO THE STATE OF CALIFORNIA, RECORDED JULY 5, 2001, IN BOOK 4218, PAGE 500, SERIES NO. 28152, OFFICIAL RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS, APPURTENANT TO PARCEL ONE HEREINAFOVE DESCRIBED, AS SAID EASEMENT IS FURTHER DESCRIBED IN THAT CERTAIN INSTRUMENT ENTITLED "SHARED ACCESS AGREEMENT", EXECUTED BY EDWARD W. AND MERRY BELLE HOSTETLER AND LOS BANOS MARKET PLACE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED MARCH 1, 2001, IN BOOK 4137, PAGE 192, SERIES NO. 8022, OFFICIAL RECORDS AND RE-RECORDED OCTOBER 17, 2002, AS SERIES NO. 2002-051499, OFFICIAL RECORDS.

PARCEL THREE:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR VEHICULAR PARKING AND PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS THAT PORTION OF SAID LAND DESCRIBED AS "AMARILE TRACT", IN THAT CERTAIN "PARKING EASEMENT AND RECIPROCAL ACCESS EASEMENT AGREEMENT" RECORDED SEPTEMBER 30, 2015 AS INSTRUMENT NO. 2015-034270, OF OFFICIAL RECORDS.

APN: 428-140-030

FLOOD ZONE INFORMATION:

This property lies in Zone "X" unshaded as shown on Federal Emergency Management Agency (FEMA) Map of the City of Los Banos and Incorporated Areas, California, Map No. 06047C05500.

Effective date: December 2, 2008

Flood Zone "X" or "Other Flood Areas" is described as areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

N 202972.488 CC527
 E 190437.997 CC527
 N 194375.239 CC583
 E 6465067.915 CC583

THE SOUTHWEST CORNER OF SEC. 13 1/4 S.
R10 E, M.D.B.A.M.

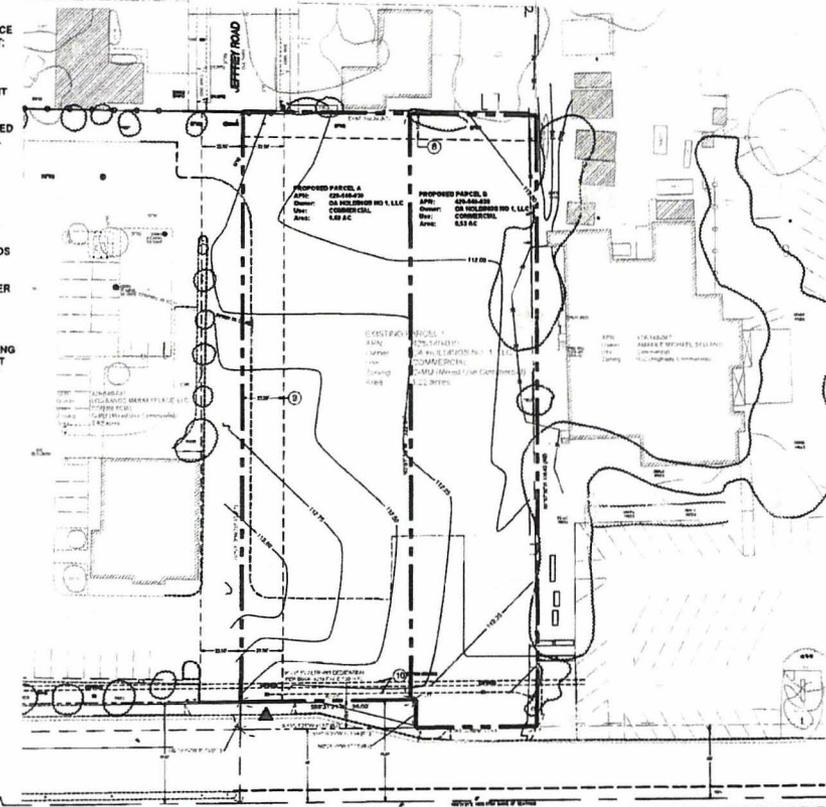
BENCHMARK:

US COAST & GEODETIC SURVEY BRASS CAP CONCRETE MONUMENT ON THE SOUTH SIDE OF PACHECO BOULEVARD SR-152 - SHOWN HEREON OBTAINED FROM PLANS FOR LOS BANOS MARKET PLACE.

ELEVATION = 112.56 NGVD 1929



SCALE 1" = 40'



NOTES:

- There are no buildings on the property.
- The property is adjacent to the public right of way.
- The property abuts the following public street: Pacheco Boulevard
- The site address is formally known as 1420 Pacheco Boulevard, Los Banos, CA 93277
- Zoning: H-C (Highway Commercial)
Existing Landuse: Vacant Land
- The City of Los Banos is the provider and source of sewerage and storm. All City Utilities will be installed per City Standard.
- The property privately maintains all onsite sewer, water, and storm drain lines.

LEGEND:

- Limits of this subdivision
- Easement line
- Schedule B Exceptions
- (J)1 Record data per Parcel Map No. 2001-06, Recorded in Vol.89, Page 32, Recorded in Official Records of Merced County.
- (J)2 Record data per Title Report Provided by Old Republic Title Company, Order No. 9724019546-HT, Dated September 13, 2019.
- (J)3 Record data per Grant Deed to the State of California recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.
- ▲ Conveyed to the State of California in Deed recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.

SCHEDULE B EXCEPTIONS:

- A blanket easement for Roads and Public Utilities, granted to Miller and Lux Inc. Recorded on April 6, 1940 in Book 647 of Official Records, Page 3.
- An easement for Sewer and Other Public Utilities, granted to the City of Los Banos, Recorded December 2, 1960 in book 1506 of Official Records, Page 317.
- Shared Access Agreement, Recorded March 1, 2001 in Book 4137 of Official Records, Page, Serial No. 8022.
- An easement for Utility Distribution, granted to PG&E Recorded October 3, 2001 in Book 4284 of Official Records, Page 46, Serial No. 44639.
- A blanket easement for Vehicular and Pedestrian Ingress and Egress, granted to Esther Amarile, et. al. Recorded September 30, 2015 in Official Records, Serial No. 201-034270

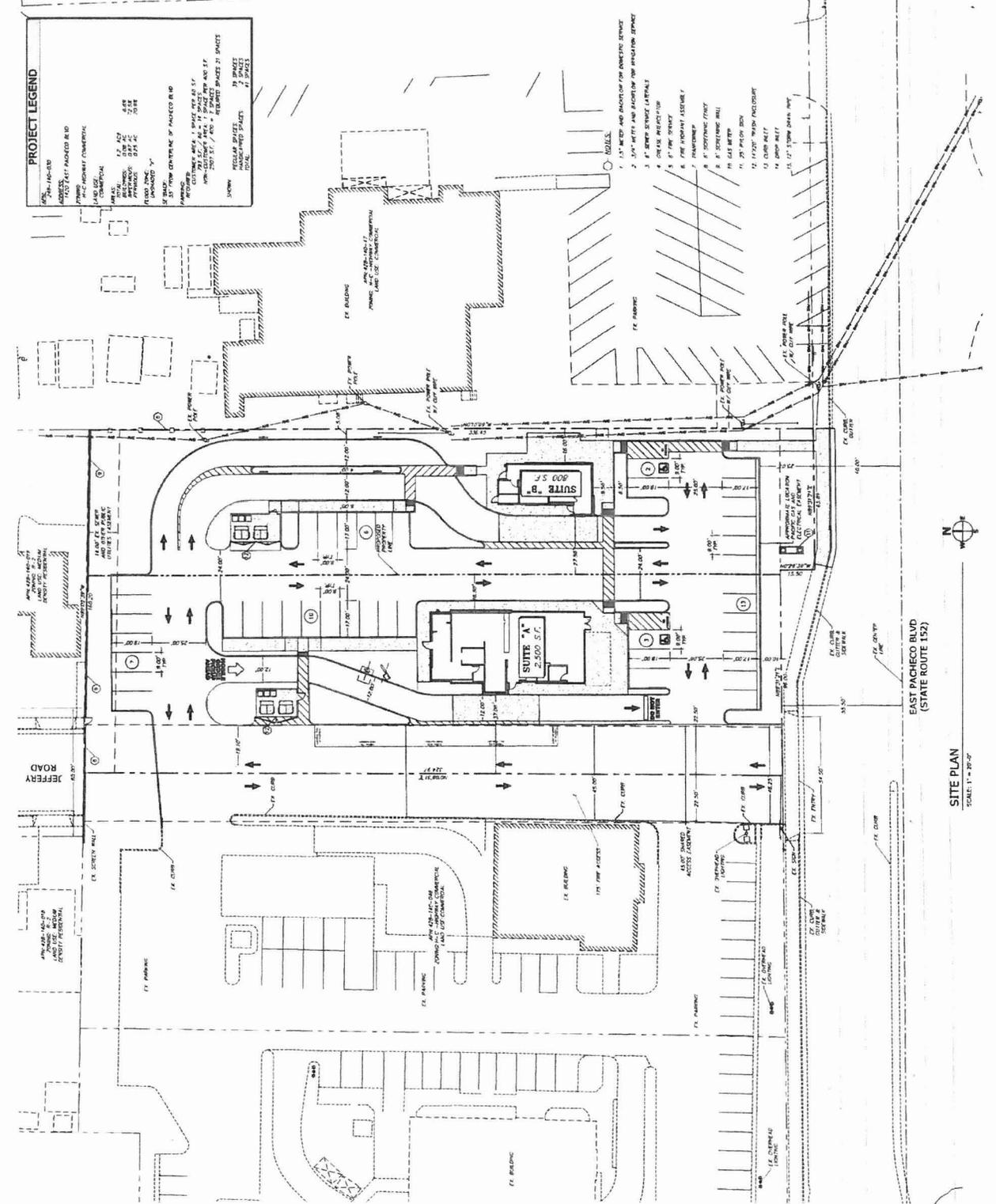
N 202993.173 CC527
 E 190437.997 CC527
 N 184391.913 CC583
 E 6465067.915 CC583

STATE PLANE COORDINATE CONTROL FOR CITY ORDINANCE IS CALCULATED FROM CC527 AS SHOWN BY 19 RS 22-29 UTILIZING CORPSCON CONVERSION PROGRAM TO CC583 FOR SOUTHWEST CORNER SECTION 13 AND DIVISION OF HIGHWAYS MONUMENT.

APPLICANT/SUBDIVIDER:
 OA Holdings No. 1, LLC, a California limited liability company
 10 Harris Court, Suite B-1 Monterey, CA 93940



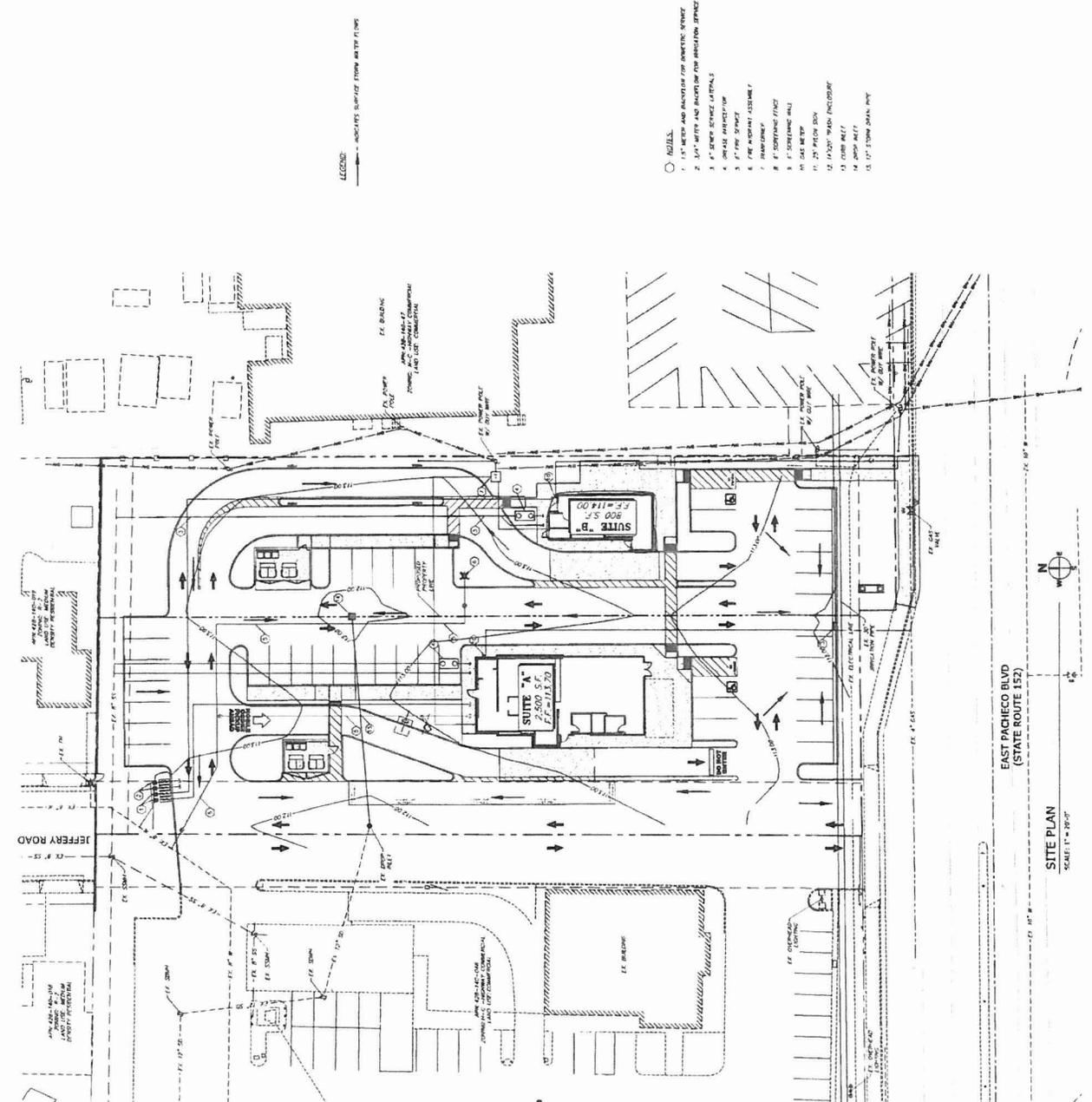
LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 4694 WEST JACQUELYN AVENUE FRESNO CALIFORNIA 93722
 TEL: 559 278-2790 FAX: 559 278-0850 WWW.LARSANDERSEN.COM
 JOB NO. 19004.00 DATE: APRIL 5, 2019 SHEET 1 OF 1



CONDITIONAL USE PERMIT
1420 EAST PACHECO BLVD, LOS BANOS, CA
MAIN & MAIN
5750 GANESIS COURT, SUITE 103, FOLSOM, TX 75034

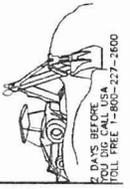
TECTONICS
DESIGN GROUP
232 SHERIDAN BLVD., SUITE 400, NEWPORT NEWS, VA 23601
WWW.TECTONICSDSIGNGROUP.COM
TEL: 757-824-9888
FAX: 757-824-9888

CONTRACTOR:
CONTRACT NUMBER:
DATE:
DRAWN BY:
CHECKED BY:
PROJECT NUMBER:
SHEET NUMBER:

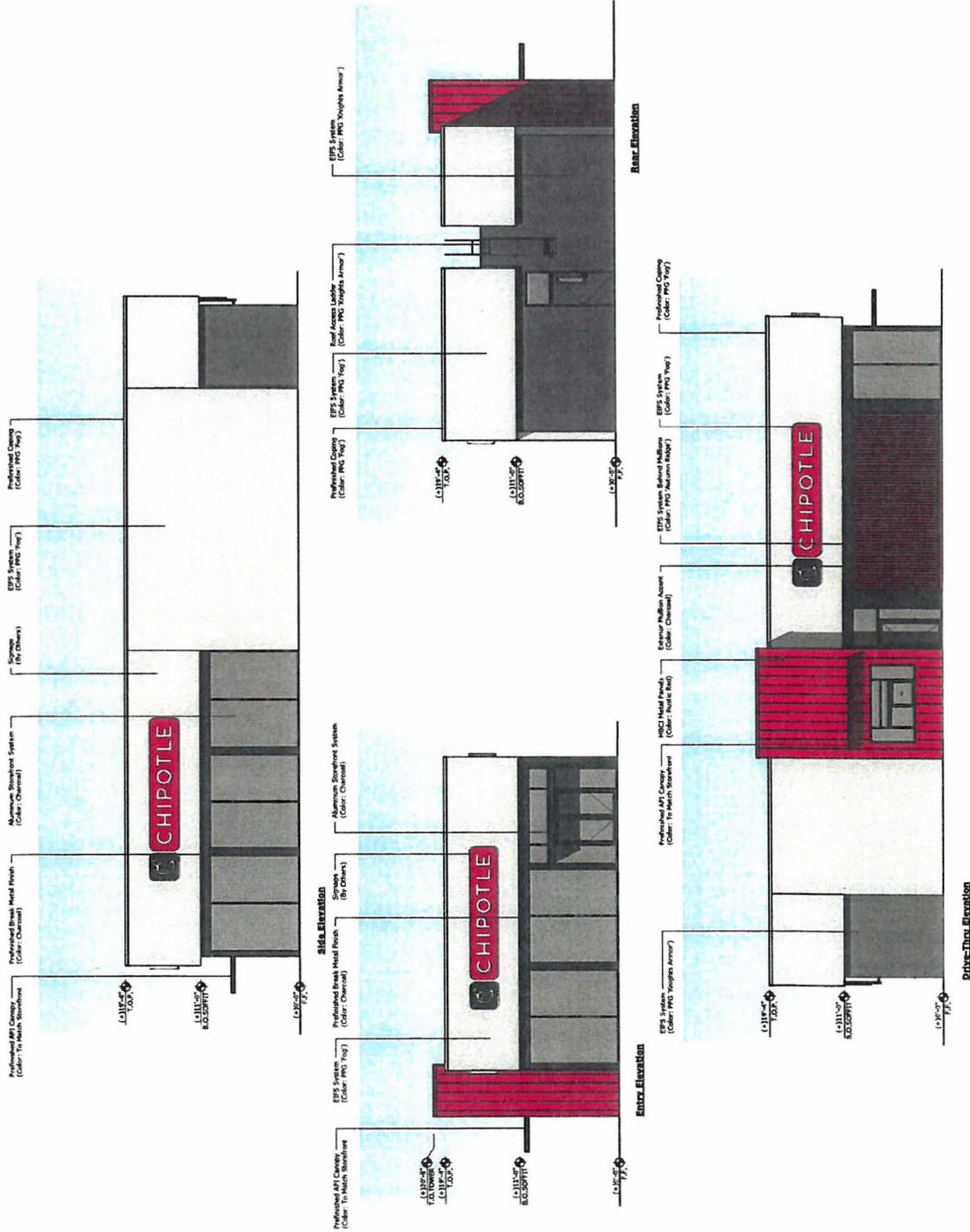


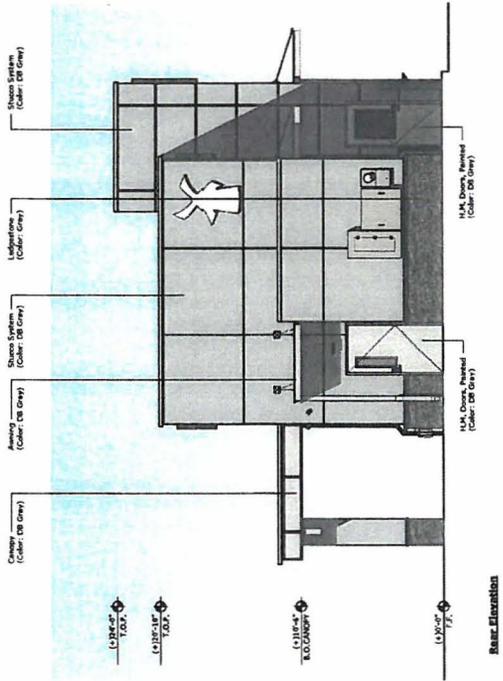
EAST PACHECO BLVD
(STATE ROUTE 152)

SITE PLAN
SCALE: 1" = 20'-0"

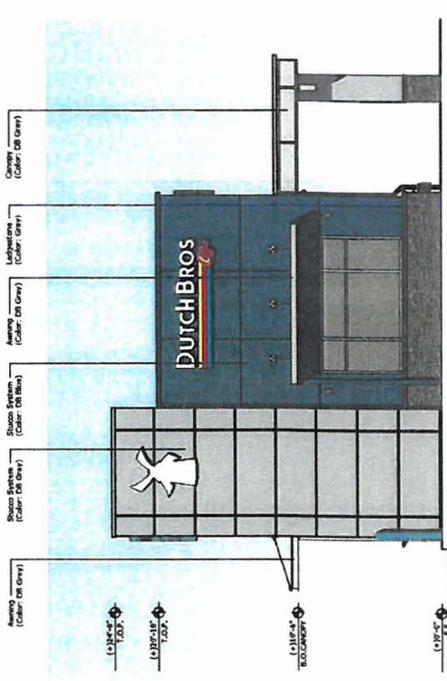


2 DAYS BEFORE
YOU DIG, CALL USA
TOLL FREE 71-800-227-2600

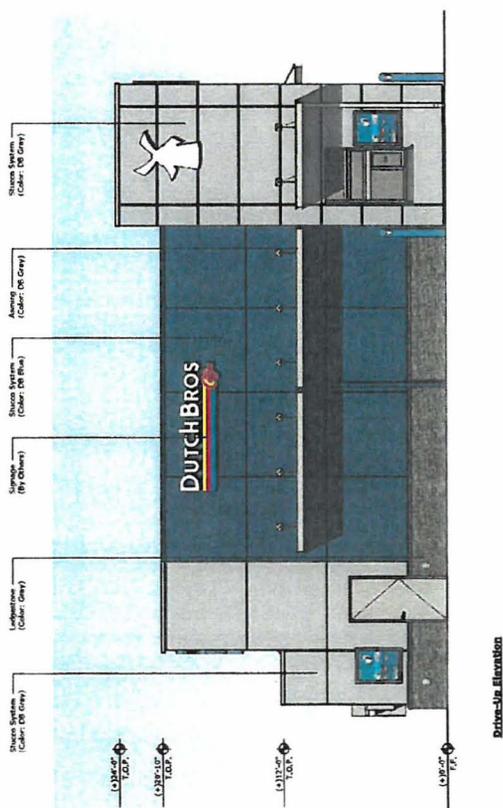




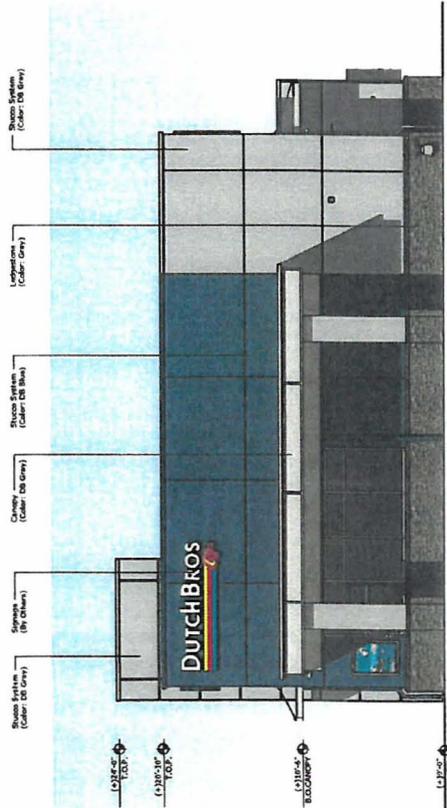
Rear Elevation



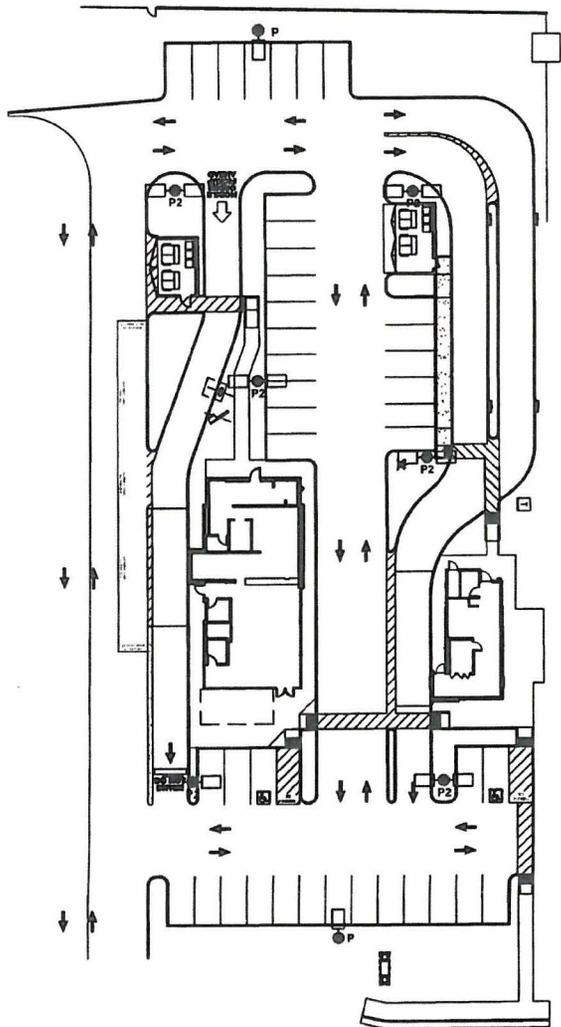
Front Elevation



Direct Side Elevation



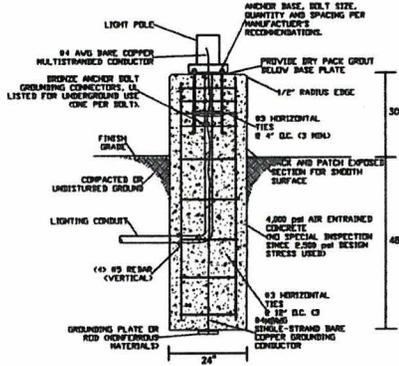
Multi-Side Elevation



1 ELECTRICAL SITE PLAN

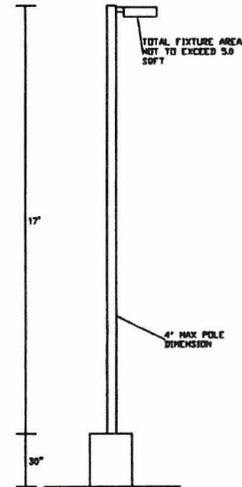
Scale: 1" = 20'

PRELIMINARY - NOT FOR CONSTRUCTION



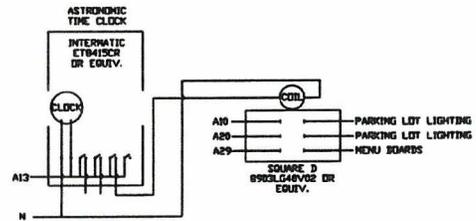
2 PARKING LOT LIGHT POLE BASE

Scale: N/A



3 PARKING LOT LIGHT ELEVATION

Scale: N/A



4 LIGHTING CONTROL DIAGRAM

Scale: NOT TO SCALE

LIGHTING SCHEDULE						
ID	MANUFACTURER	MODEL#	LAMP TYPE	VOLTAGE	WATTAGE	DESCRIPTION
P	INFERAL LIGHTING	3507-WHT-300-C-748-U-3-T1 MORRELL 3508S-40-40-80-100-0 MAX IS ALLOWED 80W WHT-300-C-748-U-3-T1-300- VHTA-XL-1V	LED	120/277	80W	INFERAL PART #3508S-40-40-80-100-0 - SITE POLE HEAD, LED 80W, 8000K/4000K, BARK BRONZE, TYPE II BISTRO/STREET, WITH 17" PULL, VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - WAIT/LAMPING, RELV LN LIGHT TEMPERATURE, TYPE BST, HEARTING CONFIR, SINGLE OR DOUBLE, COLOR AND HEIGHT, SHALL VOLE IN POLES FOR HEADS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.
P2	INFERAL LIGHTING	SAME AS TYPE 'P' WITH 40" HEADS RELATED AT 180"	LED	120/277	80W	INFERAL PART #3508S-40-40-80-100-0 - SITE POLE HEAD, LED 80W, 8000K/4000K, BARK BRONZE, TYPE II BISTRO/STREET, WITH 17" PULL, VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - WAIT/LAMPING, RELV LN LIGHT TEMPERATURE, TYPE BST, HEARTING CONFIR, SINGLE OR DOUBLE, COLOR AND HEIGHT, SHALL VOLE IN POLES FOR HEADS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.

A. INSTALLATION OF LIGHT FIXTURES SHALL BE ACCORDING TO MANUFACTURER'S RECOMMENDATIONS AND APPLICABLE CODE REQUIREMENTS.
 B. VERIFY THE EXACT HEADING HEIGHT AND FINISH OF ALL LIGHTING FIXTURES WITH ARCHITECT PRIOR TO PLACING ORDER OR COMMENCING DELIV-IN.
 C. LIGHT FIXTURES SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR.
 D. PURCHASING THE ABOVE LIGHTING MATERIAL IS TO BE PURCHASED AS A "LIGHTING PACKAGE" FROM BUNCH BROTHERS COFFEE'S NATIONAL ACCOUNT THE REQUIRED LIGHTING VOUCHER - INFERAL LIGHTING VOUCHER AVAILABLE TO FRANCHISEES AND THEIR CONTRACTORS AT ESTABLISHED DISCOUNTED PRICING. LOCAL FRANCHISEES STOCK INVENTORIES PRODUCT COMMITTED TO, AND DELIVERED FOR USE BY BUNCH CONTACT JOSH HEBBER, 800-878-8888, 1000-1000-1000, 100-100-1000. FOR DELIVERY, ORDER PLACEMENT AND DELIVERY, IF ANYTHING OTHER THAN ABOVE IS INSTALLED WITHOUT EXPRESSED WRITTEN CONSENT BY BUNCH CORPORATE OFFICE AND THE FRANCHISEE, CONTRACTOR WILL BE REQUIRED TO REMOVE IT AND REPLACE IT WITH THE ABOVE.

DRAWN: SCOTT GARRESON
 DESIGNED: SCOTT GARRESON
 STAMPED: SCOTT GARRESON

PERMIT SET

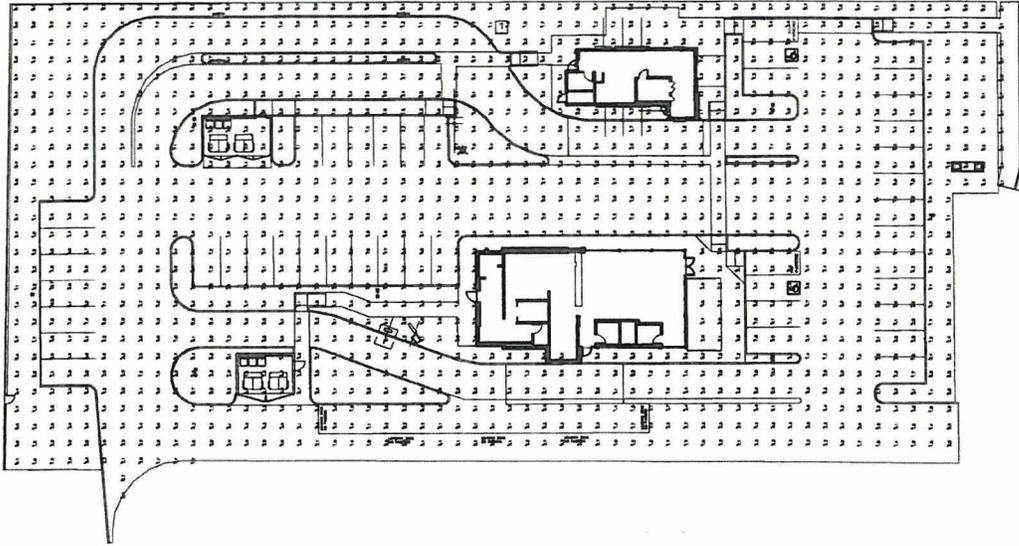
TECTONICS
DESIGN GROUP

12200 Rockwell Blvd, Suite 200, Frisco, TX 75034
 Tel: 972-544-1444
 Fax: 972-544-1444
 www.tectonicsdesigngroup.com

CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD, LOS BANOS, CA
MAIN & MAIN
 5750 Genesis Court, Suite 103, Frisco, TX 75034

DATE: 2/7/2020
 SUBMITTAL: PERMIT SET

LIGHTING SITE PLAN
 ES-1.0



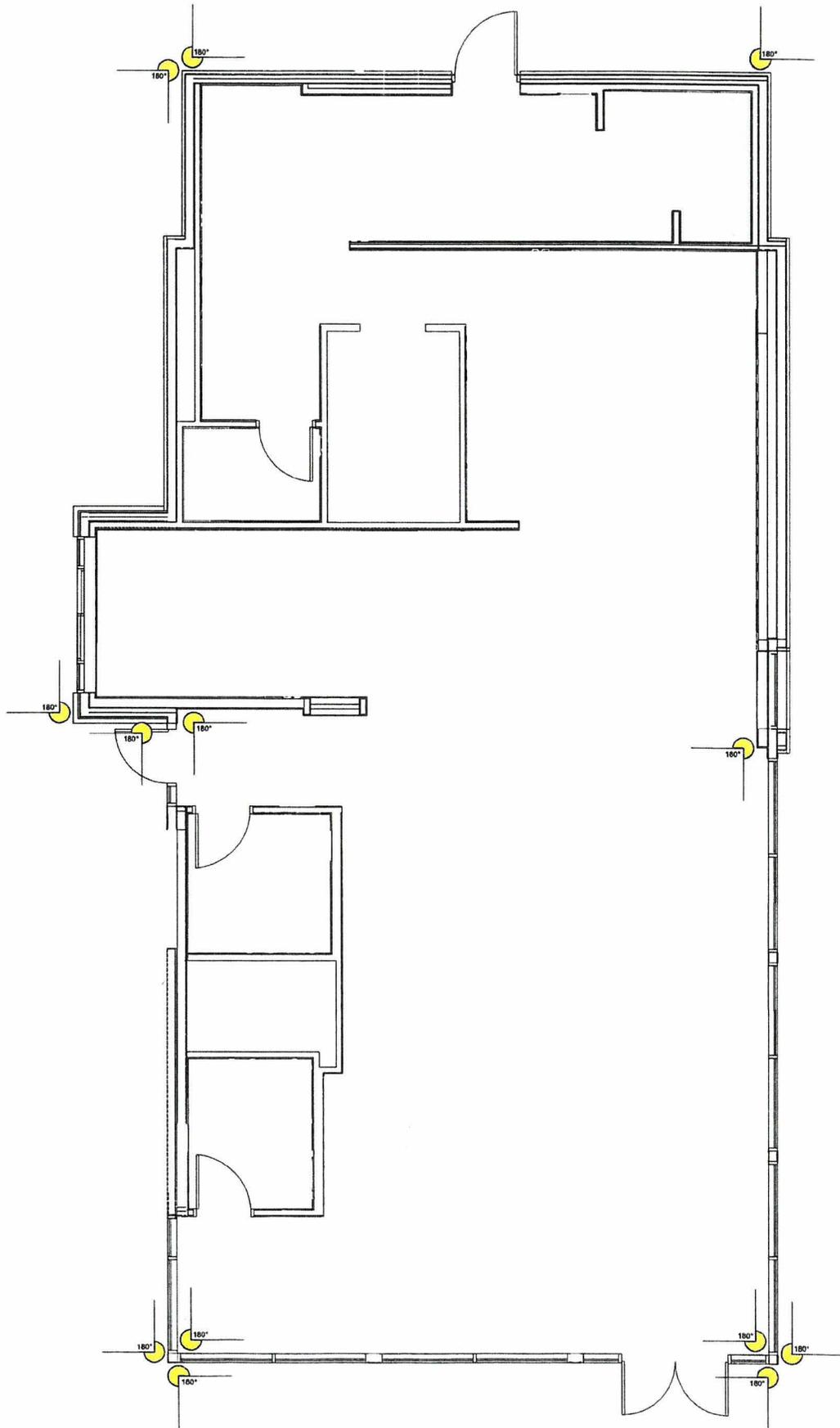
PRELIMINARY - NOT FOR CONSTRUCTION

Photometric Statistics

Low Bayes DB Total Site
 Site
 Reliance (FC)
 Average=3.10 Minimum=13.5 Maximum=0.0 Avg/Min=N/A Max/Min=N/A

1 ELECTRICAL PHOTOMETRIC PLAN
 Scale: NOT TO SCALE

DATE: 1/19/17	PROJECT CLIENT: 51420 EAST PACHECO BLVD, LOS BANOS, CA	DESIGNER: 730 SANDHILL ROAD, SUITE 210, FOLSOM, CA 95632 www.tectonicsdesigngroup.com TEL: 775-924-9988	DESIGNER: 5750 Genesis Court, Suite 103, Ftisco, TX 75034
DATE: 2/7/16	PROJECT CLIENT: MAIN & MAIN	DESIGNER: TECTONICS DESIGN GROUP	DESIGNER: MAIN & MAIN
DATE: 2/7/16	PROJECT CLIENT: PERMIT SET	DESIGNER: PERMIT SET	DESIGNER: PERMIT SET
DATE: 2/7/16	PROJECT CLIENT: PHOTOMETRIC SITE PLAN	DESIGNER: PHOTOMETRIC SITE PLAN	DESIGNER: PHOTOMETRIC SITE PLAN
DATE: 2/7/16	PROJECT CLIENT: ES-2.0	DESIGNER: ES-2.0	DESIGNER: ES-2.0



SUMMARY DRAWING

DRAWING #:
30409

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

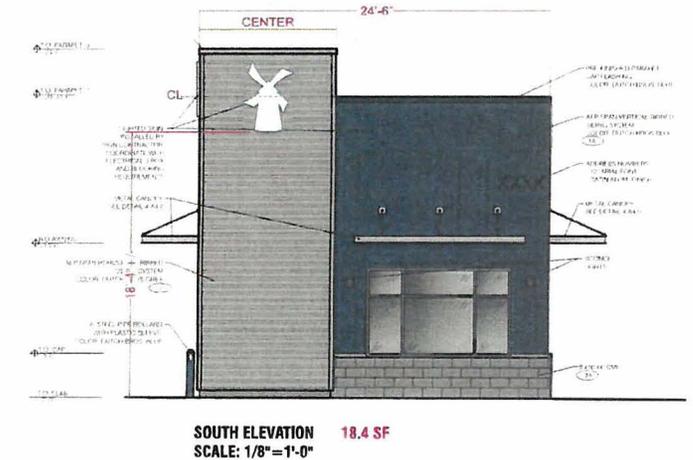
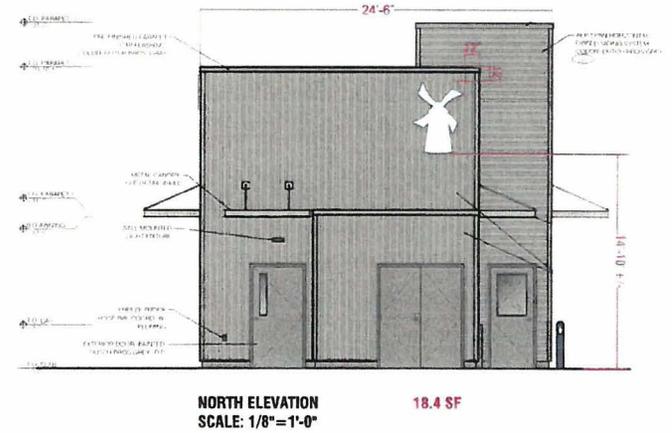
DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	1 of 2

ES&A SIGN & AWNING
8195 PRIME RD. | FIDGETE, OR 97102
P 541.485.5544 | F 541.485.5813

SUMMARY - BUILDING SIGNS



SUMMARY DRAWING

DRAWING #:
30409

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

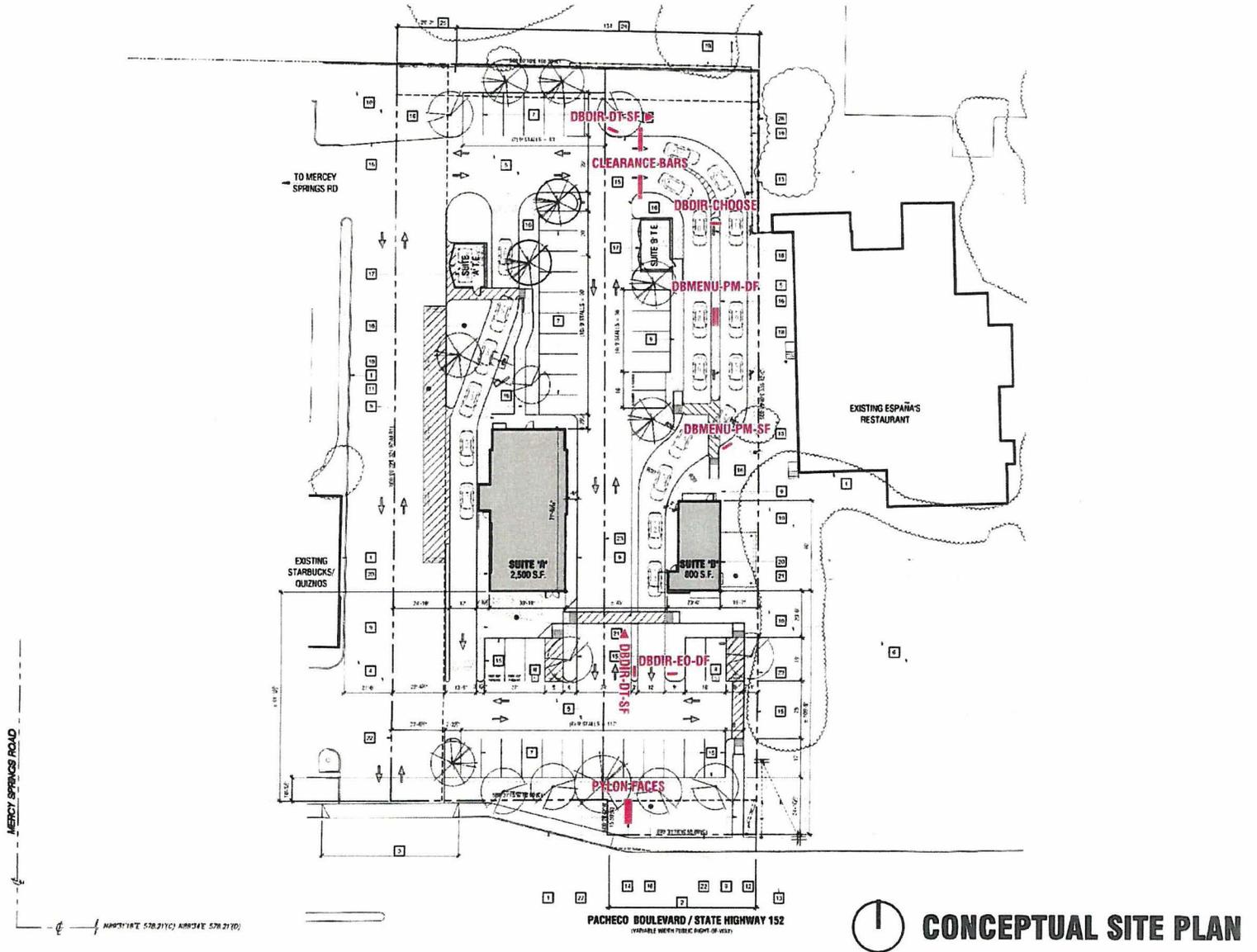
DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	2 of 2

ES&A SIGN & AWNING
61475 PRAIRIE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5813

SUMMARY - FREESTANDING SIGNS



FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (2) SETS OF ILLUMINATED CHANNEL LETTERS WITH REMOTE RACEWAYS



SHOP DRAWING #:
30409A

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

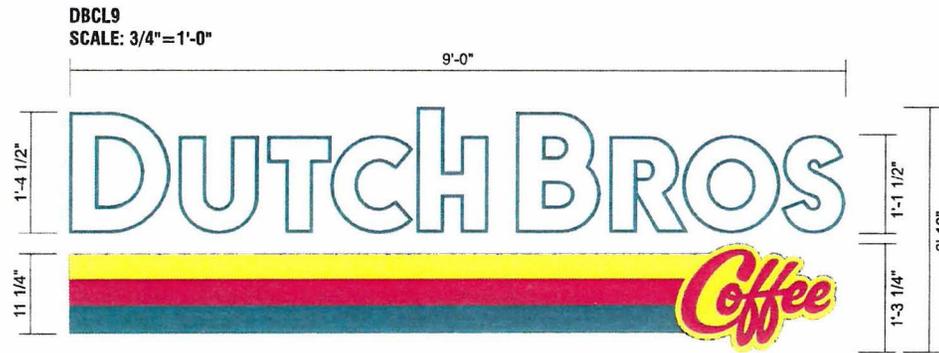
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SALES: | CONCEPT: | PROD. | PAGE NO:
DESIGN: | DESIGN: | CH | CH | 1 of 1

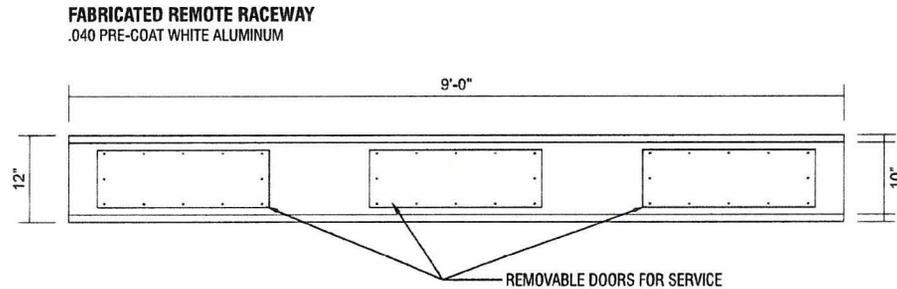
ES&A SIGN & AWNING
6995 PALMIE RD | ENGINE, OR 97021
P 541.485.5544 | F 541.485.5813

COLOR CODE

- 230-015 YELLOW PSV
- 230-33 RED PSV
- 230-127 INTENSE BLUE PSV
- WHITE

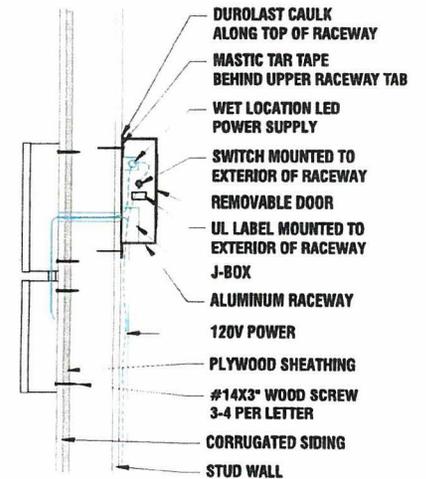


SIDE VIEW



ATTACHMENT DETAIL

SCALE: 3/4" = 1'-0"
CHANNEL LETTERS WITH REMOTE RACEWAY



INTERNALLY ILLUMINATED FACE-LIT FLUSH MOUNTED CHANNEL LETTERS
5" DEEP CHANNEL LETTERS.
RETURNS & TRIM CAP TO MATCH PANTONE 7691 C "INTENSE BLUE".
WHITE ACRYLIC FACES.
230-127 INTENSE BLUE PSV, 230-015 YELLOW PSV, 230-33 RED PSV.
LED ILLUMINATION.
FLUSH MOUNTED WITH REMOTE RACEWAY BEHIND PARAPET WALL.

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (3) ILLUMINATED WINDMILL LOGOS



SHOP DRAWING #:
30409B

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

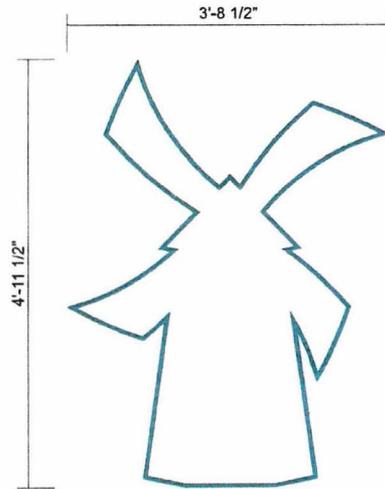
DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

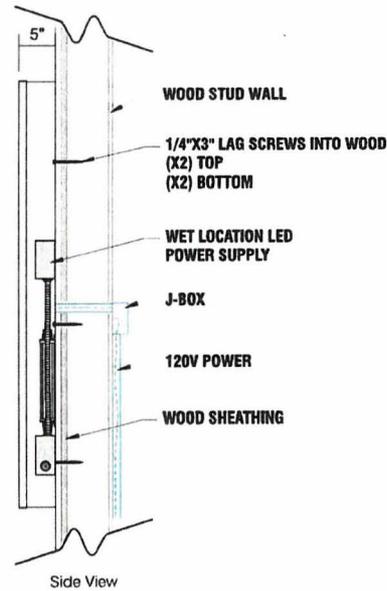
SALES:	CONCEPT:	PROD. DESIGN:	PAGE NO:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
89975 PRAIRIE RD. | RINGIER, OR 97102
P 541.485.3544 | F 541.485.5813

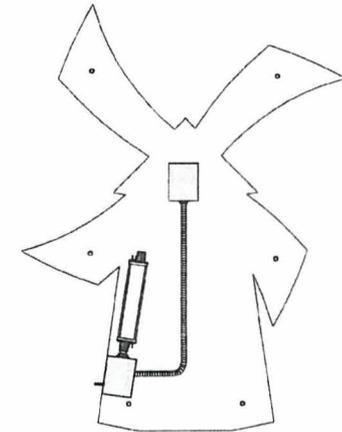
DBW13
SCALE: 3/4"=1'-0"



ATTACHMENT DETAIL



SELF CONTAINED CHANNEL LOGO



INTERNALLY ILLUMINATED FACE-LIT FLUSH MOUNTED CHANNEL WRAP LOGO
5" DEEP CHANNEL WRAP.
RETURNS & TRIM CAP PAINTED TO MATCH PANTONE 7691 C "INTENSE BLUE".
WHITE ACRYLIC FACE.
230-127 INTENSE BLUE PSV OUTLINE.
LED ILLUMINATION.
FLUSH MOUNTED SELF CONTAINED INSTALLATION.

COLOR CODE

	230-127 INTENSE BLUE PSV
	WHITE

FACTORY DRAWING

SHOP DRAWING #:
30409C

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

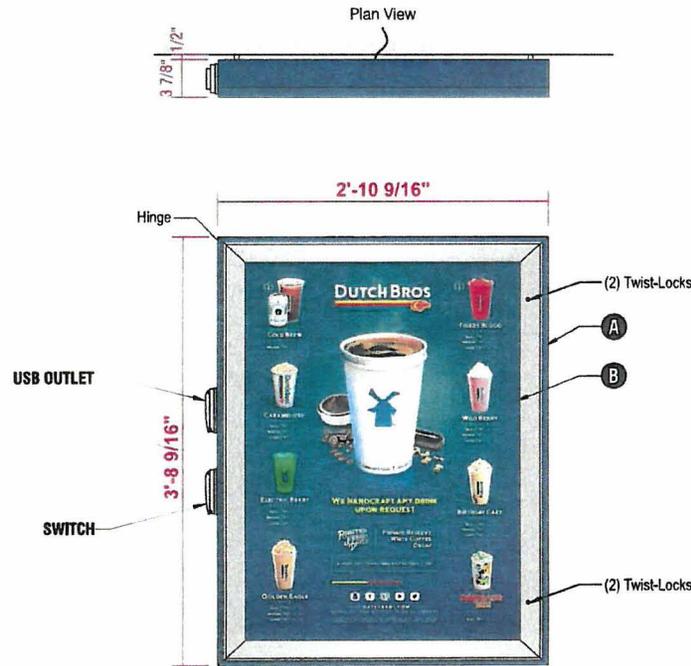
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DESIGN:	DESIGN:		
NJ	BL	CH	1 of 1

ES&A SIGN & AWNING
29175 PRAIRIE RD. | ENGLEND, OR 97002
P 541.485.5544 | F 541.485.5813

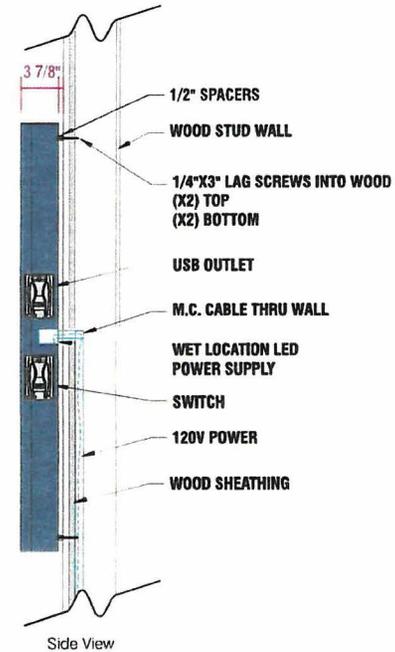
COLOR CODE

	DIGITAL PRINT
	POWDER COATED DB CUSTOM DARK BLUE
	POWDER COATED SILVER

SCOPE OF WORK: PROVIDE (3) ILLUMINATED MENU SIGNS V5 - WALL-MOUNTED



ATTACHMENT DETAIL
ILLUMINATED WALL MOUNTED MENU



- A WALL-MOUNTED, BACKLIT MENU SIGN**
- PRINTED MENU PANEL NOT INCLUDED
 - LED OUTDOOR LIGHT BOX
 - LOCKABLE HINGED DOOR
 - ALUMINUM CONSTRUCTION

- B PRINTED LIGHT GUIDE PANEL**
- AS SEPARATE ORDER

SCALE: 1" = 1'-0"

FACTORY DRAWING

SCOPE OF WORK: PROVIDE (1) S/F ILLUMINATED MENU SIGN V5 - PLATE-MOUNTED



SHOP DRAWING #:
30409D

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

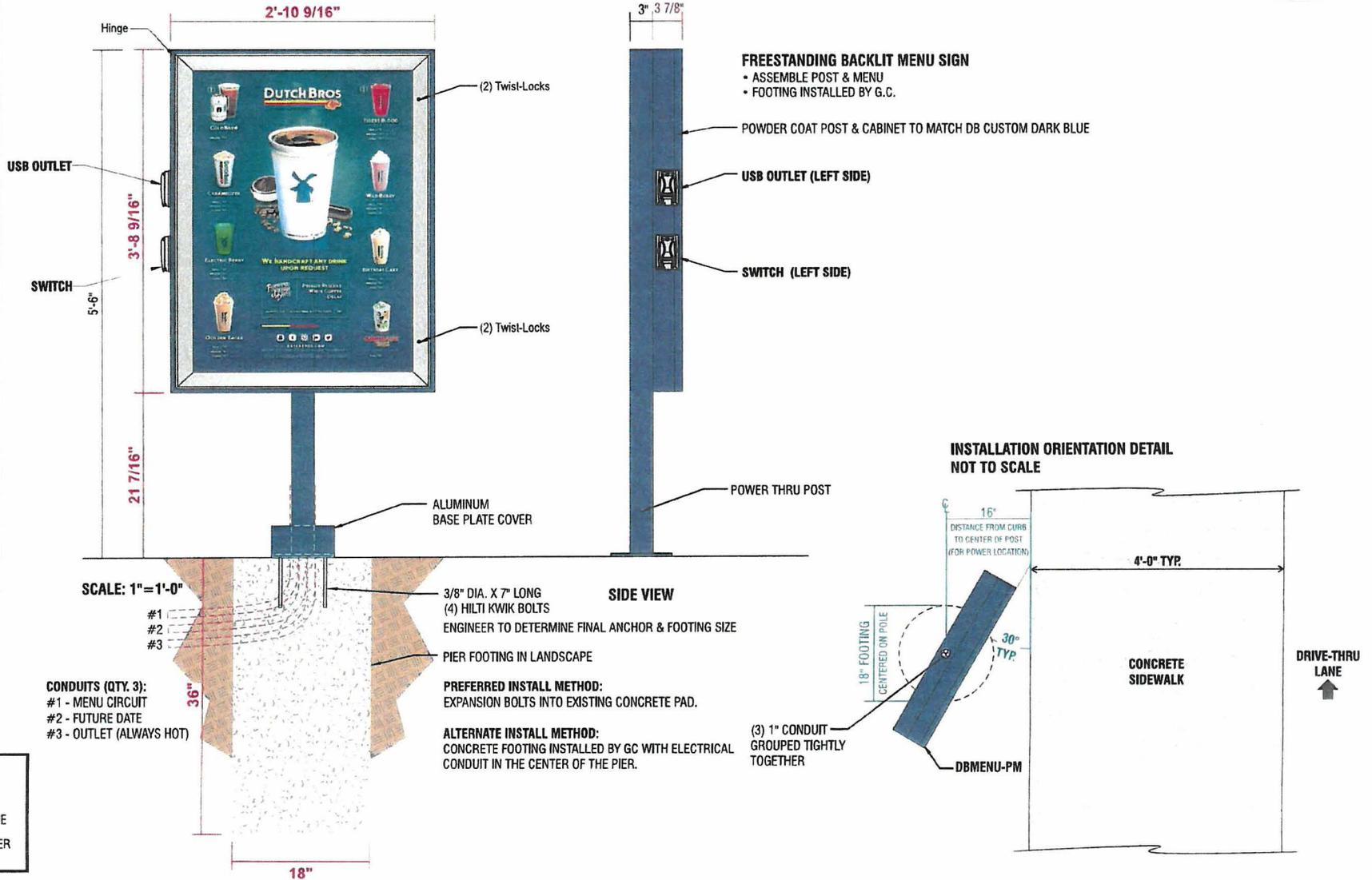
SHOP REVISIONS:

SALES: CONCEPT: PROD. PAGE NO:
DESIGN: DESIGN:
NJ BL CH 1 of 1

ES&A SIGN & AWNING
89323 PRAIRIE RD. | ENGLENS, OR 97022
P 541.485.3546 | F 541.485.5813

COLOR CODE

	DIGITAL PRINT
	POWDER COATED DB CUSTOM DARK BLUE
	POWDER COATED SILVER



FACTORY DRAWING

SCOPE OF WORK: PROVIDE (1) D/F ILLUMINATED MENU SIGN V5 - PLATE-MOUNTED



SHOP DRAWING #:
30409E

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

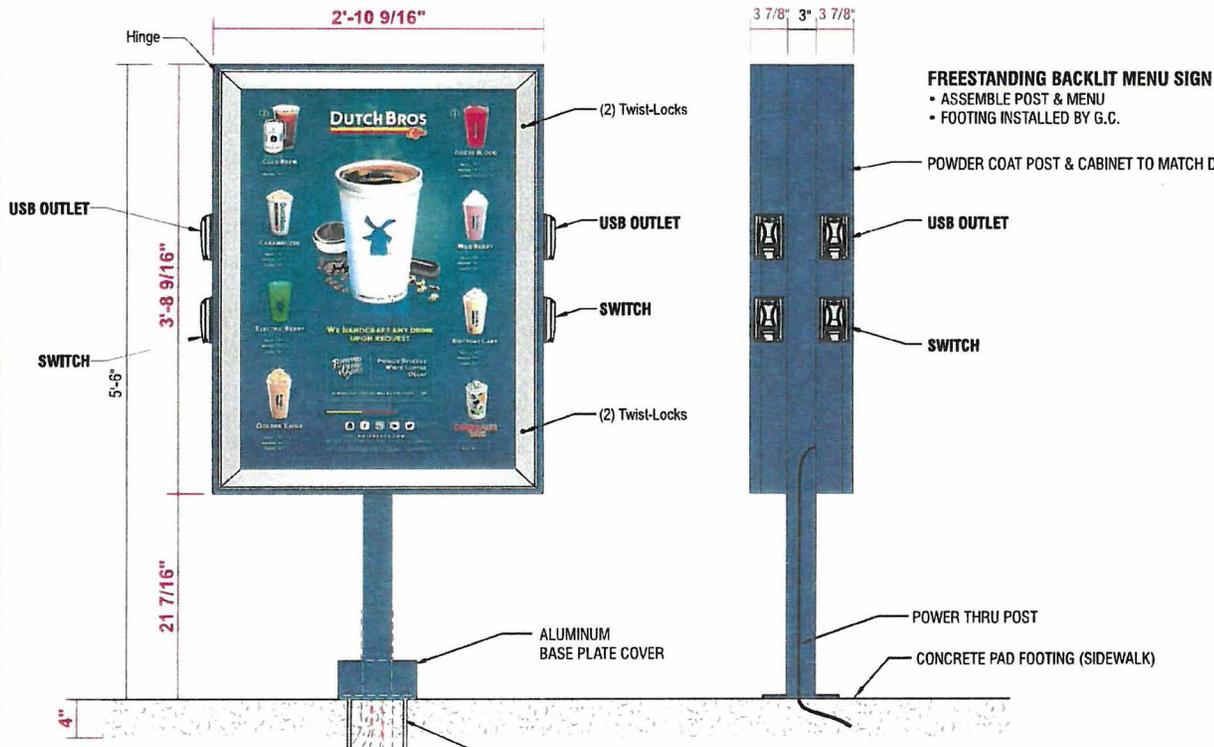
SHOP REVISIONS:

SALES:	CONCEPT:	PROD.:	PAGE NO.:
NJ	BL	CH	1 of 1

ES&A SIGN & AWNING
69975 PALM BLVD. | FOSBROOK, OR 97003
P 541.485.5546 | F 541.485.5803

COLOR CODE

	DIGITAL PRINT
	POWDER COATED DB CUSTOM DARK BLUE
	POWDER COATED SILVER



SCALE: 1" = 1'-0"

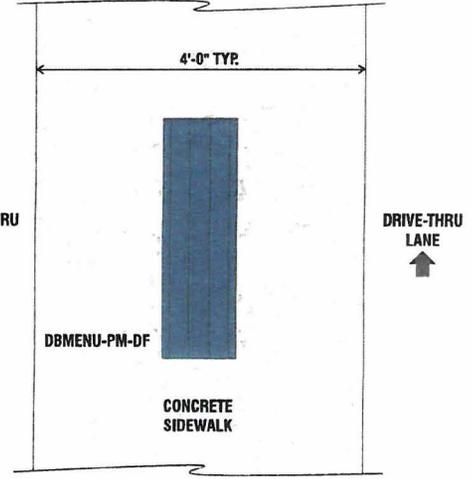
- #1 - MENU CIRCUIT
 #2 - FUTURE DATE
 #3 - OUTLET (ALWAYS HOT)
- CONDUITS (QTY. 3):

HILTI 1/2"Ø KBTZ SS 304 (OR 316) 2 3/8" MIN EMBED
 ENGINEER TO PROVIDE DETAILS

PREFERRED INSTALL METHOD:
 EXPANSION BOLTS INTO EXISTING CONCRETE PAD.

ALTERNATE INSTALL METHOD:
 CONCRETE FOOTING INSTALLED BY GC WITH ELECTRICAL CONDUIT IN THE CENTER OF THE PIER.

INSTALLATION ORIENTATION DETAIL NOT TO SCALE



FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F NON-ILLUMINATED 'DRIVE THRU' SIGN



SHOP DRAWING #:
30409F

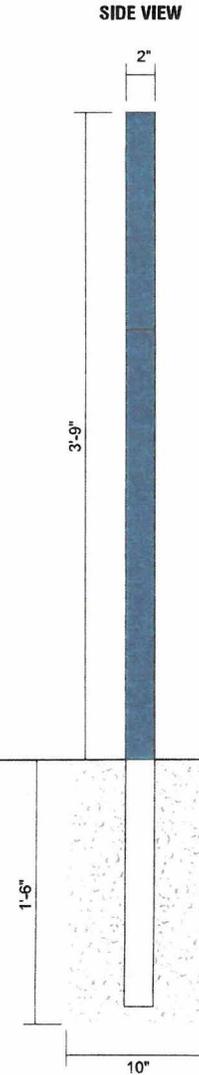
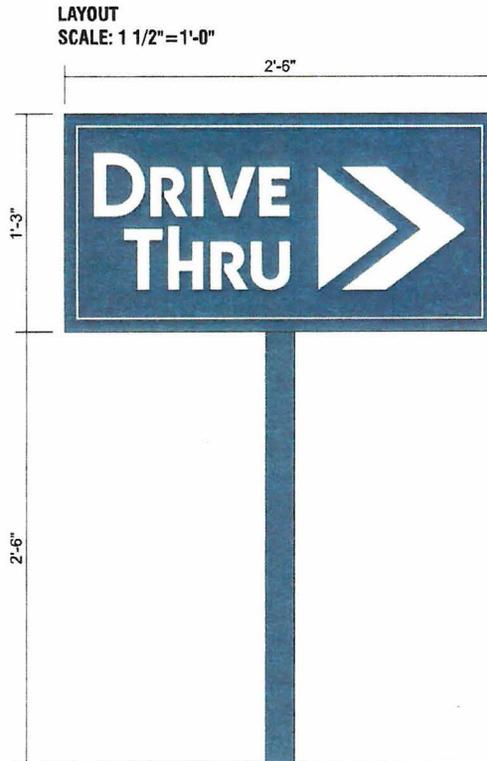
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT:	PROD.	PAGE NO:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
59975 PRATTE RD. | EUGENE, OR 97402
P. 541.485.5544 | F. 541.485.5813



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES
PAINT PMS 541 C
SET POST IN NEW CONCRETE FOOTING, 10" DIA. X 18" DEEP.

COLOR CODE

	PMS 541 C
	WHITE

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F NON-ILLUMINATED 'DRIVE THRU' SIGN



SHOP DRAWING #:
30409G

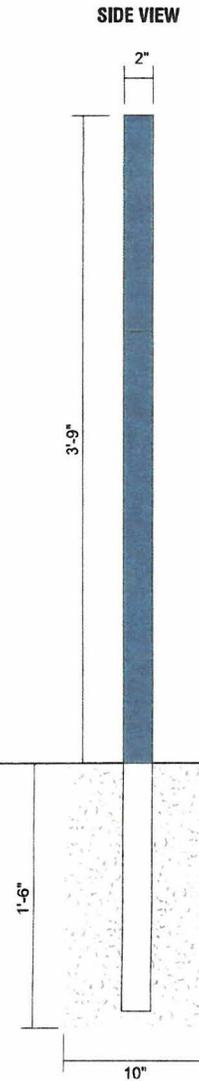
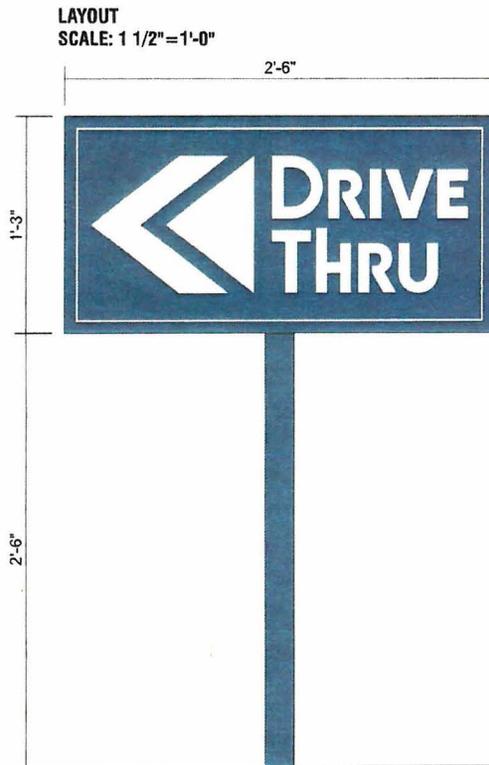
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1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

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SALES: CONCEPT | PROD. | PAGE NO:
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ES&A SIGN & AWNING
8975 PRAMPE RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5913



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES
PAINT PMS 541 C
SET POST IN NEW CONCRETE FOOTING, 10" DIA. X 18" DEEP.

COLOR CODE

	PMS 541 C
	WHITE

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) S/F DIRECTIONAL SIGN



SHOP DRAWING #:
30409H

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

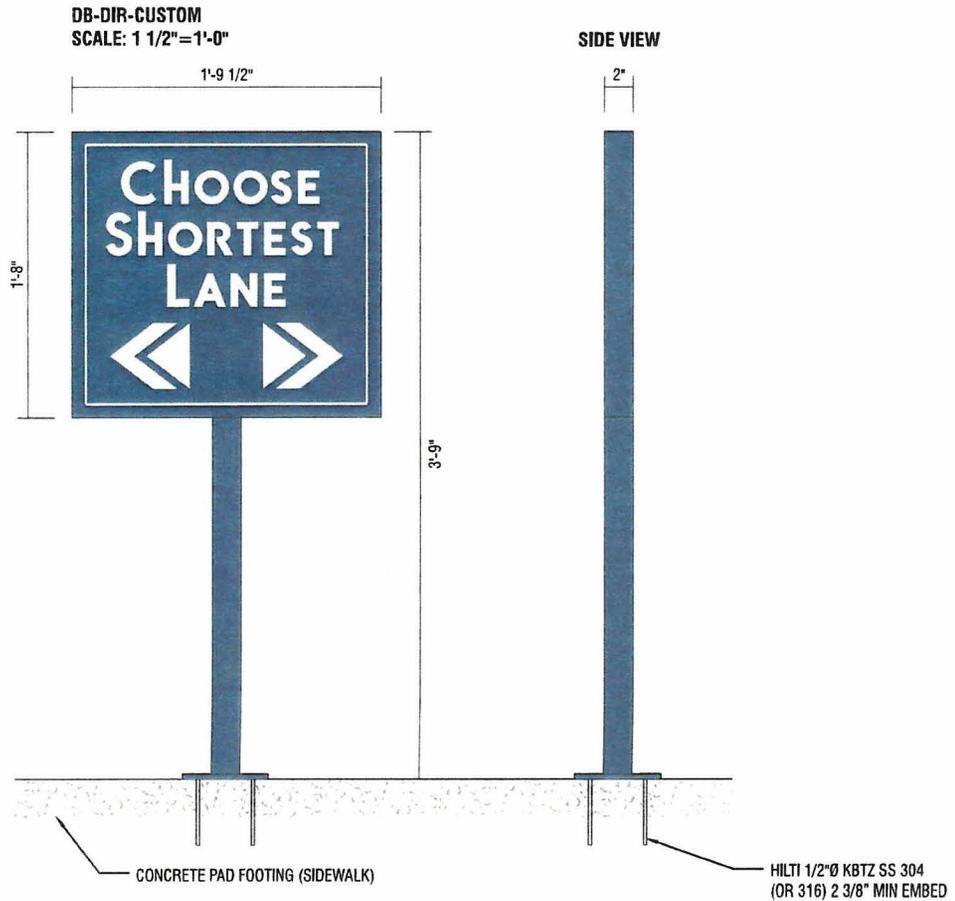
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ES&A SIGN & AWNING
51925 PALMIST RD. | TUSTIN, OR 97031
P 541.485.5544 | F 541.485.5813

COLOR CODE

	PMS 541 C
	WHITE



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES & 3/8" X 6" X 6" PLATE
PAINT PMS 541 C
INSTALL WITH EXPANSION BOLTS INTO EXISTING CONCRETE PAD

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (1) D/F FREESTANDING NON-LIT EXIT ONLY SIGN



SHOP DRAWING #:
304091

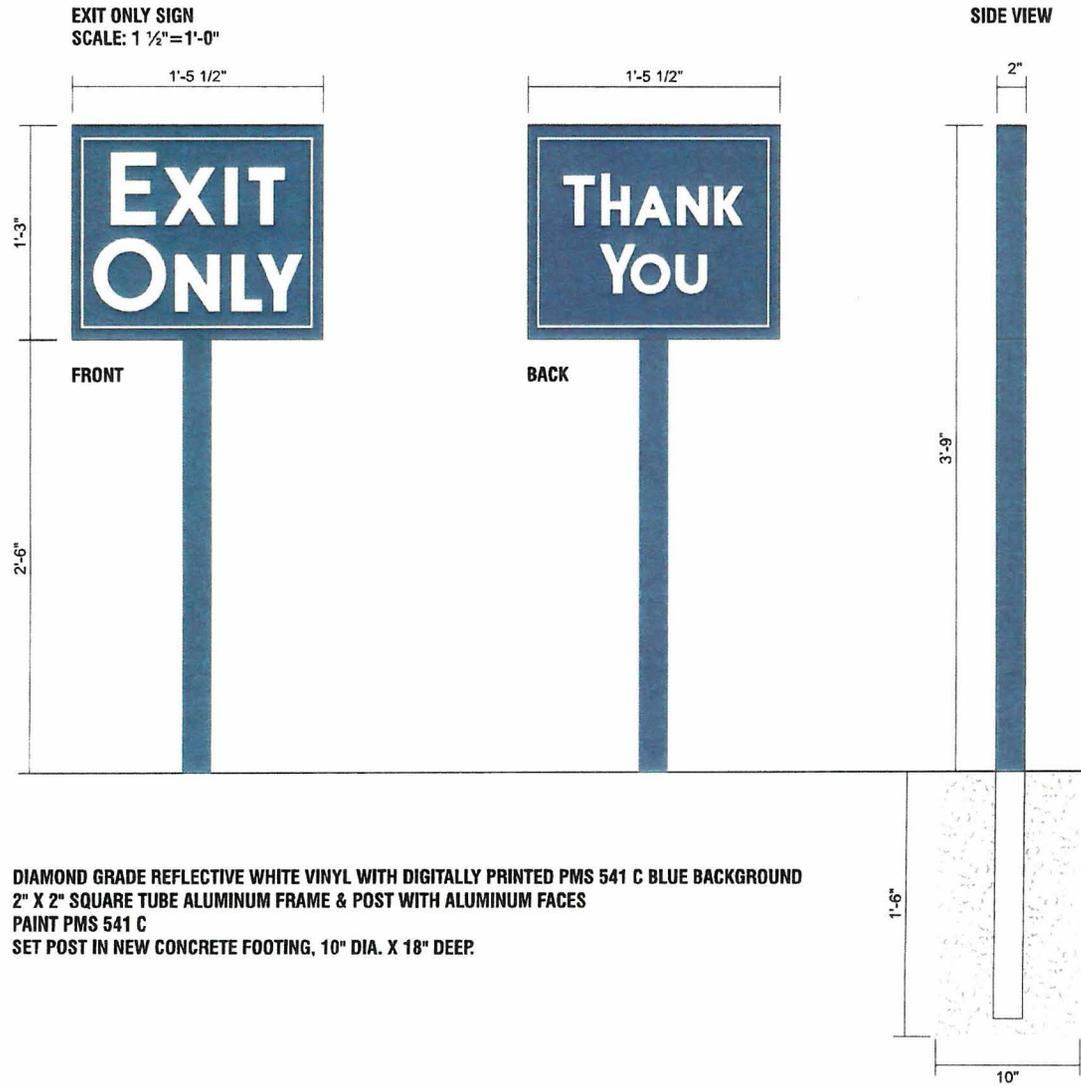
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DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT:	PROD.	PAGE NO:
NJ	CH	CH	1 of 1

ES&A SIGN & AWNING
89925 PRAIRIE RD. | EDGEMONT, OR 97021
P 541.485.5546 | F 541.485.5813



DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND
2" X 2" SQUARE TUBE ALUMINUM FRAME & POST WITH ALUMINUM FACES
PAINT PMS 541 C
SET POST IN NEW CONCRETE FOOTING, 10" DIA. X 18" DEEP.

COLOR CODE

	PMS 541 C
	WHITE

FACTORY DRAWING

SHOP DRAWING #:
30409J

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93835

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

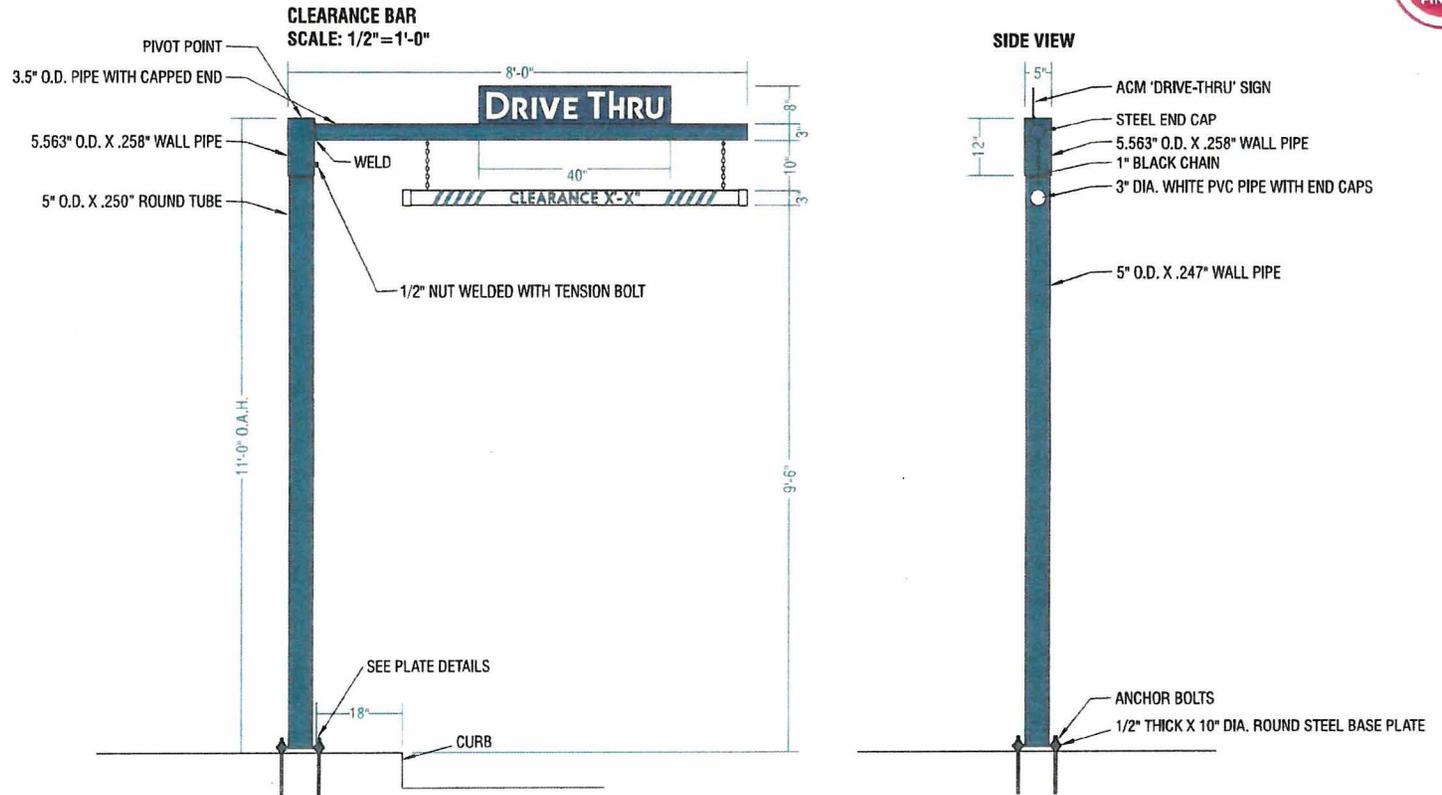
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HJ	CH	CH	1 of 3

ES&A SIGN & AWNING
84971 PRATHER RD. | EUGENE, OR 97402
P 541.485.5546 | F 541.485.5811

COLOR CODE

	WHITE
	280-75 REFLECTIVE BLUE PSV
	DB CUSTOM DARK BLUE

SCOPE OF WORK: MANUFACTURE & INSTALL (2) S/F POST MOUNTED CLEARANCE BARS WITH PIVOTING ARMS



STEEL POLE SUPPORT STRUCTURE. PAINT DB CUSTOM DARK BLUE.

3" DIA. WHITE PVC CLEARANCE BAR WITH END CAPS.

280-75 REFLECTIVE BLUE PSV TEXT & STRIPES & BLACK CHAIN SECURED TO BOTTOM OF POLE STRUCTURE.

INCLUDE ONE SHEET REFLECTIVE VINYL NUMBERS MASKED FOR FIELD INSTALLATION.

CLEARANCE NUMBERS TO BE FIELD MEASURED AND APPLIED.

MEASURE FROM ASPHALT TO BOTTOM OF OVERHANG MINUS 6".

ACM 'DRIVE-THRU' SIGN.

DIAMOND GRADE REFLECTIVE WHITE VINYL WITH DIGITALLY PRINTED PMS 541 C BLUE BACKGROUND.

INSTALL STEEL POLE PLATE-MOUNTED WITH LEVELING NUTS ONTO G.C. PROVIDED FOOTING.

FACTORY DRAWING

CONNECTION DETAILS

SHOP DRAWING #:
30409J

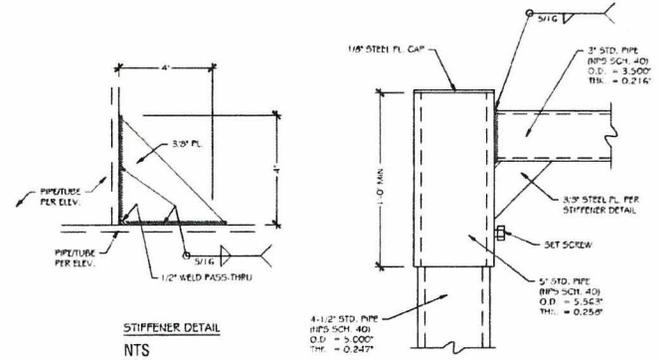
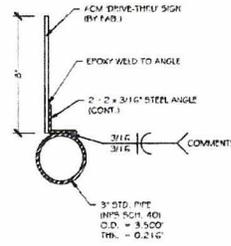
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DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

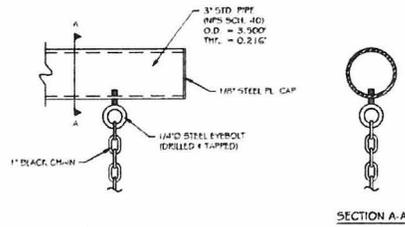
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NJ CH CH 3 of 3

ES&A SIGN & AWNING
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P 541.485.5546 | F 541.485.5913

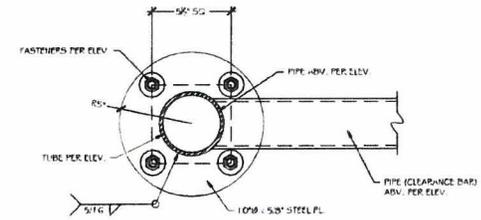


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SCALE: 1 1/2" = 1'-0"

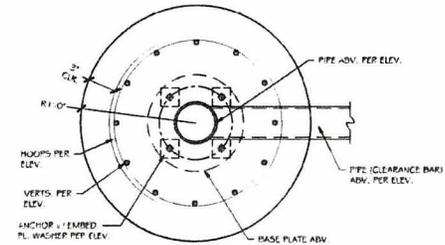


5 CONNECTION DETAIL
SCALE: 1 1/2" = 1'-0"

1 CONNECTION DETAIL
SCALE: 1 1/2" = 1'-0"



2 PLATE DETAIL
SCALE: 1 1/2" = 1'-0"



3 FOUNDATION DETAIL
SCALE: 1" = 1'-0"

FACTORY DRAWING

SCOPE OF WORK: MANUFACTURE & INSTALL (2) LEXAN SIGN FACES



SHOP DRAWING #:
30409K

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT:	PROD.	PAGE NO:
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NJ	CH	CH	1 of 2

ES&A SIGN & AWNING

29975 PALMIST RD. | ENGLE, OR 97025
P 541.485.5546 | F 541.485.5813

COLOR CODE

	230-015 YELLOW PSV
	230-33 RED PSV
	230-127 INTENSE BLUE PSV
	230-36 DARK BLUE PSV
	WHITE



PYLON TENANT SIGN
SCALE: 1"=1'-0"

WHITE LEXAN FACES WITH TRANSLUCENT VINYL GRAPHICS

FACTORY DRAWING

INSTALLATION

SHOP DRAWING #:
30409K

CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

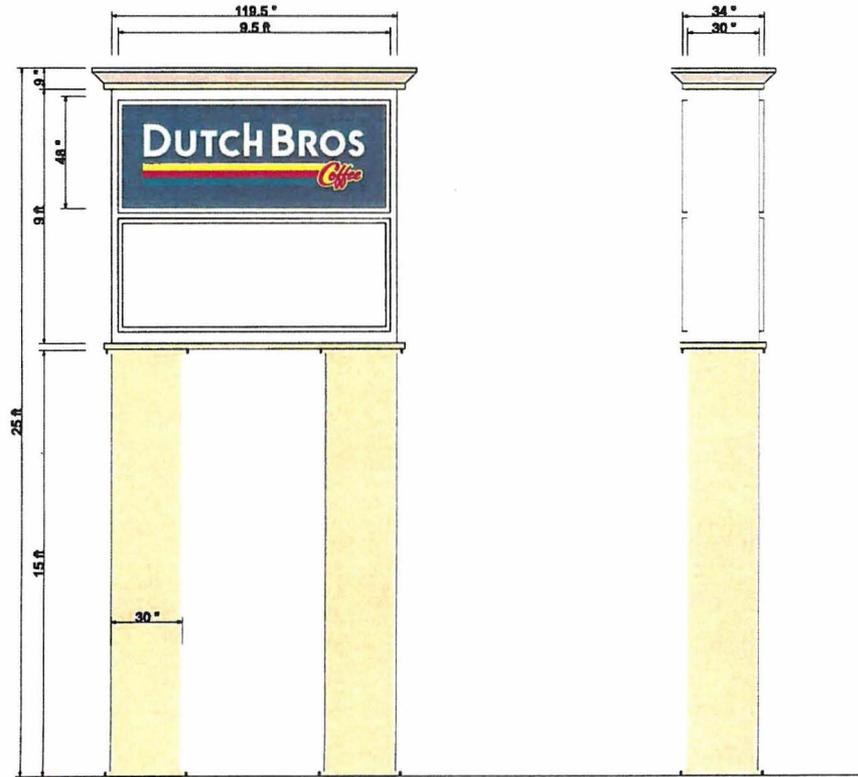
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1/13/20

SHOP REVISIONS:

SALES: | CONCEPT: | PROD. | PAGE NO:
DESIGN: | DESIGN:

NJ	CH	CH	2 of 2
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ES&A SIGN & AWNING
29425 PRATTE RD. | FUGENE, OR 97102
P 541.485.5546 | F 541.485.5983



Note: Chipotle will be included on this multi-tenant free standing sign

INSTALL NOTES:
REMOVE EXISTING SIGN FACES & INSTALL NEW SIGN FACES.

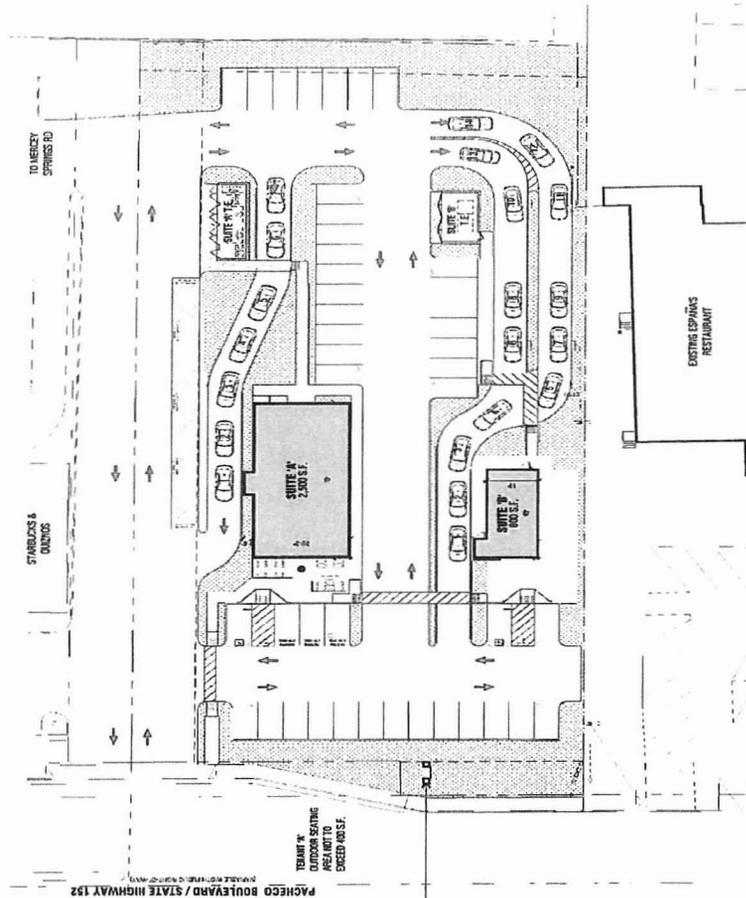
PICK LIST		
QTY	PART	
2	LEXAN SIGN FACES	✓
SIGNED:		DATE:

APPENDIX B

Traffic Impact Analysis **Dated: September 30, 2019**

**1420 EAST PACHECO BOULEVARD DEVELOPMENT
LOS BANOS, CALIFORNIA**

TRAFFIC AND CIRCULATION STUDY



September 30, 2019

ATE Project 19034

Prepared for:

OA Holdings No.1, LLC
10 Harris Court, Suite B-1
Monterey, California 93940



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110-1686 • (805) 687-4418 • FAX (805) 682-8509



ASSOCIATED TRANSPORTATION ENGINEERS

100 N. Hope Avenue, Suite 4, Santa Barbara, CA 93110 • (805) 687-4418 • FAX (805) 682-8509

Since 1978

Richard L. Pool, P.E.
Scott A. Schell, AICP, PTP

September 30, 2019

Mr. Armando John Larson
OA Holdings No. 1, LLC
10 Harris Court, Suite B-1
Monterey, California 93940

TRAFFIC AND CIRCULATION STUDY FOR THE 1420 EAST PACHECO BOULEVARD DEVELOPMENT - CITY OF LOS BANOS

Associated Transportation Engineers (ATE) is pleased to submit the following traffic and circulation study for the 1420 East Pacheco Boulevard Development. The study examines existing and future traffic conditions within the study-area and assesses the traffic and circulation impacts associated with the Project. It our understanding that the results of the study will be used by the City of Los Banos to process the Project's development application.

We appreciate the opportunity to assist OA Holdings No.1, LLC, with this Project.

Associated Transportation Engineers

By: Richard L. Pool, P.E.
President



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INTRODUCTION

The following traffic study contains an analysis of the potential traffic and circulation impacts associated with the Project, located in the eastern portion of the City of Los Banos. The guidelines set forth in the City of Los Banos standards were utilized in formatting the various sections of the traffic study. The study provides information relative to Existing, Existing + Project, Cumulative (Existing + Approved/Pending Projects) and Cumulative + Project traffic conditions. Site access and circulation are also addressed in the traffic study.

PROJECT DESCRIPTION

As shown on Figure 1, the 1420 East Pacheco Boulevard development is located on the north side of Pacheco Boulevard (State Route 152), adjacent to the Los Banos Marketplace shopping Center and the Espana Restaurant/Canal Farm Inn in the City of Los Banos. The Project is proposing to construct two retail commercial pads. A 2,500 square-foot fast-food restaurant with a drive through window and an 800 square-foot coffee shop with a drive through window. Primary access to the Project site will be provided from an existing driveway connection to Pacheco Boulevard which serves the Los Banos Marketplace shopping center. Secondary access is provided via cross access to driveway connections serving the Los Banos Market Place shopping center. The Project site plan is illustrated on Figure 2.

EXISTING CONDITIONS

Existing Street Network

The Project site is served by a circulation system comprised of arterial and collector streets, which are illustrated on Figure 1 and discussed in the following text.

Pacheco Boulevard (State Route 152), located adjacent to the Project site, is a east-west state highway that connects Los Banos to State Route 99 to the east and Interstate 5 to the west. In the study-area Pacheco Boulevard is a 4-lane divided roadway. The Pacheco Boulevard/Mercey Springs Road and Pacheco Boulevard/Miller Lane intersections are signalized. Pacheco Boulevard will provide direct access to the Project site.

Mercey Springs Road (State Route 165), a north-south state highway located west of the Project site, connects Los Banos to State Route 99 to the north and Interstate 5 to the south. In the study-area Mercey Springs Road is a 2- to 4-lane arterial roadway. The Pacheco Boulevard/Mercey Springs Road intersection is signalized.

Miller Lane, is a 2-lane collector roadway that extends north from Pacheco Boulevard to San Luis Street. The roadway serves residential, commercial and agricultural land uses. The Pacheco Boulevard/Miller Lane intersection is signalized.

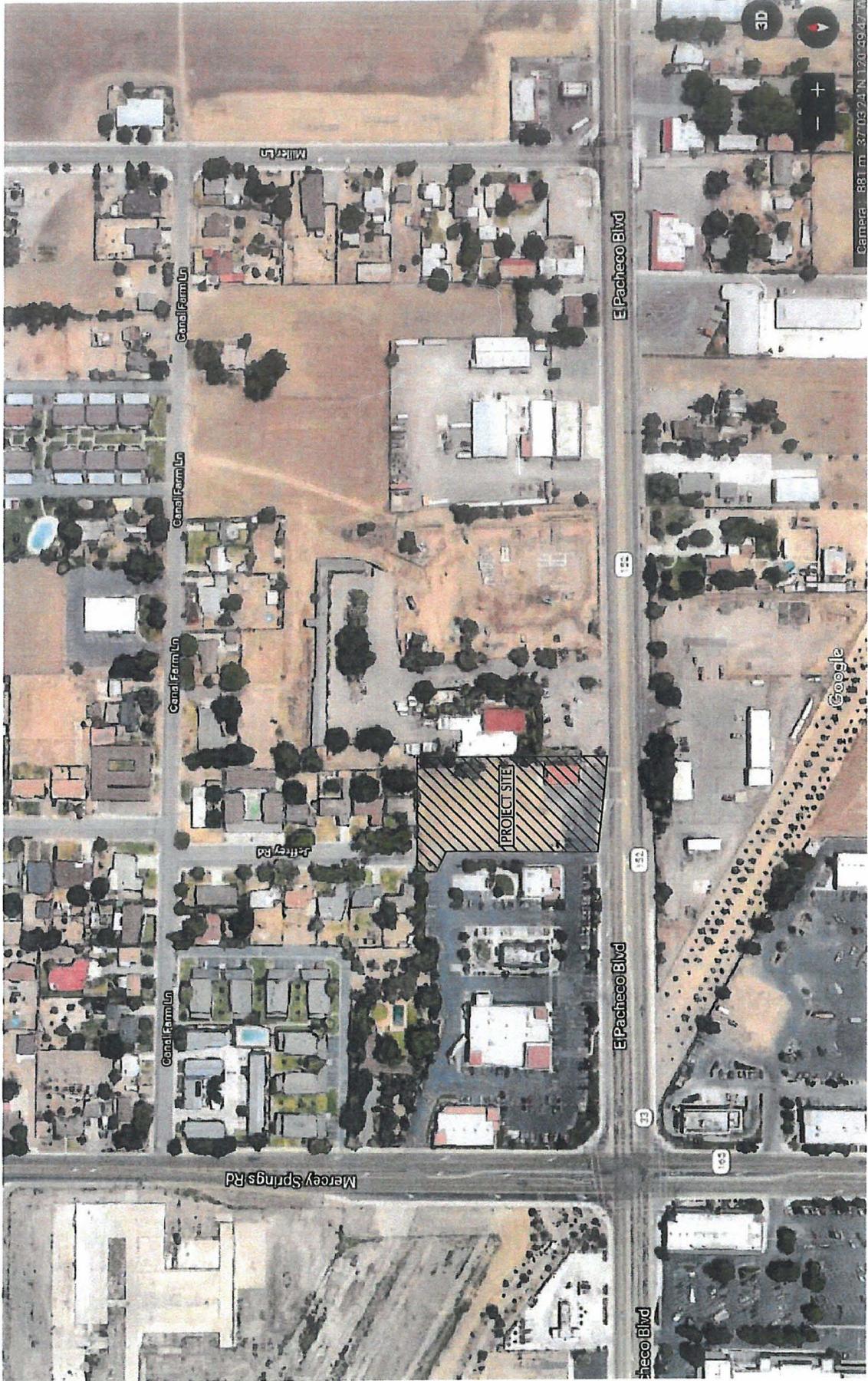
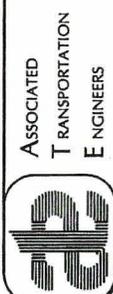


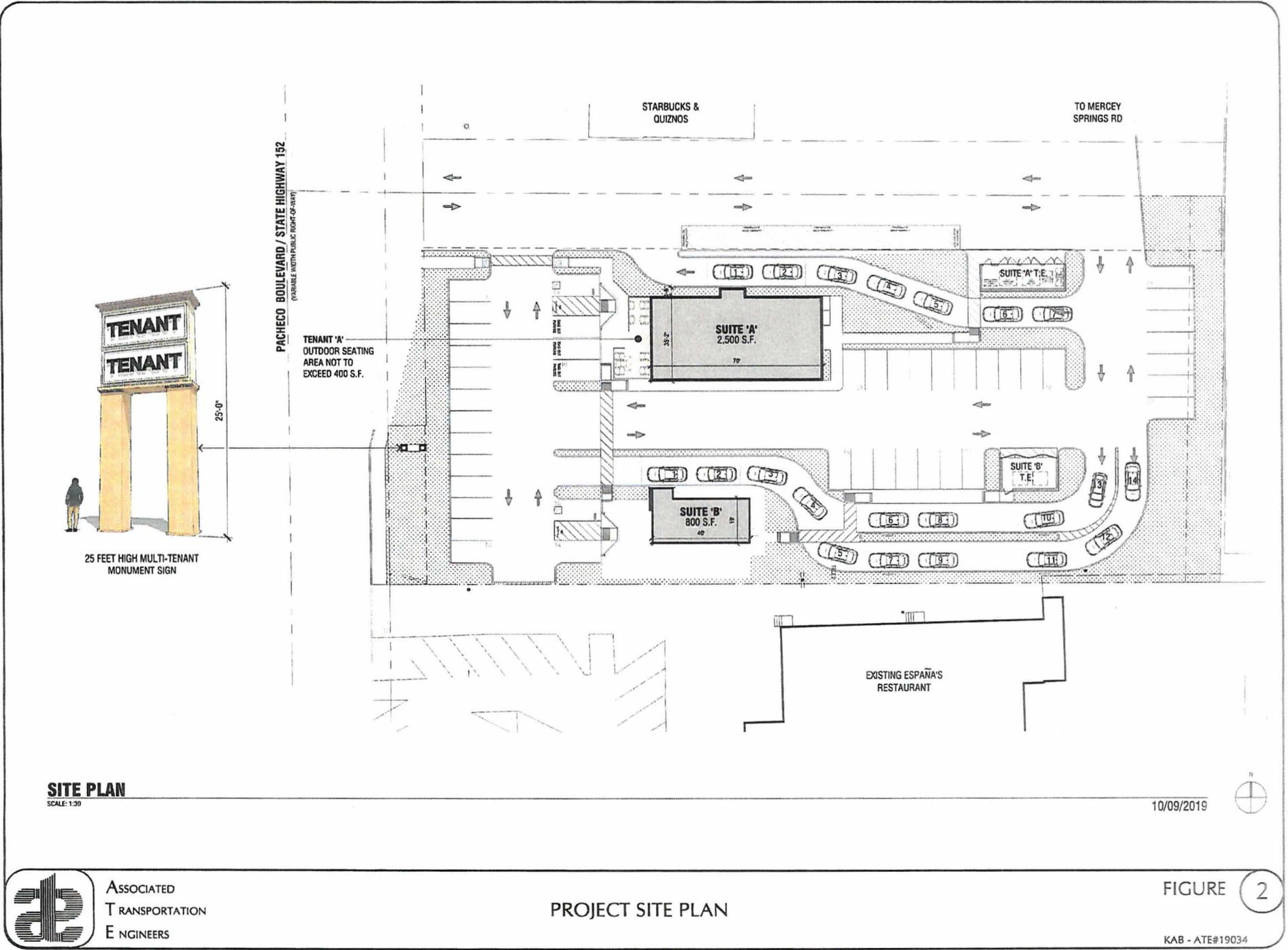
FIGURE 1

PROJECT SITE LOCATION



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KAB - ATE#19034



SITE PLAN
SCALE: 1:30

10/09/2019

PROJECT SITE PLAN

FIGURE 2

KAB - ATE#19034



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ENGINEERS

Existing Volumes and Levels of Service

Intersection Operations

Figure 3 illustrates the study-area intersections, the existing traffic controls and the intersection geometries. The existing A.M. and P.M. peak hour traffic volumes at the study-area intersections are illustrated on Figure 4. These volumes were collected in June of 2019 for this study and are included in the Technical Appendix.

Traffic flow on urban arterials is most constrained at intersections. Therefore, a detailed analysis of traffic flows must examine the operating conditions of critical intersections during peak travel periods. In rating intersection operations, "Levels of Service" (LOS) A through F are used, with LOS A indicating free flow operations and LOS F indicating congested operations (more complete definitions of levels of service are included in the Technical Appendix). In the City of Los Banos LOS "D" is the acceptable operating standard for intersections.

Existing levels of service for the study-area intersections were calculated using the Highway Capacity Manual signalized and unsignalized methodologies as required by the City of Los Banos. Worksheets illustrating the level of service calculations are contained in the Technical Appendix for reference. Table 1 lists the existing levels of service for the study-area intersections during the A.M. and P.M. peak hour periods.

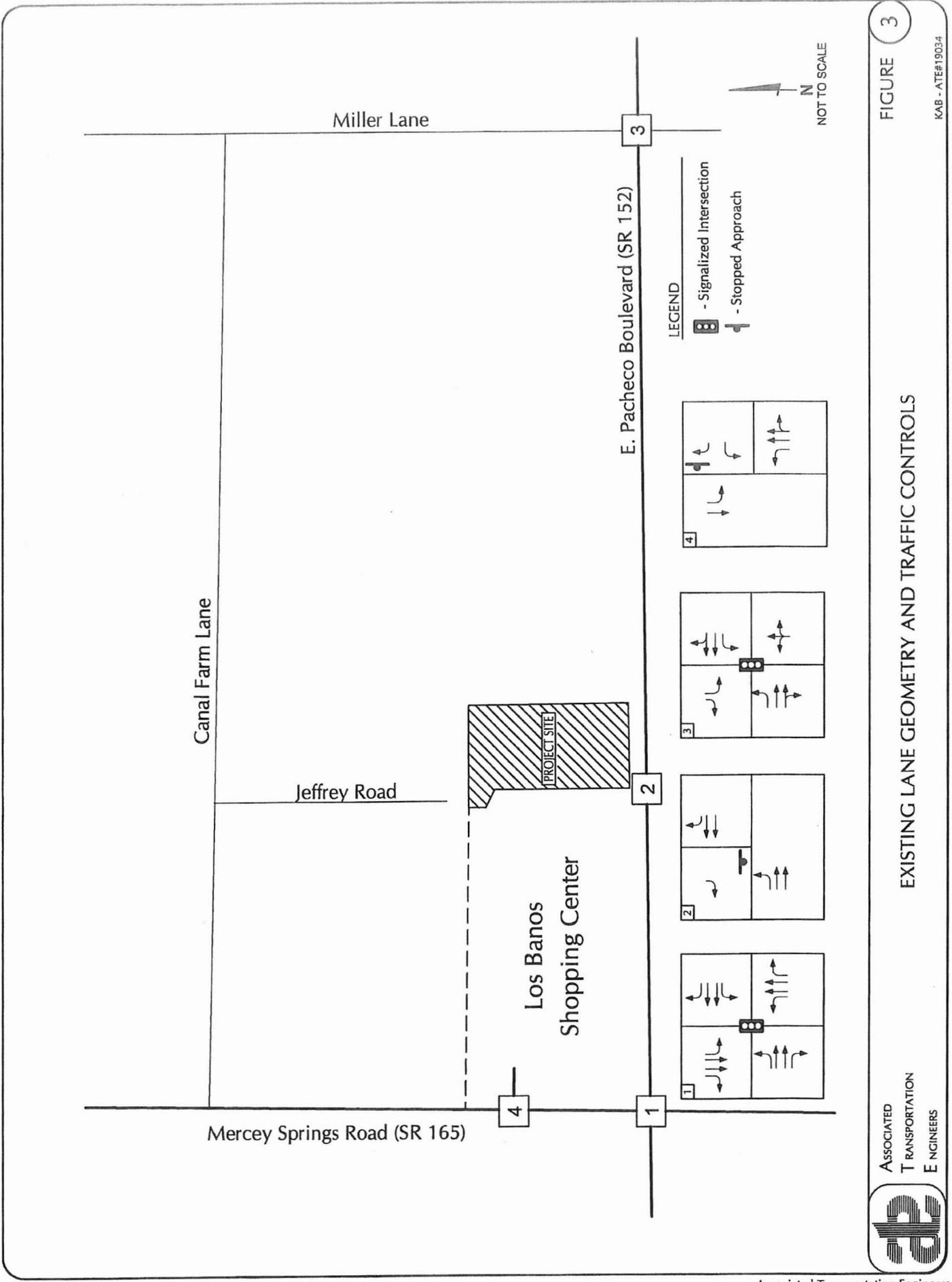
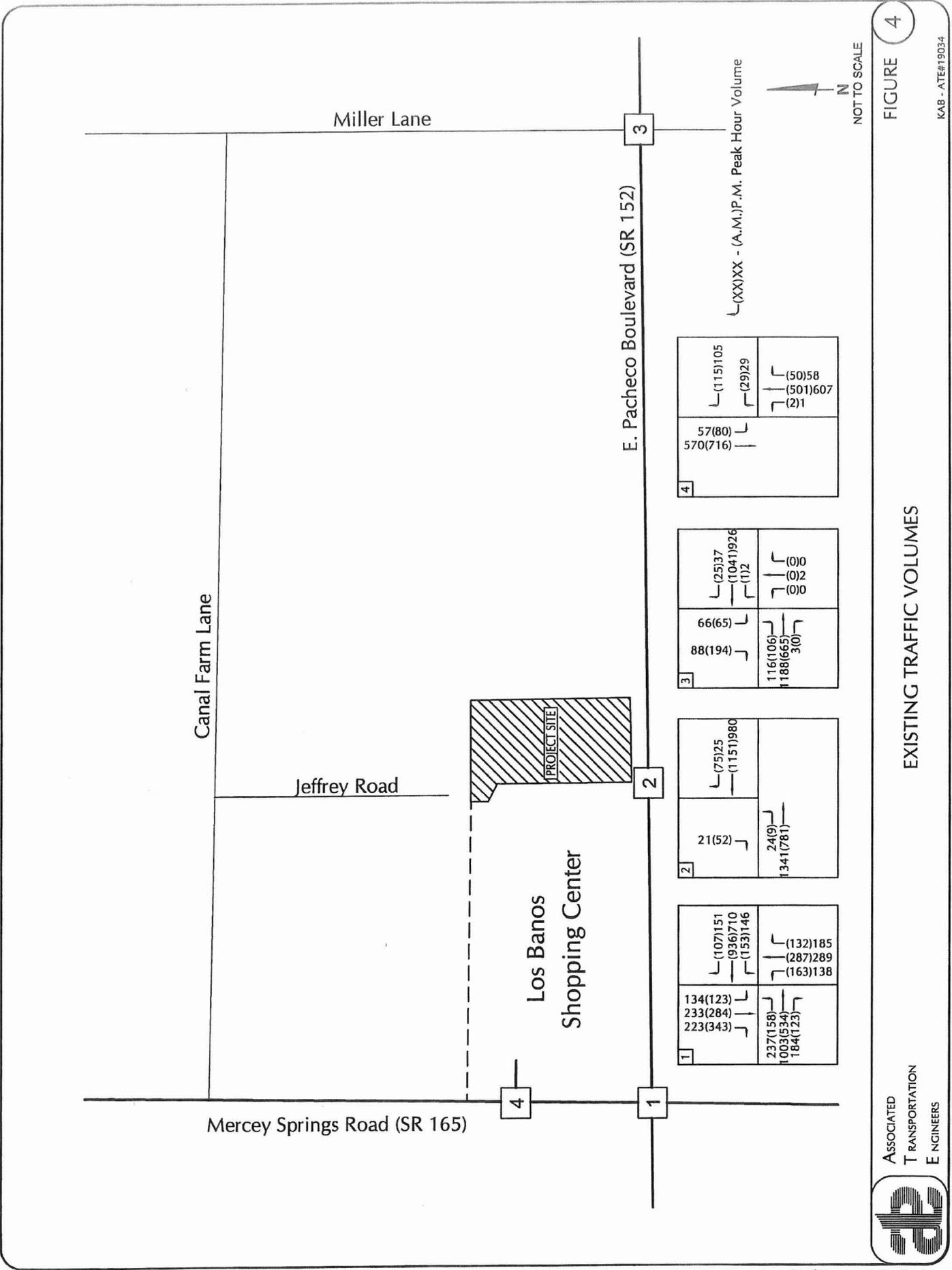


FIGURE 3

EXISTING LANE GEOMETRY AND TRAFFIC CONTROLS

KAB - ATE#19034

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TRANSPORTATION
ENGINEERS



4

(115)105	(50)58
(29)29	(501)607
57(80)	(2)1
570(716)	

3

(25)37	(0)0
(104)926	(0)2
66(65)	(0)0
88(194)	3(0)
116(106)	
188(665)	

2

(75)25	24(9)
(1151)980	1341(781)
21(52)	

1

(107)151	(132)185
(936)710	(287)289
(153)146	(163)138
134(123)	
233(284)	
223(343)	
237(158)	
1003(534)	
184(123)	

(XX)XX - (A.M.)P.M. Peak Hour Volume



FIGURE 4

EXISTING TRAFFIC VOLUMES

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KAB - ATE#19034

Table 1
Existing Peak Hour Levels of Service

Intersection	Control Type	A.M. Peak Hour		P.M. Peak Hour	
		Delay	LOS	Delay	LOS
Pacheco Blvd./Mercey Springs Rd	Signal	34.7 sec.	LOS C	35.2 sec.	LOS D
Pacheco Blvd./Miller Ln.	Signal	20.3 sec.	LOS C	17.1 sec.	LOS B
Pacheco Blvd./Shopping Center Dwy.	STOP-Sign	0.4 sec.	LOS A	0.2 sec.	LOS A
Mercey Springs Rd./Shopping Center Dwy.	STOP-Sign	1.8 sec.	LOS A	1.7 sec.	LOS A

The data presented in Table 1 indicates that the study-area intersections currently operate at LOS "D" or better during the A.M. peak hour and P.M. peak hour periods., which meets the City's LOS "D" standard.

IMPACT THRESHOLD CRITERIA

The City of Los Banos has established LOS "D" as the threshold of significance for determining project impacts at intersections. This criteria was used to determine the significance of the impacts generated by the Project at the study-area intersections.

PROJECT GENERATED TRAFFIC VOLUMES

Project Trip Generation

The trip generation estimates for the Project were developed using the Fast-Food Restaurant with a Drive Through Window (Land Use Code 934) and Coffee Shop with a Drive Through Window (Land Use Code 937) rates published in the Institute of Transportation Engineering (ITE), Trip Generation, 10th Edition. As a highway commercial development a portion of the Project trips will be "pass-by" trips. Table 2 summarizes the average daily trips (ADT), A.M. and P.M. peak hour trip generation ("primary" trips and "pass-by" trips) estimates for the proposed commercial development. "Primary" trips are new trips with the expressed purpose of going to the Project that would be added to adjacent traffic flow. "Pass-by" trips are existing trips in the adjacent traffic flow that would be attracted to the Project.

**Table 2
Project Trip Generation**

Land Use	Size	ADT		Weekday Peak Hour Trips			
		Rate	Trips	A.M. Peak Hour		P.M. Peak Hour	
				Rate	Trips	Rate	Trips
Fast-Food Restaurant w/Drive Thru Less 50% "Pass-By" Trips: Primary Trips:	2,500 S.F.	470.19	1,175 <u>-587</u> 588	40.19	100 (51 In/49 Out) <u>50 (25 In/25 Out)</u> 50 (26 In/24 Out)	32.67	82 (43 In/39 Out) <u>41 (21 In/20 Out)</u> 41 (22 In/19 Out)
Coffee Shop w/Drive-Thru Less 50% "Pass-By" Trips: Primary Trips:	800 S.F.	820.38	656 <u>-328</u> 328	88.99	71 (36 In/35 Out) <u>36 (18 In/18 Out)</u> 35 (18 In/17 Out)	43.38	35 (18 In/17 Out) <u>18 (9 In/9 Out)</u> 17 (9 In/8 Out)
Total Project Trip Generation:			1,831		171 (87In/84 Out)		117 (61 In/56 Out)
Net Primary Trip Generation:			916		85 (44 In/41 Out)		58 (31 In/27 Out)

As shown in Table 2 the Project would generate 1,831 average daily trips, 171 A.M. peak hour trips and 117 P.M. peak hour trips. Of the total Project trip generation 915 average daily trips, 86 A.M. peak hour trips, and 59 P.M. peak hour trips are "pass-by" in nature. The resulting 916 average daily trips, 85 A.M. peak hour trips, and 58 P.M. peak hour trips would be new trips added to the adjacent study-area intersections and used for the traffic impact analysis.

Project Trip Distribution and Assignment

The project-generated A.M. and P.M. peak hour traffic volumes were distributed and assigned to the study-area intersections based on travel data derived from the existing traffic volumes as well as a general knowledge of the population, employment and commercial centers in the Los Banos area. Figure 5 illustrates the trip distribution and assignment assumed for the Project's trips. Figure 6 illustrates the Existing + Project traffic volumes.

PROJECT-SPECIFIC IMPACTS

Levels of service were calculated for the study-area intersections assuming the Existing + Project volumes. Tables 3 and 4 show the results of the calculations and identify the Project's impacts based on the City of Los Banos impact thresholds.

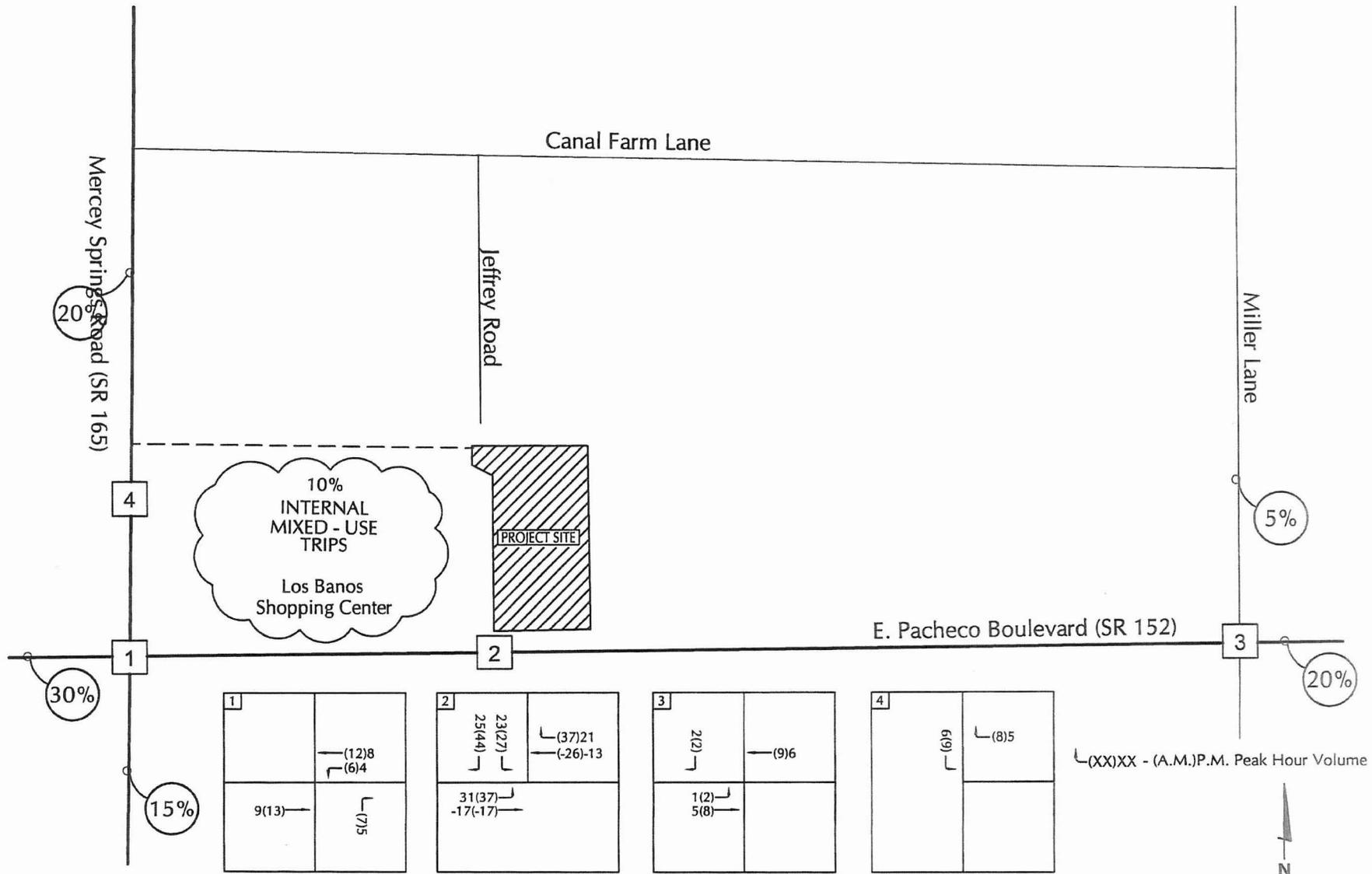


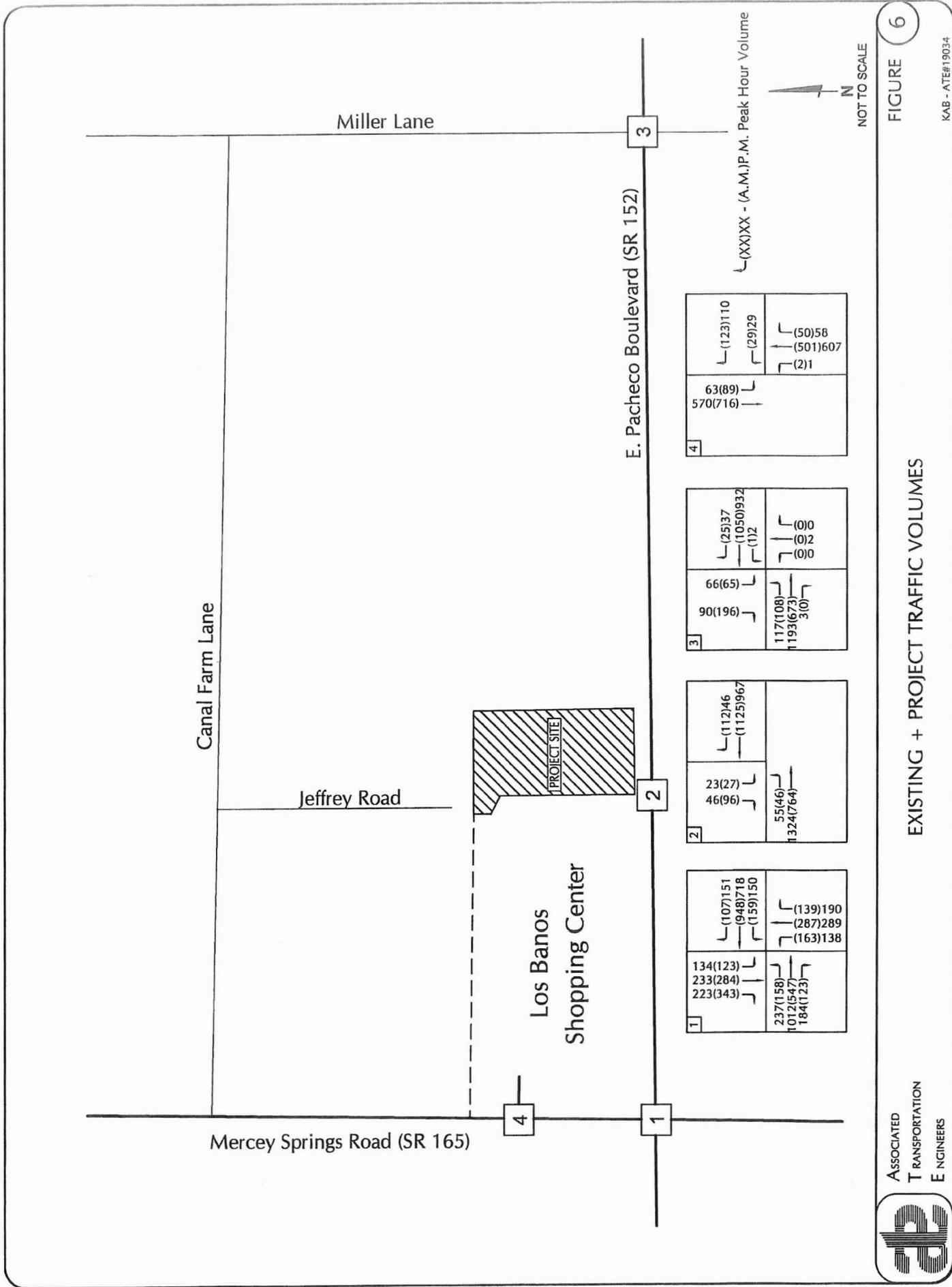
FIGURE 5

KAB - ATE#19034



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ENGINEERS

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT



4

63(89)	570(716)	(123)110	(29)29	(50)58	(501)607	(2)1
--------	----------	----------	--------	--------	----------	------

3

66(65)	90(196)	(25)37	(1050)932	(112)	(0)0	(0)2	(0)0
117(108)	1193(673)	3(0)					

2

23(27)	46(96)	(112)46	(1125)967	55(46)	1324(764)
--------	--------	---------	-----------	--------	-----------

1

134(123)	233(284)	223(343)	237(158)	1012(547)	184(123)	(107)151	(948)718	(159)150	(139)190	(287)289	(163)138
----------	----------	----------	----------	-----------	----------	----------	----------	----------	----------	----------	----------

(XX)XX - (A.M.)P.M. Peak Hour Volume



FIGURE 6

EXISTING + PROJECT TRAFFIC VOLUMES



KAB - ATE#19034

**Table 3
Existing + Project A.M. Peak Hour Levels of Service**

Intersection	Existing		Existing + Project		Change	Impact?
	Delay	LOS	Delay	LOS		
Pacheco Blvd./Mercey Springs Rd.	34.7 sec.	LOS C	35.0 sec.	LOS D	0.3 sec.	No
Pacheco Blvd./Miller Ln.	20.3 sec.	LOS C	20.3 sec.	LOS C	0.0 sec.	No
Pacheco Blvd/Project Dwy.	0.4 sec.	LOS A	2.3 sec.	LOS A	1.9 sec.	No
Mercey Springs Rd./Shopping Center Dwy.	1.8 sec.	LOS A	1.9 sec.	LOS A	0.1 sec.	No

**Table 4
Existing + Project P.M. Peak Hour Levels of Service**

Intersection	Existing		Existing + Project		Change	Impact?
	Delay	LOS	Delay	LOS		
Pacheco Blvd./Mercey Springs Rd.	35.2 sec.	LOS D	35.7 sec.	LOS D	0.5 sec.	No
Pacheco Blvd./Miller Ln.	17.1 sec.	LOS B	17.2 sec.	LOS B	0.1 sec.	No
Pacheco Blvd/Shopping Center Dwy.	0.2 sec.	LOS A	0.7 sec.	LOS A	0.5 sec.	No
Mercey Springs Rd./Shopping Center Dwy.	1.7 sec.	LOS A	1.8 sec.	LOS A	0.1 sec.	No

The data presented in Tables 3 and 4 indicate that the project would not have a significant impact to the study-area intersections based on the City of Los Banos' impact thresholds during the A.M. or the P.M. peak hour periods. All of the study-area intersections would continue to operate at LOS "D" or better with the addition of Project traffic.

CUMULATIVE (EXISTING + APPROVED/PENDING PROJECTS) CONDITIONS

The City of Los Banos requires that the intersections be analyzed with the addition of traffic generated by projects which have been approved or are pending within the study-area. Trip generation estimates were developed for the cumulative developments using the rates presented in the ITE, *Trip Generation*, 10th Edition. Table 5 summarizes the average daily, A.M. and P.M. peak hour trip generation estimates for the approved and pending projects.

**Table 5
Approved/Pending Development Projects Trip Generation**

No.	Project	Land Use	Size	ADT	Peak Hour Period	
					A.M.	P.M.
1.	Sonic Drive-In	Fast-Food Restaurant	1,500 S.F.	689	50	64
2.	Vieira Development	Retail Commercial	4,800 S.F.	181	4	18
3.	Los Banos Police Station	Police Station	15,000 S.F.	170	17	17
4.	Western Dental	Dental Office	4,200 S.F.	146	12	14
5.	Express Car Wash	Car-Wash	4,662 S.F.	660	0	66
6.	Hernandez Development	Retail Commercial	1,800 S.F.	68	2	7
7.	Place Road Elementary	Elementary School	73,186 S.F.	1,428	510	100
8.	Sunset Hills	Single-Family Res.	11 units	104	8	11
9.	Village Green	Single-Family Res.	35 units	330	26	35
10.	The Villas	Single-Family Res.	216 units	2,039	160	214
11.	Southpointe	Single-Family Res.	510 units	4,814	377	505
12.	Mission Village South II	Single-Family Res.	46 units	434	34	46
13.	Mission Village South III	Single-Family Res.	91 units	859	67	90
14.	Villages at Stonecreek IIA/III	Single-Family Res.	37 units	349	27	37
15.	Villages at Stonecreek IV	Single-Family Res.	197 units	1,860	146	195
16.	Villages at Stonecreek V	Single-Family Res.	53 units	500	39	52
17.	Hill Property	Single-Family Res.	138 units	1,302	102	137
18.	Villages at Stonecreek VII	Single-Family Res.	343 units	3,238	254	340
19.	Villages at Stonecreek IX	Single-Family Res.	71 units	670	52	70
20.	Racquet Club Estates	Multi-Family Res.	30 units	220	22	17
21.	San Luis Estates	Single-Family Res.	25 units	236	18	25
22.	Villages at Los Banos	Single-Family Res.	12 units	113	9	12
23.	Alta Vista	Single-Family Res.	44 units	415	32	44
24.	Northpointe	Single-Family Res.	596 units	5,626	441	590
25.	Sunrise Ranch	Single-Family Res.	197 units	1,860	146	195
26.	Presidential Estates	Single-Family Res.	420 units	3,965	311	416
27.	Shaunessy Village	Single-Family Res.	151 units	1,425	112	149
Total Trips:				33,701	2,978	3,466

The data presented in Table 5 indicates that the approved and pending projects would generate a total of 33,701 average daily trips, 2,978 A.M. peak hour trips and 3,466 P.M. peak hour trips. The traffic generated by the approved and pending projects was distributed and assigned to the study-area intersections. The trip assignment for the cumulative development projects was developed based on the location of each project, existing traffic patterns observed in the study-area as well as a general knowledge of the population, employment and commercial centers in Los Banos and the surrounding area. Figure 7 illustrates the Cumulative peak hour traffic volumes at the study-area intersections.

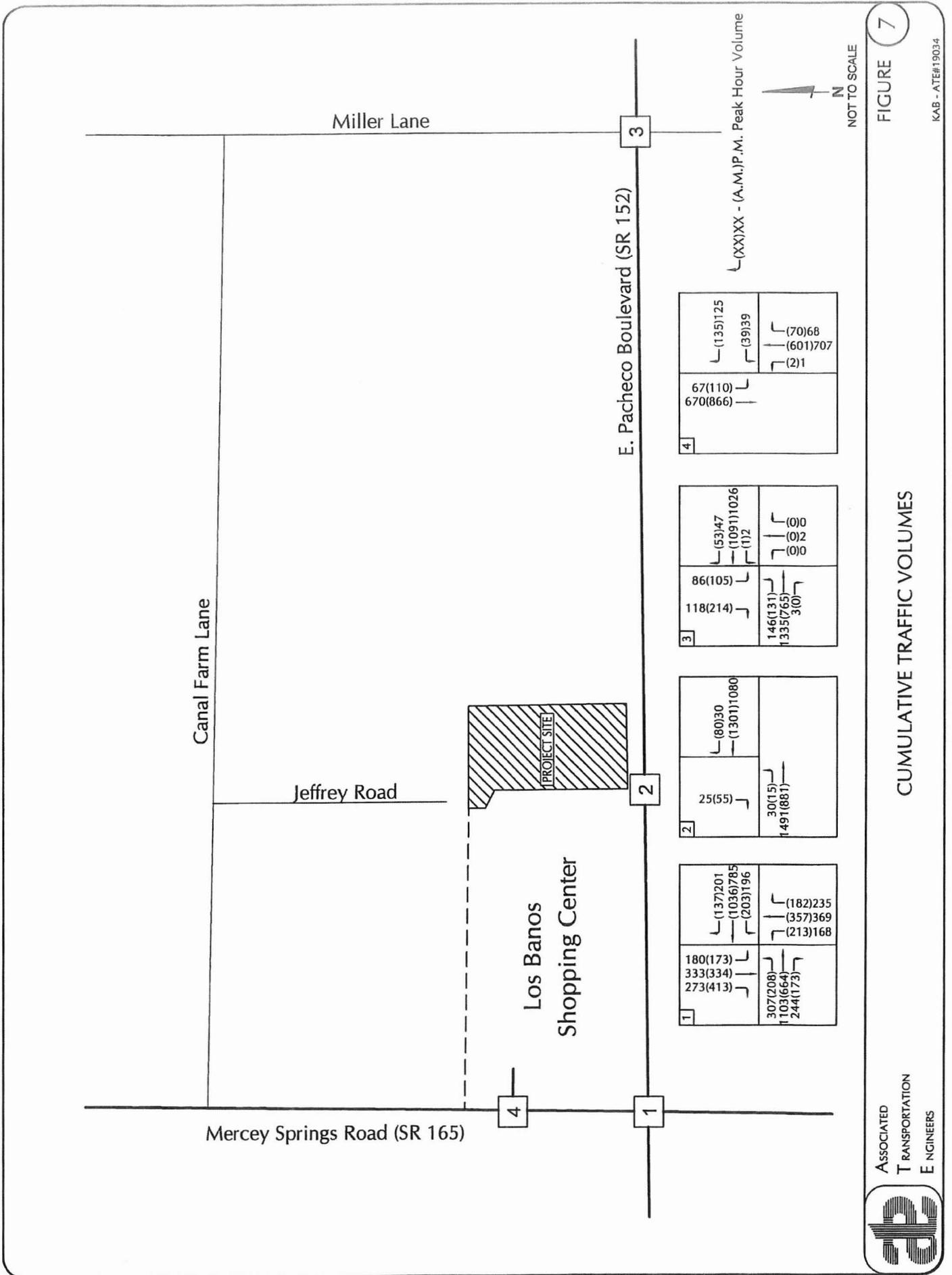


FIGURE 7

CUMULATIVE TRAFFIC VOLUMES

ASSOCIATED
TRANSPORTATION
ENGINEERS

KAB - ATE#19034

Table 6
Cumulative Peak Hour Levels of Service

Intersection	Control Type	A.M. Peak Hour		P.M. Peak Hour	
		Delay	LOS	Delay	LOS
Pacheco Blvd./Mercey Springs Rd	Signal	52.7 sec.	LOS D	50.9 sec.	LOS D
Pacheco Blvd./Miller Ln.	Signal	29.0 sec.	LOS C	19.5 sec.	LOS B
Pacheco Blvd./Shopping Center Dwy.	STOP-Sign	0.5 sec.	LOS A	0.2 sec.	LOS A
Mercey Springs Rd./Shopping Center Dwy.	STOP-Sign	2.3 sec.	LOS A	2.1 sec.	LOS A

The data presented in Table 6 indicate that the study-area intersections would operate at LOS "D" or better during the A.M. peak hour and P.M. peak hour periods under Cumulative conditions, which meets the City's LOS "D" standard.

Cumulative + Project Impacts

Levels of service were calculated for the study-area intersections assuming the Cumulative + Project volumes illustrated on Figure 8. Tables 7 and 8 show the results of the calculations and identify the impacts of the project based on City of Los Banos impact thresholds.

Table 7
Cumulative + Project A.M. Peak Hour Levels of Service

Intersection	Cumulative		Cum. + Project		Change	Impact?
	Delay	LOS	Delay	LOS		
Pacheco Blvd./Mercey Springs Rd.	52.7 sec.	LOS D	52.7 sec.	LOS D	0.0 sec.	No
Pacheco Blvd./Miller Ln.	29.0 sec.	LOS C	29.4 sec.	LOS C	0.4 sec.	No
Pacheco Blvd./Shopping Center Dwy.	0.5 sec.	LOS A	3.2 sec.	LOS A	2.7 sec.	No
Mercey Springs Rd./Shopping Center Dwy.	2.3 sec.	LOS A	2.4 sec.	LOS B	0.1 sec.	No

Table 8
Cumulative + Project P.M. Peak Hour Levels of Service

Intersection	Cumulative		Cum. + Project		Change	Impact?
	Delay	LOS	Delay	LOS		
Pacheco Blvd./Mercey Springs Rd.	50.9 sec.	LOS D	50.9 sec.	LOS D	0.0 sec.	No
Pacheco Blvd./Miller Ln.	19.5 sec.	LOS B	20.2 sec.	LOS C	0.7 sec.	No
Pacheco Blvd./Shopping Center Dwy.	0.2 sec.	LOS A	2.3 sec.	LOS A	2.1 sec.	No
Mercey Springs Rd./Shopping Center Dwy.	2.1 sec.	LOS A	2.2 sec.	LOS A	0.1 sec.	No

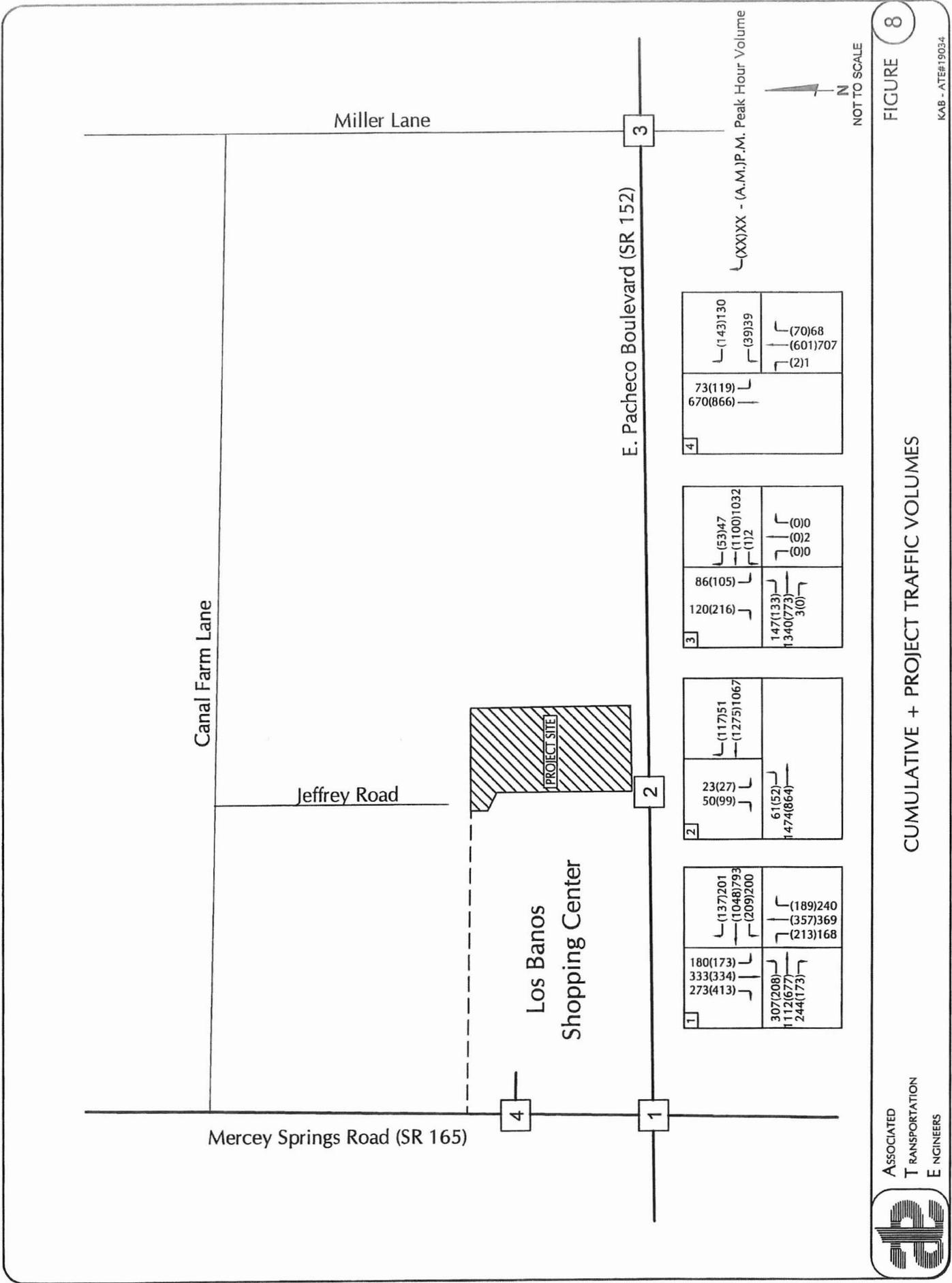


FIGURE 8

CUMULATIVE + PROJECT TRAFFIC VOLUMES



KAB - ATE#19034

The data presented in Tables 7 and 8 indicate that the project would not have a significant impact to the study-area intersections based on the City of Los Banos impact thresholds during the A.M. or the P.M. peak hour periods. All of the study-area intersections would continue to operate at LOS "D" or better with the addition of Project traffic.

SITE ACCESS AND CIRCULATION

As shown on Figure 2, primary access to the development will be provided by a driveway connection to Pacheco Boulevard adjacent to the Project frontage. Secondary access will be provided via cross-access to the Los Banos Marketplace shopping center. The existing Los Banos Marketplace driveway will provide access to Pacheco Boulevard. The Pacheco Boulevard/Project Driveway intersection will operate acceptably (LOS "A") with Project traffic. The secondary access via the other Los Banos Marketplace driveways would accommodate Project traffic should continue to operate acceptably.

Figure 2 illustrates the Project site plan and the vehicle storage provided in the drive-through lanes for the two commercial tenants. The fast-food restaurant dual drive-through lanes would accommodate at least 7 vehicles between the pick-up window and the storage area assuming stacking at 20 feet per vehicle. The coffee shop dual drive-through lanes would accommodate more than 14 vehicles between the pick-up window and the storage area assuming stacking at 20 feet per vehicle. In order to evaluate the vehicle storage requirement for the proposed coffee shop, ATE utilized vehicle queuing studies conducted at three coffee shops with drive-through lanes.

Coffee Shop Vehicle Queuing Study

The queue studies were conducted on weekdays between the hours of 7:00 A.M. and 9:00 A.M., which is the peak activity time for drive-through lanes. The queue studies observed the number of vehicles queued in the drive-through lane and counted the total number of vehicles using the drive-through. Descriptions of the surveyed sites are provided below along with the results of the queue studies.

Site Locations and Surrounding Land Uses

Lompoc. The Lompoc coffee shop is located at 1436 H Street. The Lompoc store is located within a shopping center just northwest of the H Street (State Route 1)/College Avenue intersection. H Street is a commercial corridor that is heavily traveled (H Street is the major north-south arterial roadway within Lompoc). Residential neighborhoods are located to the east and west of the shopping center.

Oxnard. The Oxnard coffee shop is located at 1611 East Channel Islands Boulevard. The Oxnard store is located on the northwest corner of the Rose Avenue/Channel Islands Boulevard intersection just south of State Route 1. Rose Avenue and Channel Islands Boulevard are both heavily traveled arterial roadways. Residential and commercial uses are located in the immediate vicinity of this site.

Simi Valley. The Simi Valley coffee shop is located at 1197 East Los Angeles Avenue. The Simi Valley store is located within a shopping center on the northeast corner of the First Street/East Los Angeles Avenue intersection just south of the State Route 118 freeway. First Street and Los Angeles Avenue are both heavily traveled arterial roadways. Commercial uses surround this site. Residential tracts are located further south and west of the First Street/East Los Angeles Avenue intersection.

Table 9 summarizes the results of the queue studies conducted at the coffee shops in Lompoc, Oxnard and Simi Valley.

**Table 9
Coffee Shop - Drive-Through Queue Study Results**

Site	Storage Provided	Average Peak Queue	Exceed Storage	Maximum Queue	Exceed Storage	Occurrences	Duration ^(a)
Lompoc	7 Vehicles	6 Vehicles	NO	9 Vehicles	Yes/2 Vehicles	1 Occurrence	< 2 Minutes
Oxnard	10 Vehicles	6 Vehicles	NO	9 Vehicles	NO	2 Occurrences	< 2 Minutes
Simi Valley	12 Vehicles	12 Vehicles	NO	14 Vehicles	Yes/2 Vehicles	3 Occurrences	< 3 Minutes

(a) Number of minutes per occurrence.

Lompoc. As shown in Table 9, the average queues observed during the 2-hour study period was 6 vehicles, which were accommodated within the 7-vehicle stacking area. The maximum queue observed was 9 vehicles. There were two occurrences when 8 vehicles were in queue and one occurrence when 9 vehicles were in queue. Each of the occurrences lasted less than 2 minutes. The 2 vehicles that exceeded the 7-vehicle stacking area were queued in the adjacent drive aisle within the shopping center.

Oxnard. Average queues were measured at 6 vehicles during the 2-hour study period, which were accommodated within the 10-vehicle stacking area. The maximum queue observed was 9 vehicles (two occurrences), which were also accommodated within the 10-vehicle stacking area.

Simi Valley. Average queues were measured at 12 vehicles at the Simi Valley store during the 2-hour study period. The 12-vehicle stacking area was nearly full or was full during most of the study period. The maximum queue observed was 14 vehicles. There were three occurrences when 14 vehicles were in queue and four occurrences when 13 vehicles were queued. The 2 vehicles that exceeded the 12-vehicle stacking area were queued in the adjacent drive aisle within the shopping center. The maximum queues of 14 vehicles occurred for less than 3 minutes.

Drive-Through Operations

The maximum queue observed in the studies was 14 vehicles, while maximum queues of 9 vehicles which would be accommodated were observed at 2 of the study sites. As shown in Figure 1, the coffee shop drive-through lane would accommodate a queue of 16 vehicles without affecting the on-site parking and circulation system. Thus, for most of the time, queues would be accommodated within the vehicle stacking area. For the few occurrences when 16 vehicles may be in queue, the spill-over would not affect the adjacent streets. Instead, the vehicle queue could be accommodated on the site with minimal interference to the adjacent parking field. A 17 or 18-vehicle queue would block two of the parking spaces if it extended to the west. If the two spaces were blocked, vehicles occupying those spaces would need to wait until the queue dissipated in order to exit the spaces. On the other hand, if the spaces were not occupied and the vehicle queue blocked their access, drivers would have to park in other spaces in the lot or wait a minute or two until the queue cleared.

PROJECT MITIGATION MEASURES

Based on the City of Los Banos traffic impact thresholds, it was determined that the project would not have a significant impact to any of the study-area intersections. Thus no mitigation measures were developed for the study-area intersections.



REFERENCES AND PERSONS CONTACTED

Associated Transportation Engineers

Richard L. Pool, P.E. Principal Engineer
Darryl F. Nelson, Senior Transportation Planner
Erica Monson, Transportation Planner

Persons Contacted

Stacy Souza-Elms, Community Development Director, City of Los Banos

References

Highway Capacity Manual, Transportation Research Board, National Research Council, 2000.

Trip Generation, Institute of Transportation Engineers, 10th Edition, 2017.

Lee Schwab Tire Store Traffic Impact Analysis, KD Anderson & Associates, February 2012.

DEPARTMENT OF TRANSPORTATION

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*Making Conservation
a California Way of Life.*

March 19, 2020

10-MER-152-PM 21.466
OA Holdings No. 1, LLC
City of Los Banos

Mr. Rudy Luquin
Associate Planner
City of Los Banos
520 J Street
Los Banos, CA 93635

Dear Mr. Luquin:

Thank you for the opportunity to review the Initial Study/Negative Declaration for the OA Holdings No. 1, LLC & DBR Los Banos LLC new commercial development project. The Department has the following comments:

Any work within the State's right-of-way will require an encroachment permit from Caltrans and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: <https://dot.ca.gov/programs/traffic-operations/ep> or you can contact their office at (209)948-7891.

If you have any questions, please contact Hilda Sousa at (209) 942-6184 (email: hilda.sousa@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,


TOM DUMAS, Chief
Office of Metropolitan Planning

RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING TENTATIVE PARCEL MAP #2020-01 FOR THE MINOR SUBDIVISION OF A 1.22 ACRE PARCEL INTO TWO PARCELS FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

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

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Tentative Parcel Map #2020-01 was adequately evaluated in the Negative Declaration (SCH#20200020445); and

WHEREAS, Tentative Parcel Map #2020-01 was reviewed by the Project Review Board on March 17, 2020 and was determined to be in compliance with State laws and the Los Banos Municipal Code and the Los Banos 2030 General Plan; and

WHEREAS, a public hearing was duly noticed for Wednesday, April 22, 2020, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on Friday, April 10, 2020, to consider and take testimony regarding the Tentative Parcel Map #2020-01; and

WHEREAS, at the Wednesday, April 22, 2020 Planning Commission meeting the Los Banos Planning Commission, heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Tentative Parcel Map, the staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Tentative

Parcel Map criteria established in Title 9, Chapter 2, Article 10 of the Los Banos Municipal Code; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Tentative Parcel Map #2020-01 for the minor subdivision of a 1.22 acre parcel into two parcels the Highway Commercial Zoning District located at 1420 E. Pacheco Blvd, Assessor's Parcel Number: 428-140-030

The foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____ and the Resolution recommended for approval by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Vice Chairperson

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR TENTATIVE PARCEL MAP #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Tentative Parcel Map #2020-01 was evaluated in an Initial Study/ Negative Declaration (SCH#2020020445) which determined that the project would not involve any significant environmental impacts.
2. Tentative Parcel Map #2020-01 was adequately noticed and circulated for public review and comment on April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020 in which no comments were received.
3. No further environmental documentation is required as the Tentative Parcel Map was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration (SCH#2020020445).

EXHIBIT B

FINDINGS FOR APPROVAL OF TENTATIVE PARCEL MAP #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

Based upon the entire record, the City of Los Banos Planning Commission hereby finds as follows:

1. The proposed map is consistent with the Los Banos 2030 General Plan. It meets the minimum density requirement for Highway Commercial development.
2. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the Los Banos Municipal Code. The Project will provide adequate access and public infrastructure to the site. The parcels are of adequate size to support the commercial development.
3. The site is physically suitable for commercial development because the site is designated Commercial in the General Plan and zoned for Highway Commercial uses in accordance with Los Banos Municipal Code Title 9, Chapter 3, Article 13.
4. The site is appropriate for the specified density of development because the site is designated Commercial in the General Plan and zoned for Highway Commercial uses in accordance with Los Banos Municipal Code Title 9, Chapter 3, Article 13.
5. The proposed Tentative Parcel Map has been designed to comply with Title 9 Chapter 2 Article 10 and Title 9 Chapter 3, Article 13 of the Los Banos Municipal Code. The site is void of any features that would support fish, wildlife or their habitat and, therefore, would not cause substantial environmental damage.
6. The design of the subdivision map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems. The site will be served by all required public utilities for disposal of solid waste and delivery of water to the site, have access to improved public roads, and is not located within a flood zone.
7. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

EXHIBIT C

CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP #2020-01- OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

General

1. The applicant shall submit a revised Tentative Parcel 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 Tentative Parcel 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 Tentative Parcel Map.
2. Prior to issuance of Certificate of Compliance, 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 XIIID 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.
3. Approval and life of the **Tentative Parcel Map** shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Tentative Parcel Map #2020-01 reflecting any amendments added during approval.
5. A **Final Map** shall be recorded prior to occupancy and a copy shall be provided to the Community and Economic Development Department and City Engineer.
6. All access easements shall be recorded.
7. No associated structures or portions thereof with the development shall encroach within the existing sewer easements.

8. At least two points on the **Tentative Parcel 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.
9. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
10. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director/City Engineer.
11. 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.
12. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
13. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.

Access and Circulation:

14. 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.
15. 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.
16. Upon development, each parcel shall be self-sufficient with utilities (i.e. water, sewer, gas, and electricity).
17. The Developer will take reasonable steps to preserve all survey monuments. The Developer is responsible for the preservation of survey monuments within the work area under this permit at Developer's sole expense. If any monuments are disturbed, the Developer is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Developer's sole expense.
18. Existing easements shall be identified on the **Tentative Parcel Map** and new easements shall be illustrated on the **Tentative Parcel Map**.
19. **This approval is conditioned upon and shall be effective upon payment in full of all outstanding invoices pursuant to the Cost Recovery Contract.**

Revised 4.21.2020

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

RESOLUTION #2020-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING SITE PLAN REVIEW #2016-06 FOR THE DEVELOPMENT OF TWO COMMERCIAL STRUCTURES TOTALING 3,300 SQUARE FEET FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC LOCATED AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

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

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2016-06 for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC was adequately evaluated in the Negative Declaration (SCH#20200020445); and

WHEREAS, a public hearing was duly noticed for Wednesday, April 22, 2020, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on Friday, April 10, 2020 to consider and take testimony regarding Site Plan Review #2016-06; and

WHEREAS, at the Wednesday, April 22, 2020 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve Site Plan Review #2016-06 for the development of two commercial structures totaling 3,300 square feet to be located at 1420 E.

Pacheco Blvd., Assessor's parcel Number: 428-140-030, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chair

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2016-06 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2016-06 was evaluated in an Initial Study/ Negative Declaration (SCH#2020020445) which determined that the project would not involve any significant environmental impacts..
2. Site Plan Review #2016-06 was adequately noticed and circulated for public review and comment on April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020 in which no comments were received.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration (SCH#2020020445).

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2016-06 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

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

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

ECONOMIC DEVELOPMENT POLICY ED-G-1:

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

ECONOMIC DEVELOPMENT POLICY ED-G-3:

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

ECONOMIC DEVELOPMENT POLICY ED-G-7:

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

LAND USE POLICY LU-G-1:

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

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

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

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

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

Evidence/Analysis: The proposed use is surrounded by residential development and uses to the north, and commercial development and uses to the west, east and south of the project site. The proposed commercial developments will be compatible with the existing area. As noted in the Traffic Study Report, the potential traffic associated with the project will have less than a significant impact on the existing traffic.

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

Evidence/Analysis: The design of the proposed two (2) commercial structures are mainly contemporary with Spanish/ Mission theme architectural elements. which are consistent with the designated style for Pacheco Boulevard in accordance to the Los Banos Community Design Standards. The colors for the structures will considerably resemble earth tone colors which are City preferred colors. The design of the structure will also be compatible in character with the surrounding commercial structures in the area. The applicant received positive feedback from the Planning Commission Study Session.

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

Evidence/Analysis: The design of the proposed commercial developments are moderately consistent with the Los Banos Community Design Standards as it specifies that the preferred architectural style on the Pacheco Boulevard corridor is Spanish/ Mission, and the proposed designs have some elements that are preference for the Spanish/ Mission Theme. The applicants have mainly proposed contemporary architectural elements in the comprehensive design of the commercial development. The proposed colors are considerably earth toned. The inclusive project will be consistent amongst itself and significantly compatible with surrounding commercial buildings in the area.

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

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

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

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

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2016-06 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

Planning:

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

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

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

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

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

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

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

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

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

Utilities and Drainage:

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

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

Landscape and Lighting:

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

Signage:

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

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

Design/Aesthetics:

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

36. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.

Fire Department

37. There shall be a fire control room, which shall have an exterior access door only and be large enough to accommodate the fire riser and fire alarm annunciator panel per City code.
38. There shall be a permanent sign on the exterior of the fire control room stating "Fire Control Room" per City code.
39. There shall be HVAC smoke detector test and reset switches in the fire control room.
40. Hydrant Locations shall be indicated on Final Improvement Plan.
41. All fire lane curbs on the project site shall be painted.
42. There shall be a main electrical disconnect located on the exterior of the building for Fire Department use only.
43. Commercial grade Knox Boxes with Click 2 Enter access shall be required on the exterior of the building for each tenant in the area of all gate entrances. Applications can be obtained through the Fire Department. The Knox Boxes shall have FDC locking caps.
44. A fire alarm control panel shall be located within the fire control room. A minimum of one (1) pull station and one (1) audio visual station shall be provided within 5' of the front entrance. The fire alarm system shall be plan checked and approved by the Los Banos Fire Department. These plans shall be through deferred submittal to the Fire Department.
45. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System.
46. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.

Public Works

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

49. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% shade requirement.
50. All access easements shall be recorded.
51. Frontage improvements shall be designed and constructed per Caltrans and City of Los Banos requirements and standards, including any required right-of-way. Curb line shall match to what has been installed to the east (les Schwab). No infrastructure permits will be issued by the City of Los Banos until Caltrans has approved Encroachment Permit for project.
52. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
53. The developer/applicant shall prepare a grading and drainage plan prior to the issuance of a building permit. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
54. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
55. The applicants shall develop the continuation of the Concrete Masonry wall along the northern property line and leaving a pedestrian access point directly connected to Jeffrey Road with a wrought iron gate.
56. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
57. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.

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

Police Department

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

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

RESOLUTION No. 2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2020-01 TO ALLOW THE VARIATION OF THE HIGHWAY-COMMERCIAL ZONING DISTRICT SIGN STANDARDS FOR A FREESTANDING SIGN FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

WHEREAS, OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC have requested a Conditional Use Permit to allow a variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign. The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030; and.

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on Friday, April 10, 2020 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2326 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-01 was adequately evaluated in the Negative Declaration (SCH#20200020445); and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the

City of Los Banos does hereby approve Conditional Use Permit #2020-01 to allow the variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign for OA Holdings, No. 1, LLC and MMCG DBR Los Banos, LLC The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

The City of Los Banos Planning Commission hereby finds the proposed variation from Highway Commercial Sign Standards appropriate for a freestanding sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC within the Highway Commercial Zoning District located at 1420 E. Pacheco Blvd, as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-01 was evaluated in an Initial Study/ Negative Declaration (SCH#2020020445) which determined that the project would not involve any significant environmental impacts.
2. Conditional Use Permit #2020-01 was adequately noticed and circulated for public review and comment on April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020 in which no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration (SCH#2020020445).

EXHIBIT B

PROJECT FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

1. The proposed use and project is consistent with the City of Los Banos 2030 General Plan, and the Los Banos Municipal Code;

a. The Los Banos 2030 General Plan designation is Highway Commercial, which permits Commercial and Retail uses, such as signs.

The following specific General Plan Implementing Actions and policies that are applicable to the proposed project:

LAND USE GUIDING POLICY LU-G-10:

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

IMPLEMENTING ACTION LU-I-14:

Establish a distinct design character for Pacheco Boulevard with signage, landscaping, designer lighting poles, and other visual cues to provide celebrated entrance into the City.

IMPLEMENTING ACTION LU-I-31:

Integrate standards for varying scales of commercial development including large-format regional centers, neighborhood-serving centers, and mixed-use Downtown into the zoning regulations.

Evidence/Analysis: The proposed variation in freestanding sign height and sign display area of the Highway Commercial Zoning District Sign Standards intent is to draw attention and attract potential clientele from the Pacheco Boulevard (HWY 152) and Mercey Springs Road (HWY 165) intersection.

b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a district exclusively for commercial and retail uses.

Evidence/ Analysis: The proposed project is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and Los Banos Municipal Code Title 9 Chapter 3 Article 28 Signs. The proposed project is also consistent with the existing commercial uses in the surrounding area.

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

The proposed variation of freestanding sign in height and a sign display area from the Highway Commercial Zoning District Sign Standards is permitted with a Conditional Use Permit. Signs in general are permitted in the Highway Commercial Zoning District in accordance with the Sign Standards for the zoning district.

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

The proposed variation of the freestanding sign's height and sign display area from the Highway Commercial Zoning District Sign Standards is in conjunction with a commercial/ retail use which is compatible to the surrounding area. The proposed project will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the City. The project will improve the surrounding area by developing a vacant interior commercial lot .

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. Conditional Use Permit #2020-01 is to allow the variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC. The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission, this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2020-01 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, staff report and exhibits.
4. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. All signs shall comply with the requirements of the Public Utilities Commission of the State, the Los Banos Municipal Code, the regulations of the Building Department of the City and all other relevant Federal, California State, and local laws and regulations.
6. All signs shall be constructed of permanent materials and shall be planned and constructed in accordance with State Building Code requirements and be permanently affixed to the ground in accordance with the Los Banos Municipal Code.
7. All signs shall be maintained in a good structural condition in compliance with all building and electrical codes, and in conformance with the Los Banos Municipal Code, at all times.

RESOLUTION No. 2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING CONDITIONAL USE PERMIT #2020-01 TO ALLOW THE VARIATION OF THE HIGHWAY-COMMERCIAL ZONING DISTRICT SIGN STANDARDS FOR A FREESTANDING SIGN FOR OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC LOCATED WITHIN THE HIGHWAY-COMMERCIAL ZONING DISTRICT AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

WHEREAS, OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC have requested a Conditional Use Permit to allow a variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign. The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030; and.

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on Friday, April 10, 2020 and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission has held a public hearing, reviewed said Conditional Use Permit request and staff report, has studied the compatibility of the applicant's request with adjacent land uses and has considered this request in accordance with the Conditional Use Permit criteria established in Section 9-3.2326 of the Los Banos Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-01 was adequately evaluated in the Negative Declaration (SCH#20200020445); and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the

City of Los Banos does hereby approve Conditional Use Permit #2020-01 to allow the variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign for OA Holdings, No. 1, LLC and MMCG DBR Los Banos, LLC The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020 by Planning Commissioner_____ who moved its adoption, which motion was duly seconded by Planning Commissioner_____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

The City of Los Banos Planning Commission hereby finds the proposed variation from Highway Commercial Sign Standards appropriate for a freestanding sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC within the Highway Commercial Zoning District located at 1420 E. Pacheco Blvd, as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-01 was evaluated in an Initial Study/ Negative Declaration (SCH#2020020445) which determined that the project would not involve any significant environmental impacts.
2. Conditional Use Permit #2020-01 was adequately noticed and circulated for public review and comment on April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020 in which no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration (SCH#2020020445).

EXHIBIT B

PROJECT FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

1. The proposed use and project is consistent with the City of Los Banos 2030 General Plan, and the Los Banos Municipal Code;

a. The Los Banos 2030 General Plan designation is Highway Commercial, which permits Commercial and Retail uses, such as signs.

The following specific General Plan Implementing Actions and policies that are applicable to the proposed project:

LAND USE GUIDING POLICY LU-G-10:

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

IMPLEMENTING ACTION LU-I-14:

Establish a distinct design character for Pacheco Boulevard with signage, landscaping, designer lighting poles, and other visual cues to provide celebrated entrance into the City.

IMPLEMENTING ACTION LU-I-31:

Integrate standards for varying scales of commercial development including large-format regional centers, neighborhood-serving centers, and mixed-use Downtown into the zoning regulations.

Evidence/Analysis: The proposed variation in freestanding sign height and sign display area of the Highway Commercial Zoning District Sign Standards intent is to draw attention and attract potential clientele from the Pacheco Boulevard (HWY 152) and Mercey Springs Road (HWY 165) intersection.

b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a district exclusively for commercial and retail uses.

Evidence/ Analysis: The proposed project is consistent with the Los Banos Municipal Code Title 9 Chapter 3 Article 13 Highway Commercial Zoning District and Los Banos Municipal Code Title 9 Chapter 3 Article 28 Signs. The proposed project is also consistent with the existing commercial uses in the surrounding area.

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

The proposed variation of freestanding sign in height and a sign display area from the Highway Commercial Zoning District Sign Standards is permitted with a Conditional Use Permit. Signs in general are permitted in the Highway Commercial Zoning District in accordance with the Sign Standards for the zoning district.

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

The proposed variation of the freestanding sign's height and sign display area from the Highway Commercial Zoning District Sign Standards is in conjunction with a commercial/ retail use which is compatible to the surrounding area. The proposed project will not be detrimental or injurious to the property and improvements in the area or to the general welfare of the City. The project will improve the surrounding area by developing a vacant interior commercial lot .

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2020-01 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

Planning:

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all. These conditions shall run with the land and shall survive the issuance of an occupancy permit.
2. Conditional Use Permit #2020-01 is to allow the variation of the Highway Commercial Zoning District Sign Standards for a freestanding sign for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC. The subject property is located in the Highway Commercial Zoning District at 1420 E. Pacheco Blvd, more specifically identified as Assessor's Parcel Number: 428-140-030. If the requested use is not commenced within one (1) year from date of approval by the Los Banos Planning Commission, this Conditional Use Permit shall lapse and become void. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application.
3. Subject to and in addition to these Conditions of Approval, Conditional Use Permit #2020-01 shall substantially conform to the approved Conditional Use Permit including but not limited to the application on file with the Community and Economic Development Department, staff report and exhibits.
4. The applicant shall comply with all applicable City ordinances specified in the Municipal Code and other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
5. All signs shall comply with the requirements of the Public Utilities Commission of the State, the Los Banos Municipal Code, the regulations of the Building Department of the City and all other relevant Federal, California State, and local laws and regulations.
6. All signs shall be constructed of permanent materials and shall be planned and constructed in accordance with State Building Code requirements and be permanently affixed to the ground in accordance with the Los Banos Municipal Code.
7. All signs shall be maintained in a good structural condition in compliance with all building and electrical codes, and in conformance with the Los Banos Municipal Code, at all times.

8. All signs shall be designed in a neat and orderly manner, and all signs, including supporting structures, shall be kept in a presentable condition at all times. All painted signs and all supporting structures of signs shall be repaired to keep them in good condition whenever such action is requested in writing by the Building Official or Community Development Director.
9. Lighting for illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises. No artificial light of whatever type or nature used in conjunction with, or for the purpose of lighting any sign shall be so located or constructed, nor any substance or material capable of reflecting light on or into any adjoining or nearby lot, structure, or public right-of-way. Where spotlights or floodlights are used to illuminate a sign, the reflector shall be provided with proper shields or glass lenses concentrating the illumination upon the area of the sign so as to prevent flare upon the street or adjacent property
10. The applicant shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of the proposed project.
11. The Planning Commission reserves the right to review and/or revoke this Conditional Use Permit should the City receive complaints or should the applicant not adhere to the Conditions of Approval. The City may amend or impose new conditions to mitigate adverse affects to the neighborhood.
12. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this Use Permit, or the environmental determination rendered in connection with the Use Permit approval, or arising out of the operation of the use or
13. The premises of the subject site shall remain in compliance with the Conditions of Approval and shall not be operated in a manner that deviates from the approved Use Permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice.
14. Authorization of a Conditional Use Permit granted pursuant to the provisions of Section 9-3.2326 of the Los Banos Municipal Code shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject of the use permit application provided the use shall be limited to all provisions of the Municipal Code and all conditions placed on approval of the Conditional Use Permit are continually met.
15. If the use is discontinued for a period of twelve (12) months, this Conditional Use Permit shall lapse and become void.

16. This Conditional Use Permit shall be subject to revocation by the Community and Economic Development Director or the Planning Commission upon a finding that:
 - a. Conditions of approval have not been fulfilled;
 - b. A significant change or intensification of the approved use;
 - c. The use has resulted in a nuisance or detriment to the public health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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

RESOLUTION NO. 2020-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT #2020-02 TO THE LOS BANOS CITY COUNCIL TO ALLOW FOR THE SALE OF ALCOHOL UNDER TYPE 41 ON-SALE OF BEER AND WINE LICENSE FOR A RESTAURANT TO BE LOCATED AT 1420 E. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 428-140-030

WHEREAS, the applicants, OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC, have requested that the City of Los Banos consider a Conditional Use Permit to allow the use of a Type 41 alcohol license for the on-sale of beer and wine in conjunction with a bona-fide eating place to be located at 1420 E. Pacheco Blvd., Assessor's Parcel Number: 428-140-030; and

WHEREAS, a public hearing notice was published in the Los Banos Enterprise on Friday, April 10, 2020, and notices were mailed to property owners within a 300 foot radius of the project site as required by the Los Banos Municipal Code and Government Code Section 65091; and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-02 for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC was adequately evaluated in the Negative Declaration (SCH#20200020445); and

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

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the Planning Commission of the City of Los Banos hereby makes the appropriate findings set forth in Exhibit A (California Environmental Quality Act

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby recommend the approval of Conditional Use Permit #2020-02 to the Los Banos City Council to allow the on-sale of beer and wine in conjunction with a bona-fide eating place, Type 41 alcohol license, located at 1420 E. Pacheco Blvd., APN: 428-140-030, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020, by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR CONDITIONAL USE PERMIT #2020-02 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Conditional Use Permit #2020-02 was evaluated in an Initial Study/ Negative Declaration (SCH#2020020445) which determined that the project would not involve any significant environmental impacts.
2. Conditional Use Permit #2020-02 was adequately noticed and circulated for public review and comment on April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020 in which no comments were received.
3. No further environmental documentation is required as the Conditional Use Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Negative Declaration (SCH#2020020445).

EXHIBIT B

FINDINGS FOR APPROVAL FOR CONDITIONAL USE PERMIT #2020-02 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

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

1. General Findings:

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

The existing General Plan land use designation for the project site is Commercial, which is intended for commercial development, located off of Pacheco Blvd, allowing for commercial uses.

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

ECONOMIC DEVELOPMENT POLICY ED-G-7:

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

LAND USE POLICY LU-G-10:

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

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

- b. The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial District is to provide a district for commercial uses which do not specialize in serving the pedestrian shopper but rather, because of their character, are more appropriately located along a highway or major street and where drive-in operations are more feasible.

Evidence/Analysis: The proposed use complies with the Los Banos Municipal Code Title 9, Chapter 3, Article 13 as the use will be

consistent with the surrounding area, adjacent uses, and function are primarily commercial in nature. A restaurant providing for the on-sale and serving of beer and wine is permitted in this location.

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

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

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

Evidence/Analysis: The proposed use will be conducted in the location in which previous restaurants used to operate and will not result in significant operational changes to the existing commercial area. The areas function and character is Commercial, which includes uses that serve alcohol. The project would include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity.

2. Specific Findings:

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

Evidence/Analysis: The primary use in conjunction with the serving of beer and wine is a restaurant. As reflected in the staff report, the number of on-sale licenses in the Census Tract is currently eight (8). The census tract area and function is primarily commercial in nature, and is entirely consistent with a restaurant and the on-sale and serving of beer and wine. The proposed on-sale of beer and wine is complementary to the restaurant use that is compatible with and complementary of existing commercial uses in the area. The project would include conditions of

approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, or welfare of persons and property in the vicinity including crime prevention and loitering. Staff is unaware of any significant problems in the area related to crime and loitering, which would be negatively affected by the on-sale of beer and wine at this location.

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

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

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

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

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

Evidence/Analysis: There are residential units in directly to the north of the project site. The project will include conditions of approval which regulate the operational characteristics of allowing the serving of alcohol and are intended to preserve the public health, safety, and welfare of persons and property in the vicinity.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #2020-02 – OA HOLDINGS NO. 1, LLC AND MMCG DBR LOS BANOS, LLC

1. The following conditions of approval shall apply to and be applicable to the applicant, property owner, and/or operator. Reference to applicant, property owner, and/or operator shall be interpreted to include all.
2. Conditional Use Permit 2020-02 is for OA Holdings No. 1, LLC and MMCG DBR Los Banos, LLC located at 1420 E. Pacheco Blvd, Assessor's Parcel Number: 428-140-030 and the requested use shall automatically and without notice expire after one (1) year from date of approval by the Los Banos City Council unless commenced. The City for cause may revoke this Conditional Use Permit. Any expansion, intensification, or significant change to the primary use and the uses approved under this Conditional Use Permit shall be permitted only upon modification of this Conditional Use Permit or approval of a separate Conditional Use Permit application. The Conditional Use Permit shall automatically and without notice expire one year after discontinuance of the primary use and/or the uses approved under the Conditional Use Permit.
3. The applicant/operator shall comply with all other requirements, laws and policies of other governmental agencies in the conduct and operation of said business.
4. The applicant/operator shall obtain and maintain an active Type 41 "on-sale of beer and wine in conjunction with a bona-fide eating place" license as defined by the Department of Alcoholic Beverage Control and shall provide a copy of said license upon issuance by the Alcoholic Beverage Control to the Community and Economic Development Department prior to the sale of alcohol on the premises.
5. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
6. The applicant/operator shall be responsible for maintaining the exterior of the premises free of litter and trash at all times including the parking lot areas in front of the premises. No storage of equipment, supplies, or merchandise of any kind shall be allowed in the front or rear exterior of the building. All deliveries shall be made from the rear of the building.

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

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

LEGAL DESCRIPTION

PARCEL ONE:

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

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.A.M., ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 40.00 FEET AND NORTH 88 DEG. 34' EAST, 578.21 FEET FROM THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.A.M., THENCE NORTH 0 DEG. 48' 1/2" WEST 340.47 FEET; THENCE EAST 160.20 FEET; THENCE SOUTH 1 DEG. 07' 1/2" EAST 336.43 FEET; THENCE ALONG THE NORTH LINE OF STATE HIGHWAY, SOUTH 88 DEG. 34' WEST, 161.94 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE GRANT DEED FROM EDWARD W. HOSTETLER AND MERRY BELLE HOSTETLER AS CO-TRUSTEES OF THE HOSTETLER LIVING TRUST DATED JANUARY 20, 1978 TO THE STATE OF CALIFORNIA, RECORDED JULY 5, 2001, IN BOOK 4218, PAGE 500, SERIES NO. 28152, OFFICIAL RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS, APPURTENANT TO PARCEL ONE HEREINABOVE DESCRIBED, AS SAID EASEMENT IS FURTHER DESCRIBED IN THAT CERTAIN INSTRUMENT ENTITLED "SHARED ACCESS AGREEMENT", EXECUTED BY EDWARD W. AND MERRY BELLE HOSTETLER AND LOS BANOS MARKETPLACE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORDED MARCH 1, 2001, IN BOOK 4137, PAGE 192, SERIES NO. 8022, OFFICIAL RECORDS AND RE-RECORDED OCTOBER 17, 2002, AS SERIES NO. 2002-051499, OFFICIAL RECORDS.

PARCEL THREE:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR VEHICULAR PARKING AND PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS THAT PORTION OF SAID LAND DESCRIBED AS "AMABLE TRACT", IN THAT CERTAIN "PARKING EASEMENT AND RECIPROCAL ACCESS EASEMENT AGREEMENT" RECORDED SEPTEMBER 30, 2015 AS INSTRUMENT NO. 2015-034270, OF OFFICIAL RECORDS.

APN: 428-140-030

FLOOD ZONE INFORMATION:

This property lies in Zone "X" unshaded as shown on Federal Emergency Management Agency (FEMA) Map of the City of Los Banos and Incorporated Areas, California, Map No. 06047C0850G.

Effective date: December 2, 2008

Flood Zone "X" of "Other Flood Areas" is described as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

N 202972.489 CCS27
E 190437.397 CCS27
N 1843375.239 CCS83
E 6463806.913 CCS83

THE SOUTHWEST CORNER OF SEC. 13 T10 S, R10 E, M.D.B.A.M.

BENCHMARK:

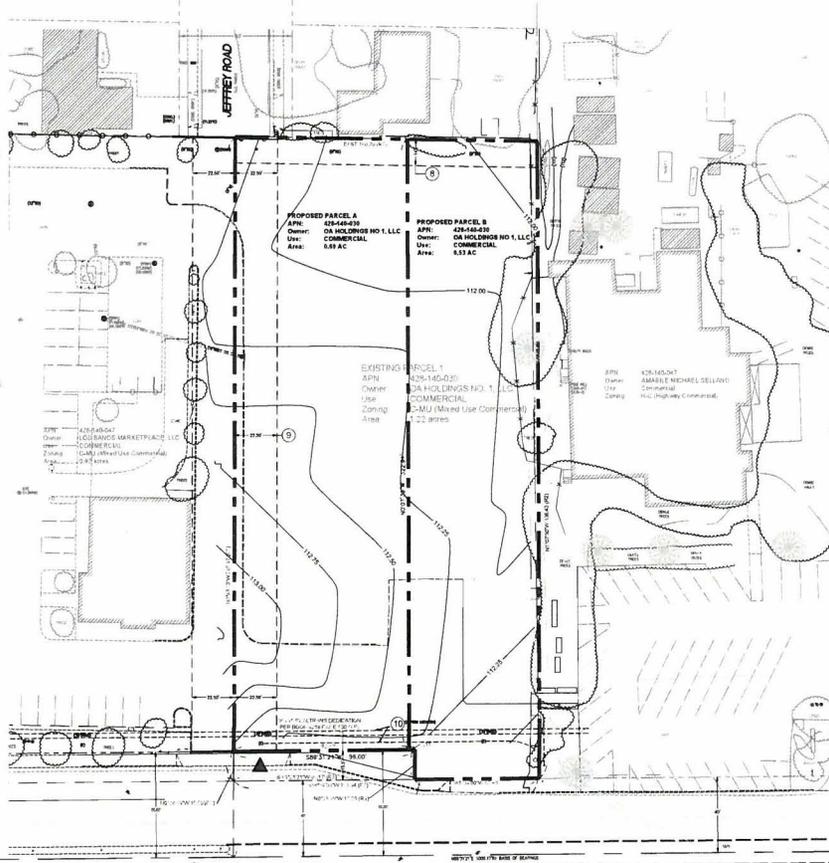
US COAST & GEODETIC SURVEY BRASS CAP CONCRETE MONUMENT ON THE SOUTH SIDE OF PACHECO BOULEVARD SR-152 - SHOWN HEREON OBTAINED FROM PLANS FOR LOS BANOS MARKET PLACE.

ELEVATION = 112.56 NGVD 1929



SCALE 1" = 40'

TENTATIVE PARCEL MAP NO. 2020-



STATE PLANE COORDINATE CONTROL FOR CITY ORDINANCE IS CALCULATED FROM CCS27 AS SHOWN BY 19 RS 22-29 UTILIZING CORPSCON CONVERSION PROGRAM TO CCS83 FOR SOUTHWEST CORNER SECTION 13 AND DIVISION OF HIGHWAYS MONUMENT.

APPLICANT/SUBDMR:

OA Holdings No. 1, LLC, a California limited liability company
10 Harris Court, Suite B-1 Monterey, CA 93940



N 202983.173 CCS27
E 190437.397 CCS27
N 1843391.913 CCS83
E 6465607.695 CCS83

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS

4694 WEST JACQUELYN AVENUE FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM
JOB NO. 19004.00 DATE: APRIL 5, 2019 SHEET 1 OF 1



NOTES:

- There are no buildings on the property.
- The property is adjacent to the public right of way.
- The property abuts the following public street: Pacheco Boulevard
- The site address is formally known as 1420 Pacheco Boulevard, Los Banos, CA 93277
- Zoning: H-C (Highway Commercial)
Existing Landuse: Vacant Land
- The City of Los Banos is the provider and source of sewerage and storm. All City Utilities will be installed per City Standard.
- The property privately maintains all onsite sewer, water, and storm drain lines.

LEGEND

- Limits of this subdivision
- - - Easement line
- ⊕ Schedule B Exceptions
- (JR1) Record data per Parcel Map No. 2001-06, Recorded in Vol.89, Page 32, Recorded in Official Records of Merced County.
- (JR2) Record data per Title Report Provided by Old Republic Title Company, Order No. 0724019545-HT, Dated September 13, 2019.
- (JR3) Record data per Grant Deed to the State of California recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.
- ▲ Conveyed to the State of California in Deed recorded July 05, 2001 in Book 4218, Page 500, Series No. 28152 O.R.

SCHEDULE B EXCEPTIONS:

- A blanket easement for Roads and Public Utilities, granted to Miller and Lux Inc. Recorded on April 6, 1940 in Book 647 of Official Records, Page 3.
- An easement for Sewer and Other Public Utilities, granted to the City of Los Banos, Recorded December 2, 1960 in book 1506 of Official Records, Page 317.
- Shared Access Agreement, Recorded March 1, 2001 in Book 4137 of Official Records, Page, Serial No. 8022.
- An easement for Utility Distribution, granted to PG&E Recorded October 3, 2001 in Book 4284 of Official Records, Page 46, Serial No. 44539.
- A blanket easement for Vehicular and Pedestrian Ingress and Egress, granted to Esther Amanile, et. al. Recorded September 30, 2015 in Official Records, Serial No. 2015-034270

SUBMITTAL	DATE:	10/25/20
PROJECT/CLIENT:	NO.:	412010
SUBMITTAL RECORD:	DATE:	10/25/20

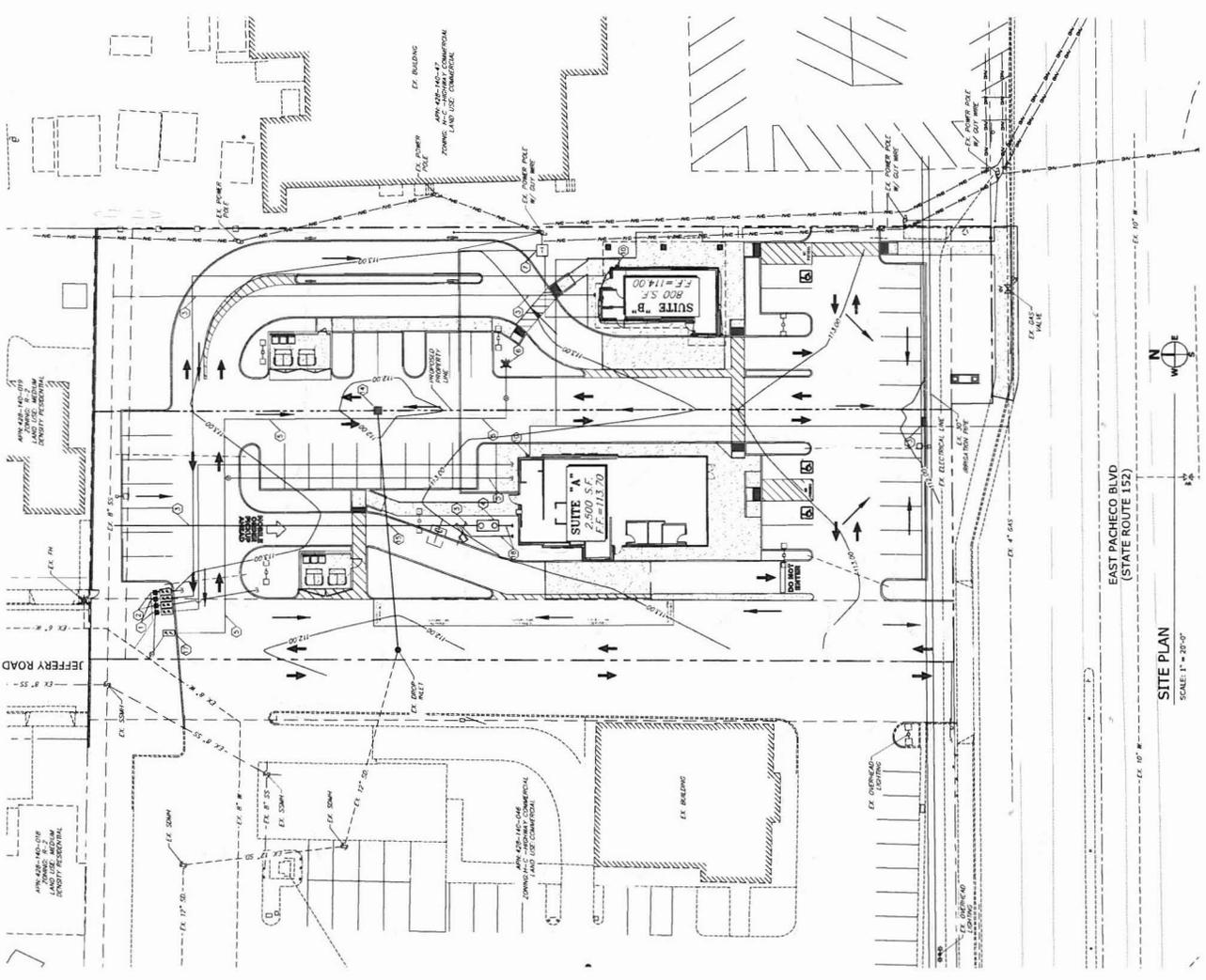
CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD, LOS BANOS, CA
 MAIN & MAIN
 5750 Genesis Court, Suite 103, Frisco, TX 75034

TECTONICS
 DESIGN GROUP
 730 SHILBURN RD., #250, RENO, NEVADA 89511
 (775) 784-9888
 WWW.TECTONICSDSGROUP.COM

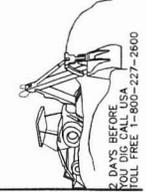
DESIGNED BY:	J.P.C.
DRAWN BY:	MATT K. BAUNSTEIN, P.E.
DATE:	10/25/20
PROJECT/CLIENT:	NO.:
SUBMITTAL RECORD:	DATE:

- NOTES:**
- 3/4" WATER AND BACKFLOW FOR WATER SERVICE
 - 3/4" WATER AND BACKFLOW FOR WATER SERVICE
 - 4" SWAMP SERVICE LATERALS
 - GRASS INTERCEPTION
 - 4" FIRE SERVICE
 - FIRE HYDRANT ASSEMBLY
 - TRANSFORMER
 - SCREENING STRAIN
 - SCREENING MALL
 - GAS METER
 - PIT ON SOON
 - TRASHY ENCLOSURE
 - CLUMP INLET
 - CLUMP INLET
 - 15" STORM DRAIN PIPE
 - 5" STEE SLOPING
 - 4" SWAMP SERVICE LATERALS

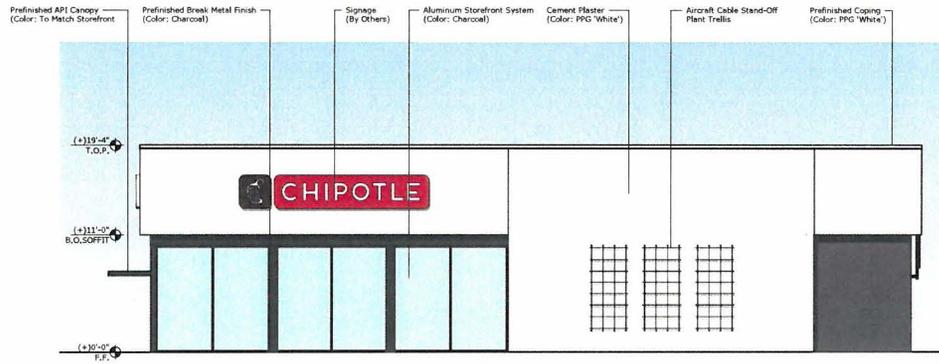
INDICATES SWAMP ZONING AND WATER SERVICE
 (10/25/20)



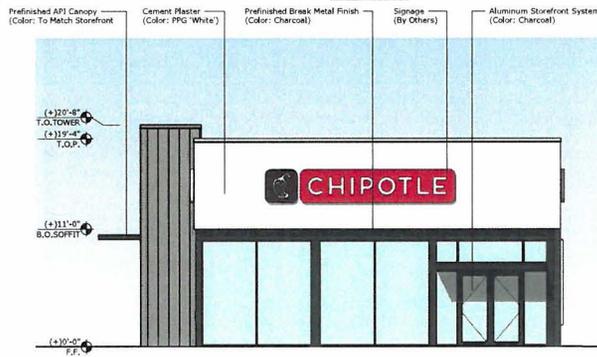
EAST PACHECO BLVD
 (STATE ROUTE 152)
 JEFFERY ROAD
 SCALE: 1" = 20'-0"
 SITE PLAN



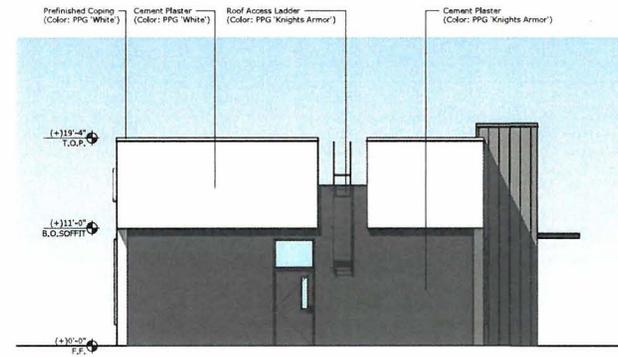




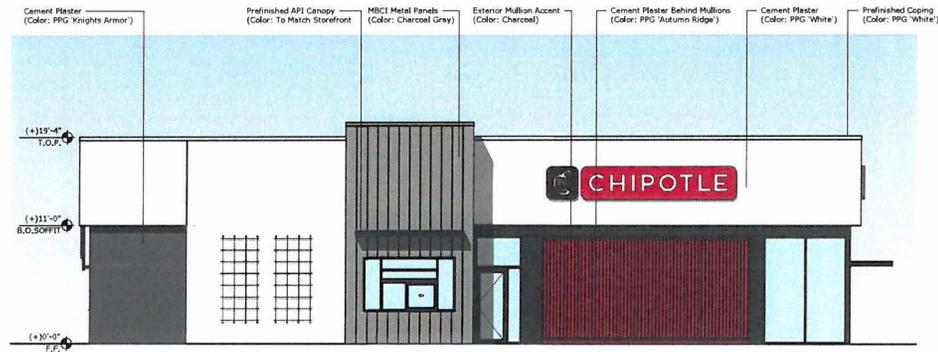
Side Elevation



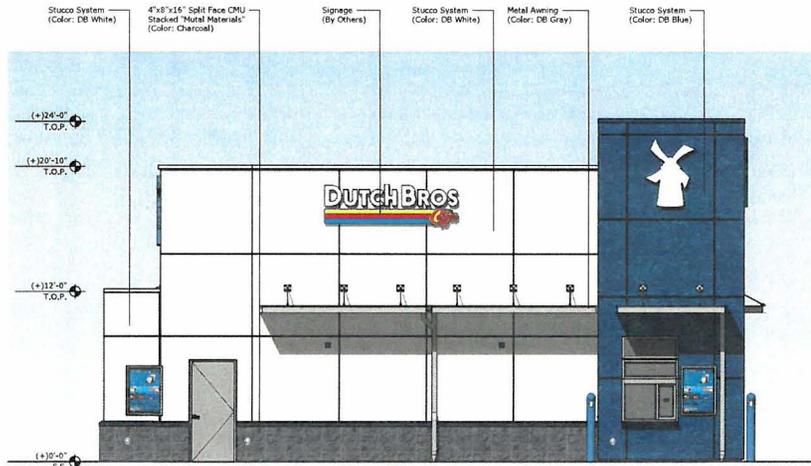
Entry Elevation



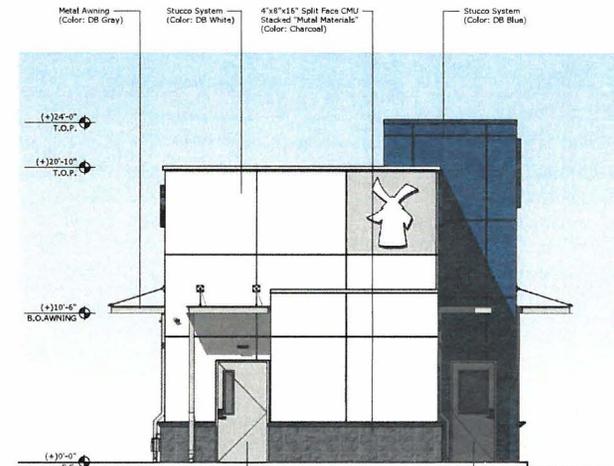
Rear Elevation



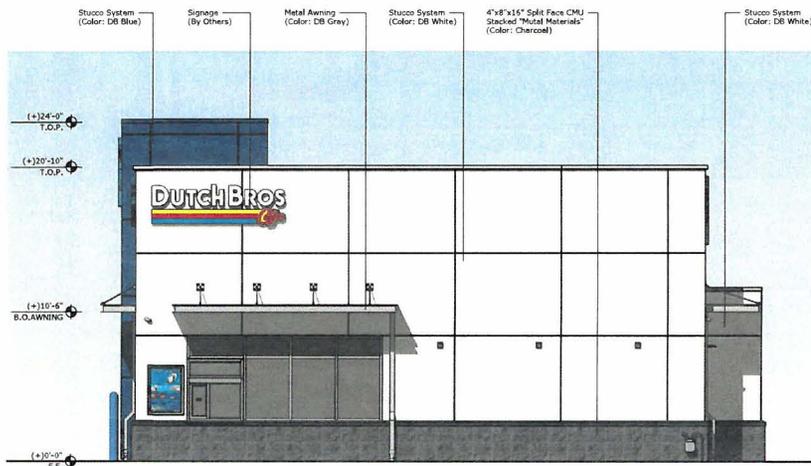
Drive-Thru Elevation



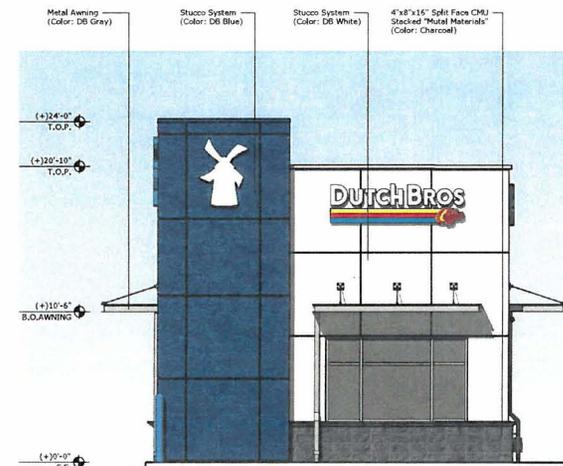
Drive-Up Elevation



Rear Elevation

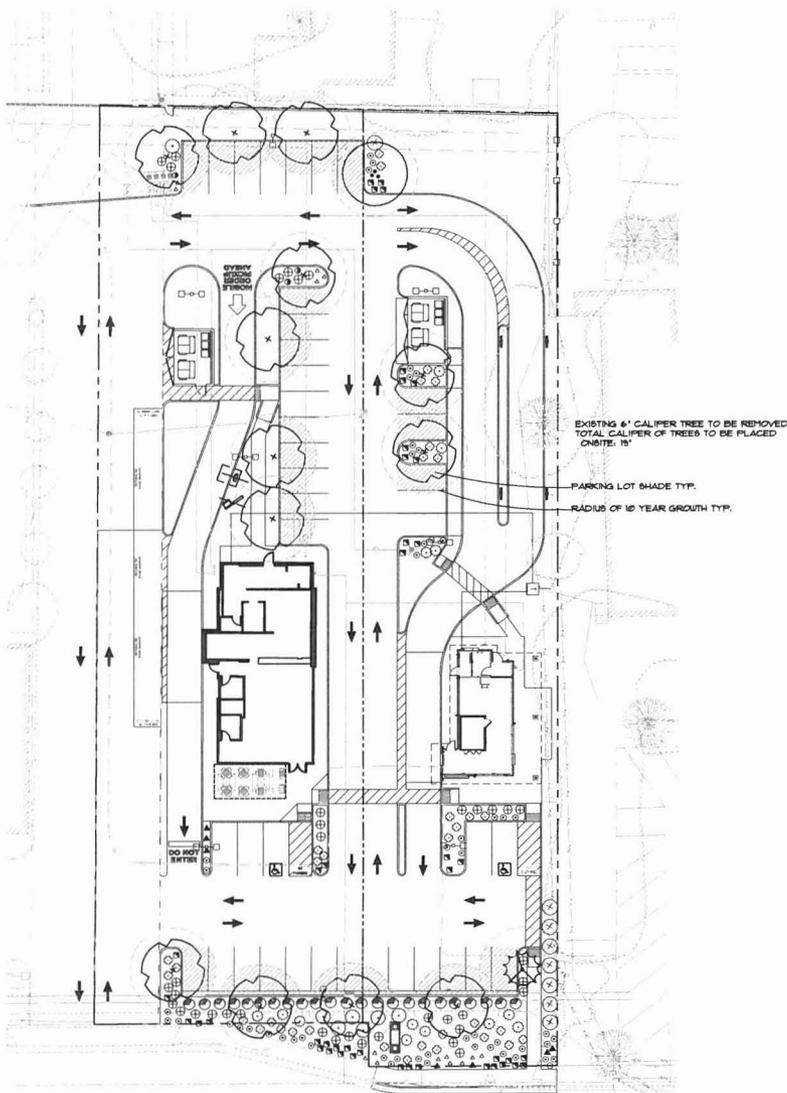


Walk-Up Elevation



Front Elevation





E. PACHECO BLVD.

LANDSCAPE PLAN
SCALE: 1" = 20'-0"



PLANT LEGEND:

SYMB. NO.	BOTANICAL NAME	COMMON NAME	SIZE	WATER REGIME	MATURE HABIT
TREES					
1	LEPIS FRONTERI*	FRONTIER ELM	8 GAL. 18" CAL.	L	40' X 30'
13	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL. 125" CAL.	L	50' X 40'
1	LASERSTROMIA L. TONTO*	GRAPE MYRTLE	15 GAL. 125" CAL.	L	18' X 18'
SHRUBS					
23	RAPHIOLEPIS L. 'CLARA'	INDIA HAWTHORNE	5 GAL.	L	4' X 4'
35	NANDINA D. 'GOLF STREAM'	HEAVENLY BAMBOO	5 GAL.	L	5' X 5'
38	DIETES V. 'TRICOLOR'	FORTNIGHT LILY	5 GAL.	L	5' X 5'
13	PHORHUM T. 'MONROVIA RED'	NZ FLAX	5 GAL.	L	4' X 4'
52	HELIANTHEM 'VESLEY PINK'	SUNROSE	1 GAL.	L	6' X 2'
7	GEANTHUS 'VICTORIA'	CALIF. LILAC	5 GAL.	L	4' X 5'
8	NERIUM O. 'PETITE PINK'	OLEANDER	5 GAL.	L	5' X 5'
GRASSES					
43	MULLEBERGIA R. 'NASHVILLE'	PURPLE HAHY	1 GAL.	L	2' X 2'
3	CALAMAGROSTIS ACUTIFLORA	FEATHERED	1 GAL.	L	2' X 2'
PERENNIALS					
14	ACHILLEA 'MOONSHIRE'	YARROW	1 GAL.	L	2' X 5'
7	TULBASHIA V. 'TRICOLOR'	SOCIETY GARLIC	1 GAL.	L	1' X 15'

LANDSCAPE REQUIREMENTS

TOTAL SITE AREA: 12 AC
 TOTAL PARKING LOT AREA: 8,695 SF. (INCLUDES PAVEMENT & LANDSCAPE)
 PAVED PARKING AREA: 6,480 SF.
 PARKING AREA LANDSCAPE REQ. (4%) 341 SF.
 PARKING AREA LANDSCAPE PROVIDED (10%) 1048 SF.
 PARKING AREA SHADE REQ. (50% OF PAVED AREA) 3228 SF.
 PARKING AREA SHADE PROVIDED (50%) 3216 SF.
 SITE AREA LANDSCAPE REQ. (10%) 1200 SF.
 FRONTAGE REQUIRED TO BE LANDSCAPED (PROVIDED) TREE 1/30 LF. (PROVIDED)

WATER EFFICIENT LANDSCAPE REQUIREMENTS

AUTOMATIC CONTROLLER W/ ET DATA. REPEAT CYCLES
 IRRIGATION ZONES PER PLANT WATER REQUIREMENTS
 RAIN SENSOR SENSOR TO BE SPECIFIED
 SOIL AMENDMENTS TO BE INCORPORATED
 PLANTER SURFACE AREAS TO BE MULCHED
 WATER USAGE TO MEET STATE WATER EFFICIENT LANDSCAPE STANDARD

LANDSCAPE NOTES:

- THE CONTRACTOR SHALL COORDINATE ALL WORK WITH OTHER TRADES (IE: PAVING, PLUMBING, ELECTRICAL, ETC.)
- ALL GRADES SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE AFTER IRRIGATION MAINS AND FINAL GRADINGS IS COMPLETE PRIOR TO PLANTING.
- SOIL IN THE PLANTER AREAS SHALL BE AMENDED PER A SOIL ANALYSIS REPORT AND RECOMMENDATIONS PREPARED BY AN AGRICULTURAL SUITABILITY SOIL TESTING SERVICE. ALL SOIL ANALYSIS AND REPORTS SHALL SATISFY THE REQUIREMENTS OF 4025 IN THE CALIFORNIA WATER EFFICIENT LANDSCAPE ORDINANCE FOR A SOIL MANAGEMENT REPORT. THE RESPONSIBILITY OF PREPARATION THIS REPORT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY. THE CONTRACTOR SHALL SUBMIT THE REPORT TO THE GENERAL CONTRACTOR FOR SUBMITTAL TO THE CITY (SHRUB PLANTERS). COLLECT A MINIMUM OF 4 SOIL SAMPLES FROM ON-SITE PLANTER AREAS AFTER PLANTERS HAVE BEEN BROUGHT TO GRADE. THOROUGHLY MIX THE COLLECTED SAMPLES AND SUBMIT ONE MIXED SAMPLE FOR ANALYSIS WITH RECOMMENDATIONS FOR ORGANIC SOIL AMENDMENT. PLANTER AREA SOILS SHALL BE AMENDED PER THE SOIL ANALYSIS & RECOMMENDATIONS PRIOR TO PLANTING. LOOSEN SOIL TO A DEPTH OF 12" PRIOR TO AMENDING. SPREAD AMENDMENT AND INCORPORATE PER SOIL ANALYSIS RECOMMENDATIONS. RAKE OUT ALL ROCKS AND DEBRIS GREATER THAN 1/2" DIA. RAKE TO AN EVEN GRADE. SOIL REPORT SHALL INCLUDE SOIL INFILTRATION RATE FOR IRRIGATION SCHEDULING. ALL PLANTS SHALL BE SPRAYED WITH VERMA-FLEX OR EQUAL ORGANIC FOLIAR FERTILIZER AFTER INSTALLATION. A COPY OF THE SOIL ANALYSIS SHALL BE SUBMITTED TO THE OWNER AND THE CITY AS PART OF THE LANDSCAPE DOCUMENTATION PACKAGE.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING PLANT MATERIAL PER SYMBOLS AND SPACING INDICATED ON THE PLAN. SYMBOLS PREVAIL OVER QUANTITIES LISTED IN THE PLANT LEGEND.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND PROVIDE PLANT MATERIAL AS SPECIFIED ON THIS PLAN. THE CONTRACTOR MAY SUBMIT A REQUEST TO PROVIDE ALTERNATE PLANT MATERIAL AS SPECIFIED PLANT MATERIAL UNDER THE FOLLOWING CONDITIONS:
 A. ANY SUBSTITUTIONS PROPOSED SHALL BE SUBMITTED TO THE OWNER'S REPRESENTATIVE WITHIN TWO WEEKS OF THE AWARD OF CONTRACT. SUBSTITUTIONS MUST MEET EQUIVALENT DESIGN AND FUNCTIONAL GOALS OF THE ORIGINAL PLANT MATERIAL AS DETERMINED BY THE LANDSCAPE ARCHITECT.
 B. THE REQUEST MUST BE ACCOMPANIED BY AT LEAST THREE NOTICES FROM PLANT SUPPLIER THAT THE PLANT MATERIAL SPECIFIED IS NOT AVAILABLE PRIOR TO THE CONSTRUCTION PHASE.
- THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR ONE FULL YEAR UPON FINAL ACCEPTANCE OF THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE SITE, INCLUDING WATER SCHEDULING FOR THE ONE YEAR GUARANTEE PERIOD. ANY PLANTS REPLACED UNDER THIS GUARANTEE SHALL BE GUARANTEED FOR ONE FULL YEAR FROM THE DATE OF REPLACEMENT.
- REMOVE ALL WEEDS AND DEBRIS IN AND AROUND NEARLY INSTALLED PLANT MATERIAL AND EXISTING PLANT MATERIAL.
- THE LANDSCAPE CONTRACTOR SHALL INSURE POSITIVE DRAINAGE IN ALL PLANTER AREAS PER CIVIL ENGINEERS GRADING PLAN AFTER LANDSCAPE IMPROVEMENTS ARE COMPLETE.
- MULCH ALL PLANTING SAUCERS WITH THREE INCHES (3") MINIMUM DEPTH OF CHIPPED OR SHREDDED MULCH REFER TO LEGEND THIS SHEET.
- ALL SHRUBS WILL BE ON A TIMER CONTROLLED DRIP IRRIGATION SYSTEM PER THE IRRIG. PLAN. ALL PLANT MATERIAL WATER REQUIREMENTS ARE SHOWN IN THE LEGEND THIS SHEET AND GENERALLY SPECIFIED FOR WATER CONSERVATION.
- ALL PLANTS NOT MEETING OR EXCEEDING REQUIREMENTS AND RECOMMENDATIONS OF ANSI 2601 'AMERICAN STANDARD FOR NURSERY STOCK' SHALL BE REJECTED. THE CONTRACTOR SHALL RECEIVE ON-SITE APPROVAL OF PLANT MATERIAL BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. FAILURE TO RECEIVE APPROVAL PRIOR TO PLANTING MAY RESULT IN REJECTION AND THE CONTRACTOR SHALL REPLACE ALL REJECTED PLANT MATERIAL AT HIS EXPENSE. THE OWNER RESERVES THE RIGHT TO INSPECT AND EVALUATE PLANT MATERIAL THROUGHOUT THE CONSTRUCTION AND MAINTENANCE PERIOD.
 THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE OWNER A MIN OF 48 HOURS IN ADVANCE FOR THE FOLLOWING SITE OBSERVATIONS AND/OR MEETINGS:
 A. PRECONSTRUCTION MEETING WITH ALL PARTIES.
 B. PLANT MATERIAL ON SITE, PRIOR TO INSTALLATION.
 C. PLANT LOCATIONS STAKED, PRIOR TO PLANTING.
 D. FINAL PROJECT WALK-THROUGH.
 E. ADDITIONAL SITE OBSERVATIONS DETERMINED BY THE CONTRACTOR.

LEGEND

- 2'-4" DIA. BOULDERS FRACTURED ROCK
COLOR GRAY TO TAN REFER TO DETAIL SHEET L-500
- PLANTER MULCH: 3" MIN. DEPTH OF FRACTURED ROCK
1 1/2" DIA. COLOR LIGHT TAN TO BROWN AS AVAILABLE FROM A LOCAL SOURCE. ALL PLANTER AREAS AND ALL AREAS NOT DESIGNATED FOR IMPROVEMENTS.
PLACE COVER DENT PRO 3 OR EQUAL NEED BARRIER FABRIC INSTALL. NEED BARRIER FABRIC PER MFG. DIRECTION
SAMPLES OF MULCH SHALL BE SUBMITTED TO THE OWNER FOR APPROVAL. PRIOR TO DELIVERY TO THE SITE.
ROCK MULCHES SHALL BE WASHED AND CLEAN OF DIRT AND DEBRIS PRIOR TO DELIVERY TO THE SITE.

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 DRAWN: SM
 DESIGNED: BH
 CHECKED/STAMPED: BARBARA HATCH RLA ASLA

NOT FOR CONSTRUCTION

TECTONICS DESIGN GROUP
 730 S. GARDNER BLVD., SUITE 103, RENO, NEVADA 89521
 TEL: 775.824.9988
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 WWW.TECTONICSGROUP.COM

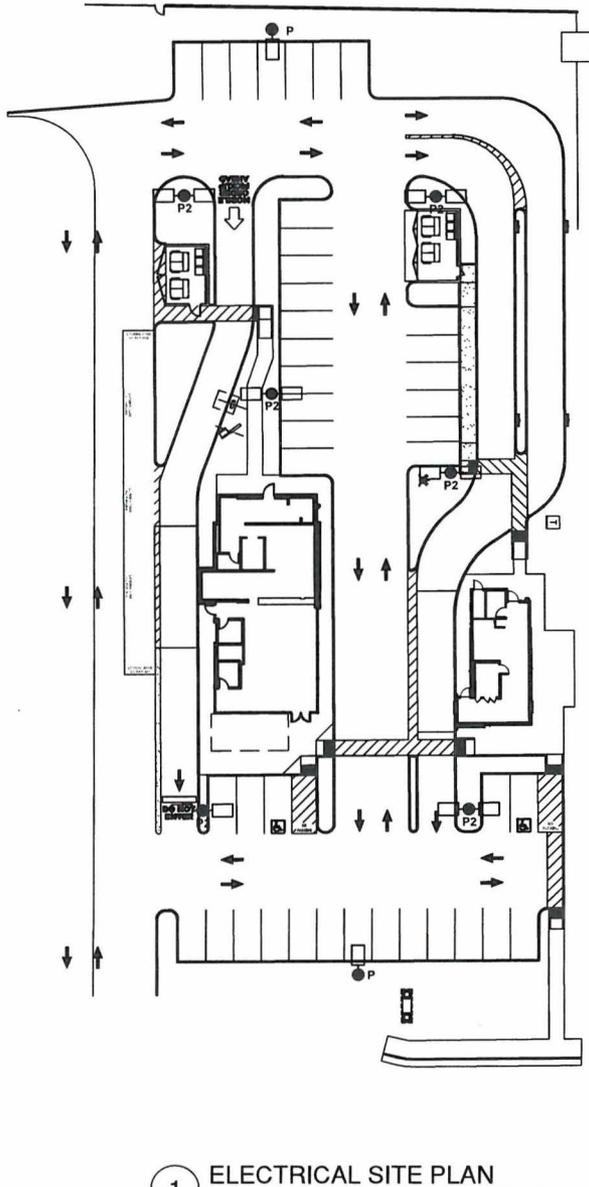
CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD, LOS BANOS, CA
MAIN & MAIN
 5750 Genesis Court, Suite 103, Frisco, TX 75034

GreenDesign Landscape Architects, Inc.
 Barbara M. Hatch ASLA
 Washington License No. 1494
 Reno, Nevada
 89509 1464 Popinjoy Drive
 phone 775.829.1364
 fax 775.829.1364

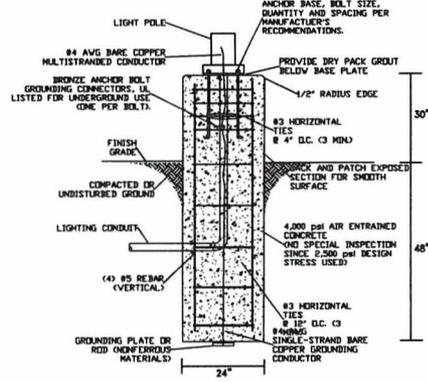
LANDSCAPE PLAN

L1.1

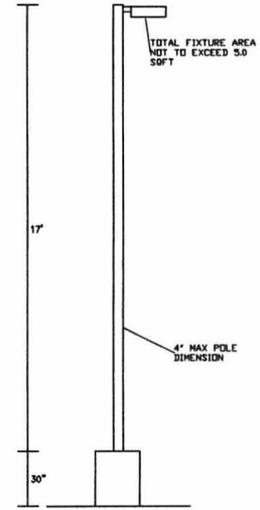
PRELIMINARY - NOT FOR CONSTRUCTION



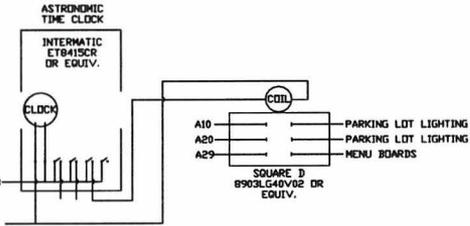
1 ELECTRICAL SITE PLAN
Scale: $\frac{1}{4}'' = 10'$



2 PARKING LOT LIGHT POLE BASE
Scale: N/A



3 PARKING LOT LIGHT ELEVATION
Scale: N/A



4 LIGHTING CONTROL DIAGRAM
Scale: NOT TO SCALE

LIGHTING SCHEDULE						
ID	MANUFACTURER	MODEL#	LAMP TYPE	VOLTAGE	WATTAGE	DESCRIPTION
P	IMPERIAL LIGHTING	3300/VITE-38-C5-748-U-B-T3 HUBBELL SS3425-40-A-1V-38-VPO IF MAX IS ALLOWED 180V VITE-240-C5-740-U-B-TE-8Z/VITE-3E-1V	LED	120/277	200W	IMPERIAL PART #SAL1SLC1500R/V30 - SITE POLE HEAD, LED 800V, 2500LM/4,000K, DARK BRIDGE, TYPE II DISTRIBUTION, WITH 17 POLE. VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - VATT'S/LUMENS, KELVIN LIGHT TEMPERATURE, TYPE DIST, MOUNTING CONFIG, SINGLE OR DOUBLE, COLOR AND HEIGHT. DRILL HOLES IN POLES FOR HEARS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.
P2	IMPERIAL LIGHTING	SAME AS TYPE "P" WITH (2) HEADS MOUNTED AT 180"	LED	120/277	200W	IMPERIAL PART #SAL1SLC1500R/V30 - SITE POLE HEAD, LED 800V, 2500LM/4,000K, DARK BRIDGE, TYPE II DISTRIBUTION, WITH 17 POLE. VERIFY PER LOCAL REQUIREMENTS PRIOR TO ORDERING - VATT'S/LUMENS, KELVIN LIGHT TEMPERATURE, TYPE DIST, MOUNTING CONFIG, SINGLE OR DOUBLE, COLOR AND HEIGHT. DRILL HOLES IN POLES FOR HEARS IF REQUIRED IN FIELD. VERIFY COLOR/HEIGHT BEFORE ORDERING.

A. INSTALLATION OF LIGHT FIXTURES SHALL BE ACCORDING TO MANUFACTURER'S RECOMMENDATIONS AND APPLICABLE CODE REQUIREMENTS.
 B. VERIFY THE EXACT MOUNTING HEIGHT AND FINISH OF ALL LIGHTING FIXTURES WITH ARCHITECT PRIOR TO PLACING ORDER OR COMMENCING ROUGH-IN.
 C. LIGHT FIXTURES SHALL BE PROVIDED BY THE ELECTRICAL CONTRACTOR.
 D. PURCHASING THE ABOVE LIGHTING MATERIAL IS TO BE PURCHASED AS A "LIGHTING PACKAGE" FROM DUTCH BROTHERS COFFEE'S NATIONAL ACCOUNT THE REQUIRED LIGHTING VENDOR - IMPERIAL LIGHTING, MAKE AVAILABLE TO FRANCHISEES AND THEIR CONTRACTORS AT ESTABLISHED DISCOUNTED PRICING, UNLESS FROM NEGOTIATED STOCK INVENTORY PRODUCT COMMITTED TO, AND OBLIGATED FOR USE BY SBC. CONTACT JOSH ROGERS, JOSH@IMPERIAL-LIGHTING.COM, 760-436-2762, FOR QUOTATION, ORDER PLACEMENT AND DELIVERY. IF ANYTHING OTHER THAN ABOVE IS INSTALLED WITHOUT EXPRESSED WRITTEN CONSENT BY SBC CORPORATE OFFICE AND THE FRANCHISEE, CONTRACTOR WILL BE REQUIRED TO REMOVE IT AND REPLACE IT WITH THE ABOVE.

COMPLIANT: _____
 DRAWN: SCOTT GARRISON
 DESIGNED: SCOTT GARRISON
 STAMPED: SCOTT GARRISON

PERMIT SET

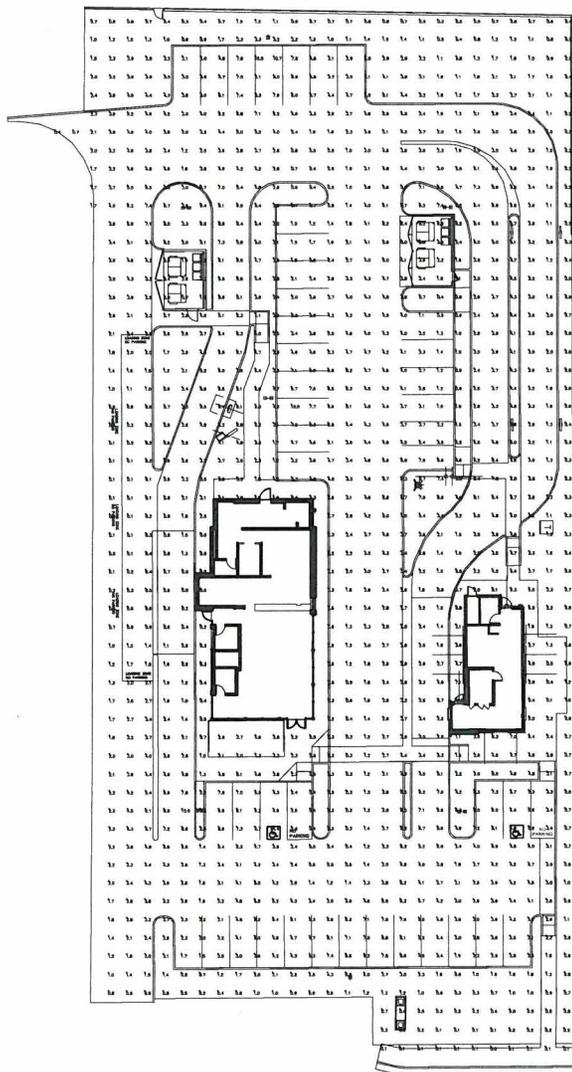
TECTONICS DESIGN GROUP
 730 Sanchal Road, Suite 250, Reno, NV 89321
 Tel: 775-824-9988
 Fax: 775-824-9966
 www.tectonicsdesigngroup.com

DESIGNER: _____

CONDITIONAL USE PERMIT
 1420 EAST PACHECO BLVD, LOS BANOS, CA
MAIN & MAIN
 5750 Genesis Court, Suite 103, Frisco, TX 75034

PROJECT/CLIENT: _____
 # 15947

DATE: 2/7/2020
 SUBMITTAL RECORD: _____
 SUBMITTAL RECORD: _____
 SHEET TITLE: LIGHTING SITE PLAN
 SHEET: ES-1.0



PRELIMINARY - NOT FOR CONSTRUCTION

Photometric Statistics
 Los Banos DB Total Site
 Site
 Illuminance (Fc)
 Average=3.10 Maximum=13.5 Minimum=0.0 Avg/Min=N.A. Max/Min=N.A

1 ELECTRICAL PHOTOMETRIC PLAN
 Scale: NOT TO SCALE

SHEET TITLE: PHOTOMETRIC SITE PLAN	SUBMITTAL RECORD: _____ _____ _____ _____ _____	PROJECT/CIENT: # : 19047	DESIGNER: TECTONICS DESIGN GROUP 733 S. MacArthur Blvd., Suite 250, Reno, NV 89521 www.itectonicsdesigngroup.com Tel: 775-224-9388 Fax: 775-224-9988	COPYRIGHT: DRAWN: SCOTT GARRISON DESIGNED: SCOTT GARRISON STAMPED: SCOTT GARRISON
		DATE: 2/7/2020	SUBMITTAL PERMIT SET	STAMP: PERMIT SET
SHEET: ES-2.0		PROJECT/CIENT: CONDITIONAL USE PERMIT 51420 EAST PACHECO BLVD, LOS BANOS, CA MAIN & MAIN 5750 Genesis Court, Suite 103, Frisco, TX 75034		

FACTORY DRAWING

INSTALLATION

SHOP DRAWING #:
30409K

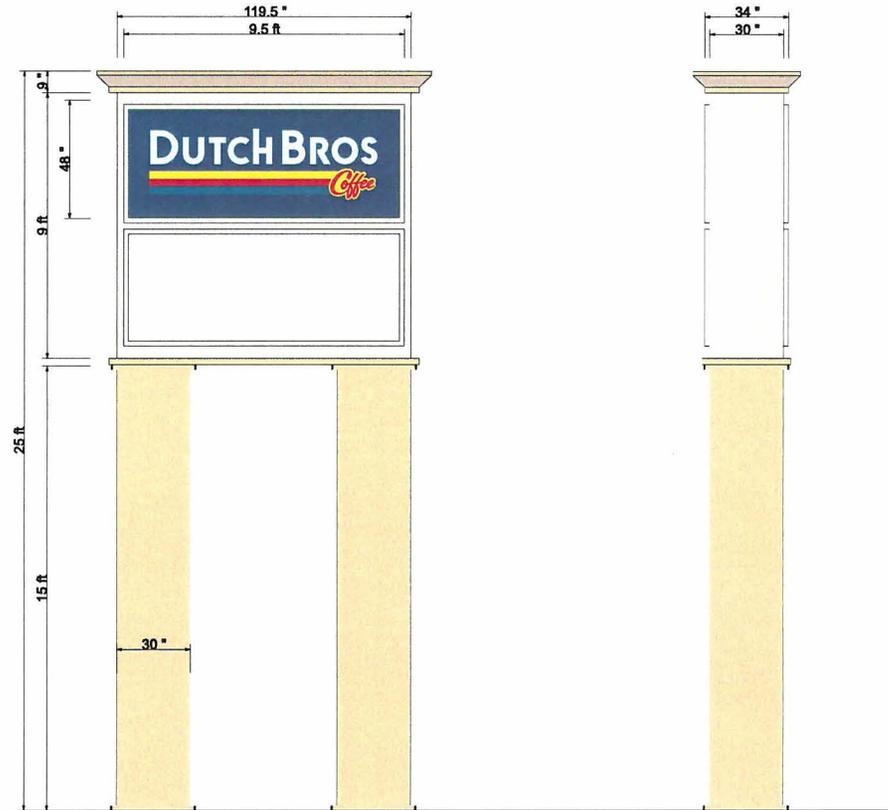
CLIENT:
DUTCH BROS - CA1205
1420 E PACHECO BLVD.
LOS BANOS, CA 93635

DATE OF SHOP DRAWING:
1/13/20

SHOP REVISIONS:

SALES:	CONCEPT DESIGN:	PROD. DESIGN:	PAGE NO.:
NJ	CH	CH	2 of 2

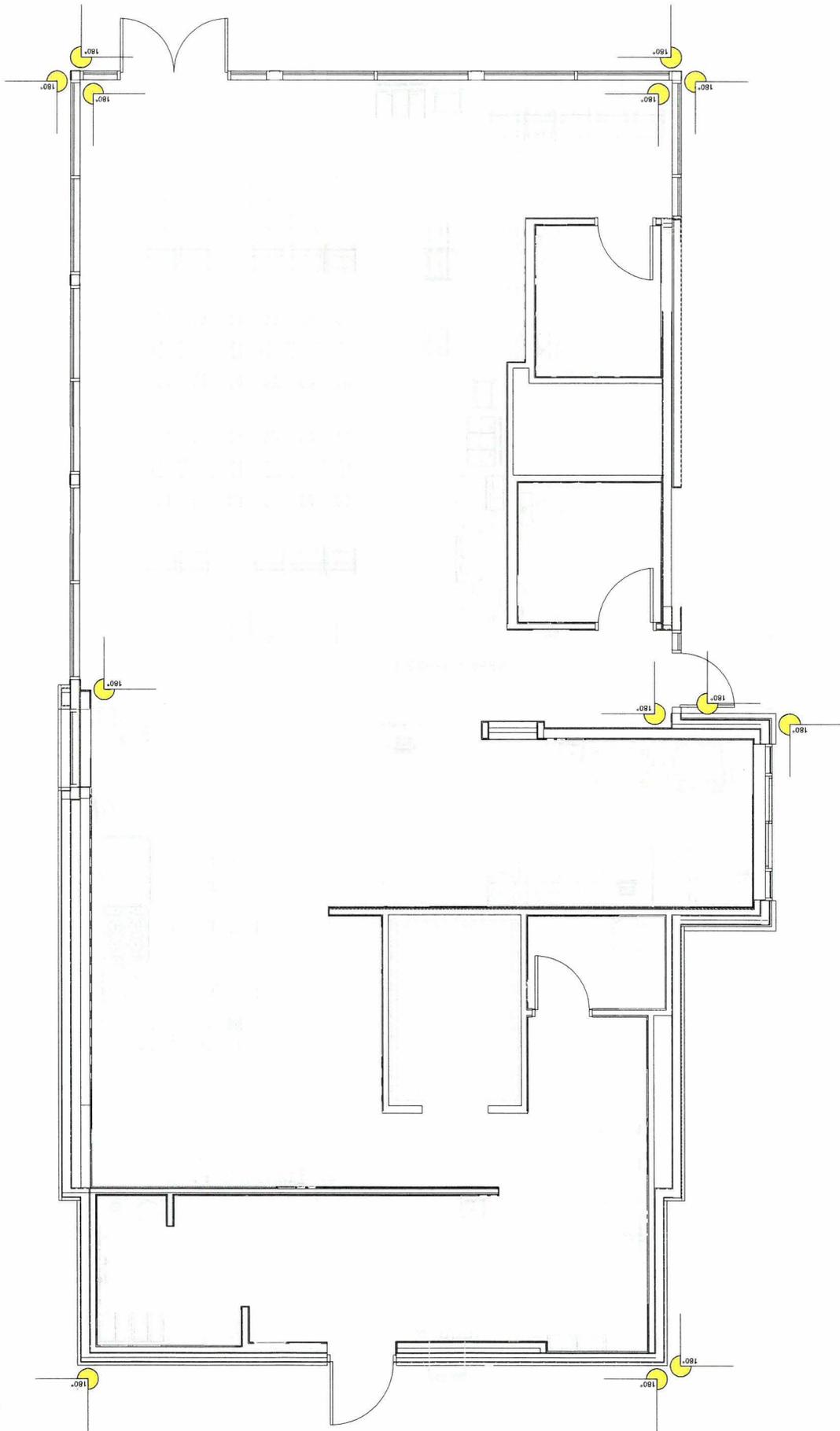
ES&A SIGN & AWNING
89975 PRABIE RD. | EUGENE, OR 97402
P. 541.485.5546 | F. 541.485.5813



Note: Chipotle will be included on this multi-tenant free standing sign

INSTALL NOTES:
REMOVE EXISTING SIGN FACES & INSTALL NEW SIGN FACES.

PICK LIST		
QTY	PART	
2	LEXAN SIGN FACES	✓
SIGNED:		DATE:





City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: April 10, 2020

Re: Notice of Public Hearing

Proposal: Negative Declaration (SCH #20200020445), Tentative Parcel Map #2020-01, Site Plan Review #2016-06, Conditional Use Permit #2020-01, & Conditional Use Permit #2020-02

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Negative Declaration (SCH #2020020445) for OA Holdings No. 1 LLC & MMCG DBR Los Banos LLC, for Tentive Parcel Map #2020-01, Site Plan Review #2016-06, Conditional Use Permit #2020-01, and Conditional Use Permit #2020-02. The proposed project will consist of a Tentative Parcel Map dividing a 1.22 acres parcel into two (2) parcels; Parcel A totaling 0.69 acres and Parcel B totaling 0.53 acres; the development of two (2) commercial retail structures, a 2,500 commercial structure to serve as a quick serve restaurant with a drive through window (Parcel A) and an 800 square foot structure to serve as a quick serve restaurant with a drive through window (Parcel B). The new development will also include a parking lot, landscaping, exterior lighting, and utility improvements to be consistent with the City of Los Banos City Standards. The project will also consist of a Conditional Use Permit for the allowance of the on-sale and on-site consumption of alcohol through a Type 41 Beer and Wine ABC license in conjunction with a bona-fide eating establishment. The other requested Conditional Use Permit will allow for a variation of Highway Commercial Zoning District Sign Standards for a proposed freestanding sign. The proposed project is within the Highway Commercial Zoning District (H-C). The project site is located at 1420 E. Pacheco Boulevard, Assessor Parcel Number: 428-140-030.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, April 22, 2020 at 4:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner



City of
Los Banos
At the Crossroads of California

PLANNING COMMISSION STAFF REPORT

TO: CHAIRMAN CATES AND PLANNING COMMISSIONERS
FROM: RUDY LUQUIN, ASSOCIATE PLANNER 
FOR: APRIL 22, 2020
SUBJECT: MOBILE FOOD VENDOR PERMIT #2020-02 – TACOS Y BIRRIA LA PERLA- SERGIO BUENROSTRO SOSA

RECOMMENDATION:

That the Planning Commission adopt Resolution No. 2020-13 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2020-02 for the operation of a mobile food vending unit to vend on private property located at 849 W. Pacheco Blvd, Assessor's Parcel Number: 027-181-011.

PROJECT BACKGROUND/DESCRIPTION:

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

The City of Los Banos Community & Economic Development Department received a request for a mobile food vendor permit for the operation of a mobile food vending unit to vend on private property located at 849 W. Pacheco Blvd. (Goodger's Shell). The proposed mobile food vending unit will operate six (6) days a week, Tuesday through Sunday from 12:00 P.M. to 8:00 P.M. The proposed mobile food vending operation will

consist of two (2) employees at this time. The mobile vending unit will be on site during proposed business hours and off site when not operating.

LOCATION AND ACCESS:

The proposed mobile vending location is at 849 W. Pacheco Blvd; APN: 027-181-011. The mobile food vending unit will be located in a parking stall within the south west section of the parking lot, approximately fifty feet (100') to the west of the Convenience Store. The project site can be accessed from Pacheco Boulevard and West I Street. The specific location of the proposed mobile unit is detailed in the yellow star below.



VENDOR PERMIT ANALYSIS

Code Requirements

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

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

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

The primary use of the property is a Gas Station/ Convenience Store, which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary commercial use of the property.

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

The subject property site is located at 849 W. Pacheco Blvd which is within the Highway Commercial Zoning District (H-C), which is private property that is used for commercial medical purposes.

3. Not be located on a vacant parcel.

The mobile food vending unit will be located in the parking stall approximately one hundred feet (100') west of the convenience store.

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

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

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

The project site contains more than sufficient parking as the proposed mobile food vendor location is within the parking lot for the gas station/ convenience store.

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

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

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

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

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

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

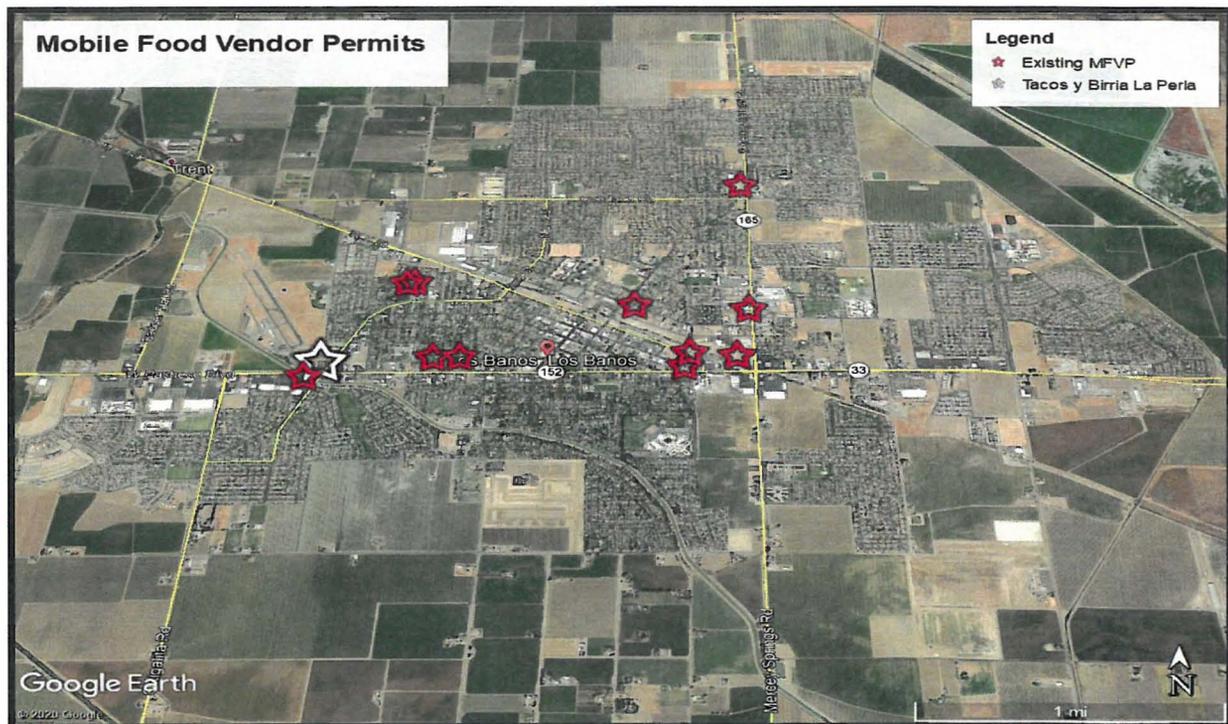
Staff has determined that the proposed vendor permit is consistent with Los Banos Municipal Code Title 9 Chapter 3 Article 36. Conditions of approval have been incorporated into the project to make certain that the applicant conforms to the required level of cleanliness, quality, safety and security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

Existing Vendor Permits

Currently there are eleven (11) active mobile vendor permits in the City. The following is a list of Vendor Permits approved by the Planning Commission for operation on private property:

Business Name	Business Owner	Location	Vendor Type
Junior's Tacos	Antemio & Gabriela Cortes	740 G St	Taco Truck
El Grullense, Jal	Leonardo Oliva	531 Mercey Springs Rd.	Taco Truck
Tacos & Mariscos Las Brasas	Natividad Parra	403 N. Mercey Springs Rd.	Taco Truck
Tacos El Jefe	Christian Mendoza	1155 I St.	Taco Truck
Taco Face	Rosa Orozco	310 W. Pacheco Blvd.	Taco Truck
A-1 Water Quality	Roger Pires	1248 E. Pacheco Blvd.	Water Truck
Tacos La Bonita	Eliseo Jarrillo	140 W. Pacheco Blvd.	Taco Truck
El Gurellense, Jal #6	Jaidel Perez	923 W. Pacheco Blvd.	Taco Truck
Biggins Texas BBQ	Kenneth Lambert	520 W. I St.	BBQ Truck
The Tri-Tipery	Jana Nairn	1155 E. Pacheco Blvd	BBQ Truck
Taco's La Patrona 209	Rosa Fabian	520 W. I St.	Taco Truck

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



PUBLIC COMMENT:

A public hearing notice was published in the Los Banos Enterprise on Friday, April 10, 2020. As of the date of this staff report no comments have been received.

APPLICABLE ORDINANCES/GUIDELINES:

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

RECOMMENDATIONS:

That the Planning Commission adopt Resolution No. 2020-13 approving the proposed project to be categorically exempt from the California Environmental Quality Act pursuant to Section 15311, Accessory Structures and approving Mobile Food Vendor Permit #2020-02 for the operation of a mobile food vending unit to vend on private property located at 849 W. Pacheco Blvd, Assessor's Parcel Number: 027-181-011.

ATTACHMENTS:

1. Resolution #2020-13
Exhibit A CEQA Findings
Exhibit B Project Findings
Exhibit C Conditions of Approval
2. Truck Photos
3. Site Plan
4. Merced County Environmental Health Permit
5. Public Hearing Notice – April 10, 2020

RESOLUTION NO. 2020-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15311, ACCESSORY STRUCTURES, AND APPROVING MOBILE FOOD VENDOR PERMIT #2020-02 FOR THE OPERATION OF A MOBILE FOOD VENDING UNIT TO VEND ON PRIVATE PROPERTY LOCATED AT 849 W. PACHECO BLVD., MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 027-181-011

WHEREAS, the applicant, Sergio Buenrostro Sosa, DBA: Tacos y Birria La Perla, has filed an application with the City of Los Banos for a Mobile Food Vendor Permit to allow the operation of a mobile food vending unit on private property located at 849 W. Pacheco Blvd; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Mobile Food Vendor Permit #2020-02 for Tacos y Birria La Perla was determined to be Categorically Exempt from the provisions of CEQA per Article 19, Section 15332 as the project meets all the criteria for an in-fill project and it can be seen with certainty that the proposed project would not have a significant effect on the environment; and

WHEREAS, a public hearing notice was advertised in the Los Banos Enterprise on Friday, February 10, 2020, in accordance with the Los Banos Municipal Code and California Government Code Section 65091; and

WHEREAS, the Los Banos Planning Commission held a public hearing on April 22, 2020, at which time interested persons had an opportunity to provide testimony; and

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

Municipal Code Title 9 Chapter 3 Article 36; and

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

NOW, THEREFORE, BE IT RESOLVED that based upon the foregoing the Planning Commission of the City of Los Banos does hereby approve Mobile Food Vendor Permit #2020-02 to permit the use of a mobile food vending unit to operate on private property located at 849 W. Pacheco Blvd., APN: 027-181-011, within the City of Los Banos, subject to the Conditions of Approval set forth in Exhibit C, attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 22nd day of April 2020 by Planning Commissioner _____ who moved its adoption, which motion was duly seconded by Planning Commissioner _____, and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

John Cates, Planning Commission Chairman

ATTEST:

Sandra Benetti, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR MOBILE FOOD VENDOR PERMIT #2020-02 – TACOS Y BIRRIA LA PERLA (SERGIO BUENROSTRO SOSA)

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

The City of Los Banos Planning Commission hereby finds the proposed mobile vendor permit appropriate for the Highway Commercial Zoning District (H-C) as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Guidelines, Mobile Food Vendor Permit #2020-02 was evaluated within the context of those guidelines and found to be categorically exempt from the provisions of CEQA – Article 19, Section 15311.
2. Mobile Food Vendor Permit #2020-02 was adequately noticed and circulated for public review and comment on Friday, April 10, 2020 for consideration at a public meeting on Wednesday, April 22, 2020.
3. No further environmental documentation is required as the Mobile Food Vendor Permit was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL FOR MOBILE FOOD VENDOR PERMIT #2020-02 – TACOS Y BIRRIA LA PERLA (SERGIO BUENROSTRO SOSA)

FINDINGS FOR APPROVAL:

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

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

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

The primary use of the property is a Gas Station/ Convenience Store, which has a valid Business License. The mobile food vending unit will be an accessory use to the main and primary use of the property.

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

The subject property site is located at 849 W. Pacheco Blvd which is within the Highway Commercial Zoning District (H-C), which is private property that is used for commercial medical purposes.

- c) Not be located on a vacant parcel.

The mobile food vending unit will be located in the parking stall approximately one hundred feet (100') north of the existing structure.

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

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

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

for the primary use, shall be provided for the mobile vending unit operation.

The project site contains more than sufficient parking as the proposed mobile food vendor location is within the parking lot of the Gas Station/ Convenience Store.

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

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

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

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

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

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

EXHIBIT C

CONDITIONS OF APPROVAL FOR MOBILE VENDOR PERMIT #2020-02 – TACOS Y BIRRIA LA PERLA (SERGIO BUENROSTRO SOSA)

1. The operation of the Mobile Vending Unit shall at all times comply with the requirements of the Los Banos Municipal Code, the Conditions of Approval for Mobile Food Vendor Permit #2020-02 including but not limited to the application on file with the Community and Economic Development Department. Should there be a conflict, the Municipal Code and the Conditions of Approval shall control.
2. The Mobile Food Vendor Permit is to allow for a mobile food vending unit to operate on private property, in the location depicted in the application, located at 849 W. Pacheco Blvd; the permit shall expire one (1) year from date of issuance.

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

3. The mobile food vendor shall have a valid City of Los Banos Business License and renew such license each year.
4. The mobile food vending unit shall be moved off-site when not in operation.
5. A background check through the Los Banos Police Department must be obtained for the mobile food vendor and each person operating or vending out of the mobile unit prior to issuance of a Business License.
6. The applicant shall comply with the applicable requirements of the Los Banos Municipal Code including but not limited to the following:
 - a. The operation shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition.
 - b. The mobile food vendor shall display, in plain view and at all times, current permits and licenses.
 - c. While vending, drive wheels of the mobile food vending unit shall be chocked in such a manner as to prevent movement.
 - d. The permitted hours of operation are from 8:00 a.m. to 9:00 p.m.

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

8. The mobile food vending unit shall comply with California Fire Code, California Code of Regulations, and California Mechanical Code. Should any utility hook-ups or connections to on-site utilities be used or required, the mobile food vendor shall be required to apply for appropriate permits or receive approval by the appropriate City department to ensure building and public safety and consistency with applicable building and zoning regulations.
9. The applicant agrees to indemnify, hold harmless, and defend the City of Los Banos, its officers, agents and employees from any and all liability or claims that may be brought against the City of Los Banos arising out of its approval of this permit, or the environmental determination rendered in connection with the permit approval, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
10. The mobile food vending unit shall not be inconsistent with the Conditions of Approval and shall not be operated in a manner that deviates from the approved vendor permit, which shall constitute a violation and may result in the revocation or modification of the permit upon written notice to the owner of the subject unit.
11. The operation of Mobile Food Vendor Permit #2020-02 shall be located at 849 W. Pacheco Blvd approximately 100' west of the existing commercial structure not obstructing parking, pedestrian walkways or vehicular traffic. Relocation of the mobile unit on site shall only occur with prior approval by the Community and Economic Development Director or designee or Planning Commission.
12. At least two (2) onsite parking spaces, in addition to those required for the primary use shall be provided for the mobile vending unit operation.



TACOS Y BIRRIA
LA PERLA

408-230-1803

   @tacoybirrialaperla



TACOS Y BIRRIA



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SERGIO BUENROSTRO
Los Banos Ca, 93635

408-230-1803



@tacosybirrialaperia

408-230-1803



@tacosybirrialaperia

Birria de res





TACOS Y BIRRIA
LA PERLA

408-230-1803

   @tacosybirrialaperla

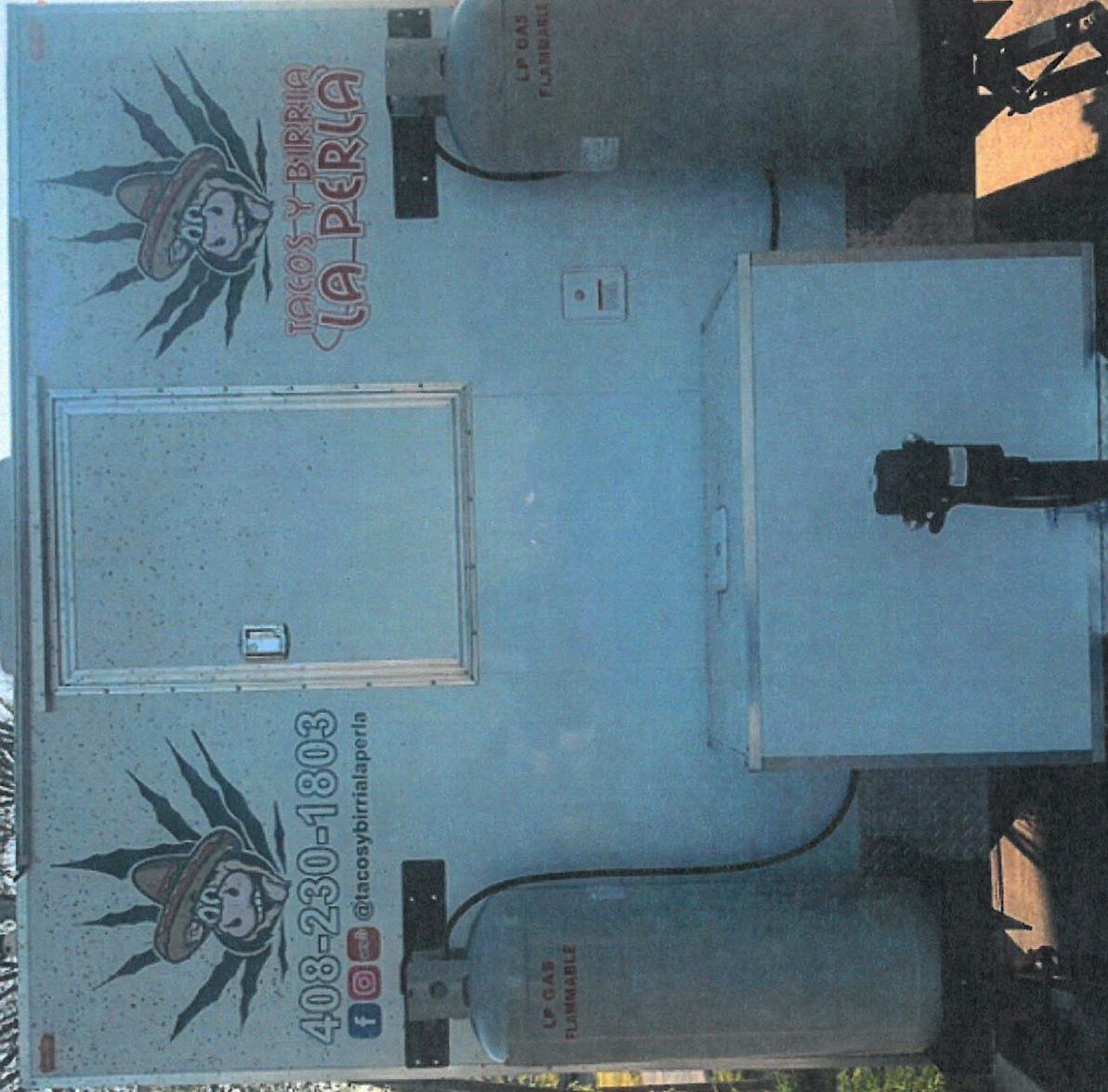


COMMISSARY
OROPEZA SALAZAR BAKERY
225 7th St. Suite B
Los Banos, Ca 93635



4SU1240





TACOS Y BIRRIA
LA PERLA



408-230-1803
f i y t @tacoybirrialaperla

Mobile Food Vendor #2020-02

Sergio Buenrostro Sosa dba Tacos y Birria La Perla

Legend

-  Goodgers Shell & Food Mart Inc
-  Tacos y Birria La Perla



Google Earth

© 2020 Google

100 ft



NOTICE

THIS FACILITY IS INSPECTED BY THE
MERCED COUNTY DIVISION OF
ENVIRONMENTAL HEALTH. A COPY
OF THE MOST RECENT INSPECTION
REPORT IS AVAILABLE HERE FOR
REVIEW UPON REQUEST.



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

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

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

Equal Opportunity Employer

Health Permit to Operate

Valid from 2/27/2020 to 12/31/2020

REGULATED FACILITY :

**Tacos Y Birria La Perla
1418 Quail St.
Los Banos, CA 93635**

Facility ID: FA0009239
Account ID: AR0019324
Issued: 2/27/2020

OWNER NAME :

Sergio A. Buenrostro Sosa

Program Element Number and Description

0143 MOBILE FOOD FAC (MOBILE FOOD PREP UNIT)

Permit ID # Units

PT0015597 PR0019690

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

MOBILE FOOD PREP UNITS MUST COMPLY WITH LOCAL PLANNING REGULATIONS.

THIS FORM MUST BE CONSPICUOUSLY DISPLAYED ON THE PREMISES

Vicki Jones, MPA, REHS
Environmental Health Director



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: April 10, 2020

Regarding: Notice of Public Hearing

Proposal: Mobile Food Vendor Permit #2020-02 – Sergio Buenrostro Sosa
(dba Tacos y Birria La Perla)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider a Categorical Exemption from the California Environmental Quality Act (CEQA) and a Mobile Food Vendor Permit #2020-02 to allow the operation of a mobile food vending vehicle on private property for Sergio Buenrostro Sosa dba Tacos y Birria La Perla. The subject property is located within the Highway Commercial Zoning District at 849 West Pacheco Boulevard, more specifically identified as Assessor's Parcel Number: 027-181-011.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos Planning Commission on Wednesday, April 22, 2020 at 4:00 p.m. in the Council Chambers of Los Banos City Hall, located at 520 "J" Street, Los Banos, California. Questions regarding the above-referenced item may be directed to Rudy Luquin, Associate Planner, at City Hall or at (209) 827-2432.

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

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

THE CITY OF LOS BANOS

Rudy Luquin
Associate Planner