



# City of Los Banos

At the Crossroads of California

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

## AGENDA

### CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS  
520 J Street  
Los Banos, California

**SEPTEMBER 16, 2020 – 4:00 PM**

**Temporary Public Comment Email Established for the City of Los Banos  
City Council Meeting of September 16, 2020 – emails must be received by 4:00 PM:**

The City has established a temporary email address citizens can use to email public comments on any agenda item, limited to 250 words or less. Any public comments received by September 16, 2020 prior to 4:00 PM will be read aloud during the appropriate time and agenda item.

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

**Public comment during Public Hearings will be taken in real time via email.**

Once the Public Hearing is opened, the City Council will pause the meeting in order to receive emails directed at the Public Hearing (up to 250 words) and will read comments into the record after resuming the meeting, as time permits.

Please indicate that comments are for a particular Public Hearing by putting "Public Hearing" in the subject line of the email and the title of the Public Hearing.

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

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

*If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.*

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

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

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

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

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

1. CALL TO ORDER.

**4:00 PM**

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL: (City Council Members)

Faria \_\_\_\_, Johnson-Santos \_\_\_\_, Jones \_\_\_\_, Lewis \_\_\_\_, Villalta \_\_\_\_

4. CONSIDERATION OF APPROVAL OF AGENDA.

5. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers may submit their comments by submitting a written statement, limited to 250 words or less, by dropping it off in the Utility Payment Box at City Hall, 520 J Street, by mail or emailing [cityclerk@losbanos.org](mailto:cityclerk@losbanos.org). Comments received will be read into the record during the City Council Meeting.)

6. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

A. Check Register for #223418 – #223800 in the Amount of \$1,707,361.65.

*Recommendation: Approve the check register as submitted.*

B. Minutes for the August 19, 2020 City Council Meeting.

*Recommendation: Approve the minutes as submitted.*

C. Minutes for the September 1, 2020 Special City Council Meeting.

*Recommendation: Approve the minutes as submitted.*

D. Approval of Response Letters from the Los Banos City Manager and the Los Banos Public Works Director/City Engineer Regarding Merced County Civil Grand Jury Final Report 2019-2020 Relating to the City of Los Banos Roads Maintenance.

*Recommendation: Approve the letters as submitted and authorize execution.*

E. City Council Resolution No. 6262 – Authorizing that the City Manager Execute the Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form for the City of Los Banos State Route 152 Signal Synchronization Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the CMAQ Fund Account.

*Recommendation: Adopt the resolution as submitted.*

7. PUBLIC HEARING. (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 Receive Public Comment and Consideration of a Final Development Plan #2020-01 for Mission Village South Phases 5A and 5B for the Project Site Located East of Mercey Springs Road, South of Mission Drive and North of Willmott Avenue, More Specifically Identified as Assessor's Parcel Number 428-280-012.

1) City Council Resolution No. 6251 – Approving Final Development Plan #2020-01 for Mission Village South Phase 5.

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

8. SHOPPING CART ORDINANCE UPDATE.

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

9. DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR THE 2020 LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL CONFERENCE BEING HELD 'VIRTUALLY' OCTOBER 7-9, 2020.

*Recommendation: Designate Council Member Johnson-Santos as the voting delegate and City Manager Terrazas as the alternate voting delegate.*

10. COMMUNITY CHOICE AGGREGATION TECHNICAL STUDY BRIEFING AND POTENTIAL NEXT STEPS FOR CITY OF LOS BANOS.

*Recommendation: Receive staff report and direction from the City Council on how to proceed.*

11. COVID-19 STATUS UPDATE.

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

12. ADVISEMENT OF PUBLIC NOTICES. (Two reports)

13. CITY MANAGER REPORT.

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

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

15. CITY COUNCIL MEMBER REPORTS.

A. Brett Jones

B. Deborah Lewis

- C. Tom Faria
  - D. Daronica Johnson-Santos
  - E. Mayor Mike Villalta
16. CLOSED SESSION – Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6, Agency Designated Representatives: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Sergeants Association (LBPSA), Los Banos Fire Fighters Association (LBFFA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA), Los Banos Public Employees Union (Public Works) Local 1/AFSCME and Unrepresented Miscellaneous Employees.
17. ADJOURNMENT.

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



Sara Blevins, Deputy City Clerk

Dated this 10th day of September 2020

CK # 223418 - # 223800

09/16/2020

\$ 1,707,361.65

# Bank Reconciliation

## Checks by Date

User: jcanchola

Printed: 09/08/2020 - 3:59PM

Cleared and Not Cleared Checks

Print Void Checks



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

Check	Check Date	Name	Modul	Void	Amount
223418	8/11/2020	Xerox Financial Services	AP		2,464.46
223420	8/14/2020	Alhambra	AP		191.60
223421	8/14/2020	Ameripride Services	AP		156.29
223422	8/14/2020	Anthony Gomes	AP		546.60
223423	8/14/2020	Aramark Uniform Ser Inc	AP		520.01
223424	8/14/2020	AT&T	AP		213.67
223425	8/14/2020	AT&T	AP		16,996.11
223426	8/14/2020	Blueglobes LLC	AP		221.12
223427	8/14/2020	Boot Barn	AP		190.00
223428	8/14/2020	Brinks Inc.	AP		716.49
223429	8/14/2020	Bruce's Tire Inc	AP		217.05
223430	8/14/2020	BSK Associates	AP		11,937.20
223431	8/14/2020	Burton's Fire Inc.	AP		300.00
223432	8/14/2020	Ca Dept of Justice	AP		390.00
223433	8/14/2020	A & E Industrial Cleaning Equipment	AP		1,237.68
223434	8/14/2020	Cen-Cal Air	AP		72.00
223435	8/14/2020	Central Sanitary Supply	AP		354.49
223436	8/14/2020	Cook's Communications Corp.	AP		690.92
223437	8/14/2020	Copy Shipping Solutions	AP		2,198.14
223438	8/14/2020	CPS	AP		888.50
223439	8/14/2020	CSG Consultants Inc.	AP		94,194.68
223440	8/14/2020	Docs Towing & Transport, Inc.	AP		510.00
223441	8/14/2020	Double D Towing, LLC	AP		250.00
223442	8/14/2020	The ABY MFG Group. Inc.	AP		211.33
223443	8/14/2020	F S Rod Inc	AP		14,117.78
223444	8/14/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP		99.92
223445	8/14/2020	Golden State Flow Measurement	AP		6,629.13
223446	8/14/2020	GCS Environmental Equipment Services	AP		263.34
223447	8/14/2020	Galls Inc	AP		261.27
223448	8/14/2020	Grassland Water District	AP		82,612.00
223449	8/14/2020	Joe Gutierrez	AP		500.00
223450	8/14/2020	Hach Company	AP		353.56
223451	8/14/2020	ICS Jail Supplies, Inc.	AP		225.50
223452	8/14/2020	InfoSend Inc.	AP		5,971.05
223453	8/14/2020	Joseph P Silva	AP		198.26
223454	8/14/2020	Laboratory Corporation of America Holdings	AP		288.00
223455	8/14/2020	Lehigh Hanson Heidelberg Cement Group	AP		1,129.87
223456	8/14/2020	Liebert Cassidy Whitmore	AP		2,894.35
223457	8/14/2020	Lincoln Equipment Inc	AP		179.95
223458	8/14/2020	Pet Partners	AP		60.50
223459	8/14/2020	Marfab Inc	AP		57.08

223460	8/14/2020	Merced Chevrolet Inc.	AP	386.24
223461	8/14/2020	Merced County Regional Waste Management Authority	AP	5,126.80
223462	8/14/2020	Merced County Regional Waste Management Authority	AP	106,628.66
223463	8/14/2020	Merced County Regional Waste Management Authority	AP	4,761.99
223464	8/14/2020	Merced Truck & Trailer Inc	AP	113.25
223465	8/14/2020	Miracle Playsystems, Inc.	AP	5,562.83
223466	8/14/2020	MOO, Inc.	AP	184.01
223467	8/14/2020	N & S Dos Palos Tractor	AP	1,050.62
223468	8/14/2020	New Pig Corporation	AP	1,333.61
223469	8/14/2020	The Office City	AP	45.65
223470	8/14/2020	OSE	AP	602.50
223471	8/14/2020	O'Reilly Auto Parts	AP	1,203.36
223472	8/14/2020	PAPE Machinery Inc.	AP	708.47
223473	8/14/2020	The Phone Connection Inc	AP	80.58
223474	8/14/2020	Pitney Bowes Inc	AP	122.93
223475	8/14/2020	Precision Civil Engineering, Inc	AP	4,465.00
223476	8/14/2020	Protech Security & Electronics, Inc.	AP	396.00
223477	8/14/2020	Quality Code Publishing	AP	1,923.10
223478	8/14/2020	R3 Consulting Group	AP	22,745.00
223479	8/14/2020	Michael Bartholomew	AP	408.91
223480	8/14/2020	Sherwin Williams Co	AP	14.38
223481	8/14/2020	Shred-It US JV LLC	AP	273.32
223482	8/14/2020	Springbrook Software, Inc. Springbrook Holding Company LLC	AP	2,592.00
223483	8/14/2020	Sorensens True Value	AP	203.94
223484	8/14/2020	Superior Pool Products, LLC	AP	3,807.94
223485	8/14/2020	Marco Sanchez	AP	1,700.00
223486	8/14/2020	T & T Pavement Markings and Products, Inc.	AP	4,732.19
223487	8/14/2020	Terminix Processing Center	AP	676.92
223488	8/14/2020	The Don Chapin Co., Inc.	AP	1,712.72
223489	8/14/2020	Top Dog Police K9 Training and Consulting, LLC	AP	112.50
223490	8/14/2020	Townsend Public Affairs, Inc.	AP	5,000.00
223491	8/14/2020	Tractor Supply Credit Plan	AP	384.76
223492	8/14/2020	Tredent Data Systems, Inc.	AP	2,455.00
223493	8/14/2020	Underground Service Alert of	AP	1,091.01
223494	8/14/2020	United Site Services, Inc.	AP	245.26
223495	8/14/2020	Salud Padilla	AP	70.00
223496	8/14/2020	Joseph Basuil	AP	100.00
223497	8/14/2020	Francisca Castro	AP	10.46
223498	8/14/2020	Ismael Vargas	AP	97.40
223499	8/14/2020	Fatima Lima	AP	100.00
223500	8/14/2020	Patricia & Jose De La Torre	AP	100.00
223501	8/14/2020	Jesus & Alma Velasquez	AP	100.00
223502	8/14/2020	Domingo Rosas Meneses	AP	10.46
223503	8/14/2020	Ken Nguyen	AP	10.46
223504	8/14/2020	Santos Ruelas	AP	60.16
223505	8/14/2020	Angel and Mayra Diaz	AP	10.46
223506	8/14/2020	Adriana and Luis Medina	AP	100.00
223507	8/14/2020	Janeet Jeronimo	AP	60.68
223508	8/14/2020	Karla Martinez	AP	10.46
223509	8/14/2020	Sheriane Girard	AP	100.00
223510	8/14/2020	Romona Martinez	AP	100.00
223511	8/14/2020	Alex Escobar	AP	10.46

223512	8/14/2020	Adam Rose	AP	100.00
223513	8/14/2020	Rosaura Lopez	AP	10.46
223514	8/14/2020	Silvia Garcia	AP	100.00
223515	8/14/2020	Dwight Lane	AP	10.46
223516	8/14/2020	Brenda & Michael Jensen	AP	32.45
223517	8/14/2020	Ruben Delemos	AP	100.00
223518	8/14/2020	John Garcia	AP	100.00
223519	8/14/2020	Matthew & Sarah Souza	AP	10.46
223520	8/14/2020	Hector Sandoval	AP	10.46
223521	8/14/2020	Robert Decair	AP	10.46
223522	8/14/2020	Farain Saremi	AP	10.46
223523	8/14/2020	Nick Vlahov	AP	10.46
223524	8/14/2020	Josue Lopez	AP	10.46
223525	8/14/2020	Michael and Patricia Bielamowicz	AP	32.45
223526	8/14/2020	Esther Dominguez	AP	100.00
223527	8/14/2020	Marlene Pauly	AP	100.00
223528	8/14/2020	Monica Meraz	AP	100.00
223529	8/14/2020	Yesenia & Ramon Bravo	AP	100.00
223530	8/14/2020	Faustino Lorenzo	AP	49.78
223531	8/14/2020	Gabriel Bravo	AP	100.00
223532	8/14/2020	Enrique Barajas	AP	28.78
223533	8/14/2020	Robert Cardoza	AP	10.46
223534	8/14/2020	Wayne Arents	AP	10.46
223535	8/14/2020	Jose Fagundes	AP	12.62
223536	8/14/2020	Gene & Andrea Verbeck	AP	10.46
223537	8/14/2020	Benito Pascua	AP	97.40
223538	8/14/2020	Ramiro Cardenas	AP	100.00
223539	8/14/2020	Abel Jimenez	AP	100.00
223540	8/14/2020	Joseph Rivera	AP	100.00
223541	8/14/2020	Jewel Imes	AP	32.45
223542	8/14/2020	Raul Magueyal	AP	100.00
223543	8/14/2020	Hanson Kua	AP	10.46
223544	8/14/2020	Ricardo Ramirez	AP	100.00
223545	8/14/2020	Leslie Dreyer	AP	100.00
223546	8/14/2020	Shivraj Sandhu	AP	190.79
223547	8/14/2020	Norma Sigala Ruvalcaba	AP	35.50
223548	8/14/2020	Israel Zamora	AP	92.51
223549	8/14/2020	Westhill Real Estate	AP	135.50
223550	8/14/2020	Anthony Luu	AP	83.79
223551	8/14/2020	D.R. Horton	AP	161.89
223552	8/14/2020	Westhill Real Estate	AP	157.00
223553	8/14/2020	Westside Water Conditioning	AP	62.11
223554	8/14/2020	Windecker Inc	AP	13,552.99
223555	8/14/2020	Young's Air Conditioning	AP	548.54
223556	8/14/2020	Department of the Interior, Bureau of Reclamation	AP	7,500.00
223557	8/14/2020	Surina Gonzales	AP	237.71
223558	8/14/2020	Charles A. Edler	AP	240.00
223559	8/14/2020	Pinnacle Healthcare Medical Group	AP	58.00
223560	8/14/2020	SWRCB Accounting Office	AP	60.00
223561	8/14/2020	US Bank Corp Pymt System	AP	28,096.99
223562	8/14/2020	Law Offices of William A Vaughn	AP	14,363.58
223565	8/19/2020	Aflac-Customer Service	AP	422.41

223566	8/19/2020	Los Banos Police Assn	AP	245.00
223567	8/19/2020	Los Banos Police Assn	AP	735.00
223568	8/19/2020	MassMutual	AP	1,190.73
223569	8/19/2020	MassMutual	AP	3,715.00
223570	8/19/2020	Nationwide Retirement Solutions	AP	3,660.00
223571	8/19/2020	Professional Fire Fighter	AP	720.00
223572	8/19/2020	Public Employees Union, Local One	AP	1,342.64
223573	8/19/2020	State Disbursement Unit	AP	2,365.50
223574	8/19/2020	Vantagepont Transfer Agents - 306797	AP	951.15
223575	8/19/2020	Vantagepoint Transfer Agents - 801838	AP	3,150.00
223576	8/21/2020	Gregory Almeida	AP	183.68
223577	8/21/2020	Anthony Gomes	AP	248.48
223578	8/21/2020	Aramark Uniform Ser Inc	AP	267.53
223579	8/21/2020	AT&T Mobility	AP	178.24
223580	8/21/2020	AT&T	AP	812.58
223581	8/21/2020	Barton Overhead Door Inc	AP	200.00
223582	8/21/2020	Blueglobes LLC	AP	235.72
223583	8/21/2020	Borges & Mahoney Company	AP	1,529.68
223584	8/21/2020	Brenntag Pacific Inc	AP	2,585.15
223585	8/21/2020	Bruce's Tire Inc	AP	915.03
223586	8/21/2020	BSK Associates	AP	1,823.00
223587	8/21/2020	Cartegraph Systems, Inc.	AP	21,829.16
223588	8/21/2020	Central Sanitary Supply	AP	307.49
223589	8/21/2020	Central Valley Concrete Inc.	AP	300.15
223590	8/21/2020	Comcast	AP	116.16
223591	8/21/2020	Copy Shipping Solutions	AP	515.48
223592	8/21/2020	David Cummins	AP	30.00
223593	8/21/2020	Edges Electrical Group, LLC	AP	421.91
223594	8/21/2020	Electric Drives Inc	AP	1,166.37
223595	8/21/2020	Fastenal Company	AP	64.81
223596	8/21/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP	2,857.36
223597	8/21/2020	Gouveia Engineering Inc.	AP	3,258.13
223598	8/21/2020	Halcyon Creek Inc.	AP	11,584.00
223599	8/21/2020	Heppner Precision Machine Shop, Inc.	AP	90.81
223600	8/21/2020	Holt of California	AP	772.48
223601	8/21/2020	Kalmikov Enterprises, Inc	AP	730.40
223602	8/21/2020	Mark Thomas & company. Inc.	AP	3,378.50
223603	8/21/2020	Marfab Inc	AP	79.58
223604	8/21/2020	Merced Truck & Trailer Inc	AP	1,016.64
223605	8/21/2020	MOO, Inc.	AP	324.87
223606	8/21/2020	Napa Auto Parts of Los Banos	AP	315.40
223607	8/21/2020	The Office City	AP	110.32
223608	8/21/2020	OSE	AP	34.44
223609	8/21/2020	O'Reilly Auto Parts	AP	833.92
223610	8/21/2020	PlaceWorks, Inc.	AP	21,313.05
223611	8/21/2020	Precision Civil Engineering, Inc	AP	2,237.13
223612	8/21/2020	Provost and Pritchard Engineering, Inc.	AP	2,183.70
223613	8/21/2020	Protech Security & Electronics, Inc.	AP	306.69
223614	8/21/2020	San Joaquin Valley Drainage Authority	AP	1,625.08
223615	8/21/2020	Sherwin Williams Co	AP	85.26
223616	8/21/2020	Sorensens True Value	AP	319.56
223617	8/21/2020	Talley Oil Inc.	AP	4,096.23

223618	8/21/2020	Triangle Rock Products	AP	129,902.28
223619	8/21/2020	USA Blue Book	AP	1,174.42
223620	8/21/2020	Mary Silva Family LLC	AP	100.00
223621	8/21/2020	Richard Soto	AP	100.04
223622	8/21/2020	Nora Sandoval	AP	53.92
223623	8/21/2020	Richard & Erlinda Peralez	AP	64.86
223624	8/21/2020	Maria Garcia	AP	71.01
223625	8/21/2020	Meghan Padilla	AP	163.15
223626	8/21/2020	Cloverland Property Management	AP	157.00
223627	8/21/2020	Eunice Ayala Barraza	AP	14.01
223628	8/21/2020	Tommy Leyva	AP	7.86
223629	8/21/2020	Verizon Wireless	AP	234.19
223630	8/21/2020	Westside Water Conditioning	AP	347.00
223631	8/21/2020	Dept of Transportation	AP	5,000.00
223632	8/21/2020	Ford Motor Credit Company LLC	AP	1,307.85
223633	8/21/2020	Mary Lou Gilardi	AP	88.51
223634	8/21/2020	Westamerica Bank - Cafeteria Plan	AP	58,785.61
223635	8/28/2020	Ameripride Services	AP	623.82
223636	8/28/2020	American Self Storage	AP	1,800.00
223637	8/28/2020	Aramark Uniform Ser Inc	AP	694.62
223638	8/28/2020	AT&T Mobility	AP	250.56
223639	8/28/2020	AT&T	AP	1,159.61
223640	8/28/2020	AT&T	AP	120.20
223641	8/28/2020	Auto Zone Commercial	AP	260.97
223642	8/28/2020	Dorothy June Baker	AP	45.24
223643	8/28/2020	BJ's Consumers Choice	AP	230.00
223644	8/28/2020	Richard A Blak Phd	AP	400.00
223645	8/28/2020	BSK Associates	AP	585.00
223646	8/28/2020	Brisco Enterprises, Inc.	AP	1,000.00
223647	8/28/2020	CalPERS	AP	2,450.00
223648	8/28/2020	Central Valley Cardiovascular Group Inc.	AP	360.00
223649	8/28/2020	CCID	AP	19.13
223650	8/28/2020	Central Sanitary Supply	AP	226.09
223651	8/28/2020	Clark Pest Control Inc	AP	93.00
223652	8/28/2020	Coffee Break Service Inc.	AP	215.72
223653	8/28/2020	Comcast	AP	344.96
223654	8/28/2020	Copy Shipping Solutions	AP	15.54
223655	8/28/2020	Farmer Brothers Coffee	AP	58.10
223656	8/28/2020	Fastenal Company	AP	38.17
223657	8/28/2020	Federal Express Corporation	AP	24.57
223658	8/28/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP	269.94
223659	8/28/2020	Foster Bros Security Systems Inc.	AP	210.58
223660	8/28/2020	Golden State Flow Measurement	AP	427.76
223661	8/28/2020	Government Revenue Solutions Holdings I, LLC	AP	925.07
223662	8/28/2020	Gouveia Engineering Inc.	AP	15,731.63
223663	8/28/2020	Home Depot	AP	3,147.98
223664	8/28/2020	InfoSend Inc.	AP	1,081.81
223665	8/28/2020	Jorgensen & Sons Inc.	AP	347.00
223666	8/28/2020	Pet Partners	AP	75.00
223667	8/28/2020	Marfab Inc	AP	599.28
223668	8/28/2020	Merced Truck & Trailer Inc	AP	452.76
223669	8/28/2020	MOO, Inc.	AP	67.20

223670	8/28/2020	McElvany, Inc.	AP	913.78
223671	8/28/2020	NDN International LLC	AP	2,236.01
223672	8/28/2020	Amelia Nunez	AP	600.00
223673	8/28/2020	The Office City	AP	67.32
223674	8/28/2020	OSE	AP	240.05
223675	8/28/2020	O'Reilly Auto Parts	AP	142.35
223676	8/28/2020	PG&E Company	AP	6,716.43
223677	8/28/2020	The Phone Connection Inc	AP	191.41
223678	8/28/2020	Precision Civil Engineering, Inc	AP	1,793.75
223679	8/28/2020	Price Paige and Company Accountancy Corporation	AP	6,925.00
223680	8/28/2020	Quad Knopf, Inc.	AP	12,969.10
223681	8/28/2020	Sherwin Williams Co	AP	310.60
223682	8/28/2020	Robert & Susan Hansen	AP	282.75
223683	8/28/2020	Sorensens True Value	AP	428.02
223684	8/28/2020	Sorensens True Value	AP	99.97
223685	8/28/2020	Sprint Solutions, Inc.	AP	987.74
223686	8/28/2020	Superior Pool Products, LLC	AP	2,337.94
223687	8/28/2020	Terryberry Company LLC	AP	223.55
223688	8/28/2020	Terminix Processing Center	AP	123.00
223689	8/28/2020	Turlock Spay Neuter Clinic LLC	AP	350.00
223690	8/28/2020	Stephanie Pereira	AP	1,365.67
223691	8/28/2020	Vanir Construction Management, Inc.	AP	29,539.75
223692	8/28/2020	Verizon Wireless	AP	970.72
223693	8/28/2020	Walmart	AP	24.29
223694	8/28/2020	West Publishing Corporation	AP	359.77
223695	8/28/2020	Windecker Inc	AP	239.92
223696	8/28/2020	Samantha Zavala	AP	500.00
223697	8/28/2020	Allied Waste Services #917	AP	295,596.73
223698	8/28/2020	Luis Beltran	AP	20.00
223699	8/28/2020	CDTFA California Dept. of Tax & Fee	AP	1,898.00
223700	8/28/2020	City of Los Banos Escrow Account	AP	1,723.25
223701	8/28/2020	Mary Lou Gilardi	AP	112.52
223702	8/28/2020	Liebert Cassidy Whitmore	AP	5,764.00
223703	8/28/2020	Los Banos Volunteer	AP	2,416.67
223704	8/28/2020	Merced County Clerk	AP	50.00
223705	8/28/2020	Gerald "Obie" O'Brien	AP	77.14
223706	8/28/2020	Premier Access Insurance Co.	AP	19,451.23
223707	8/28/2020	Ronny's Inc.	AP	41,284.86
223708	8/28/2020	Ronny's Inc.	AP	27,084.51
223709	8/28/2020	Ronny's Inc.	AP	10,962.55
223710	8/28/2020	Sun Life Financial	AP	5,974.73
223711	8/28/2020	Law Offices of William A Vaughn	AP	12,600.00
223712	8/31/2020	Penguin Management Inc.	AP	1,548.00
223714	9/3/2020	Aflac-Customer Service	AP	422.41
223715	9/3/2020	Los Banos Police Assn	AP	245.00
223716	9/3/2020	Los Banos Police Assn	AP	805.00
223717	9/3/2020	MassMutual	AP	1,021.72
223718	9/3/2020	MassMutual	AP	3,715.00
223719	9/3/2020	Nationwide Retirement Solutions	AP	3,760.00
223720	9/3/2020	Professional Fire Fighter	AP	720.00
223721	9/3/2020	Public Employees Union, Local One	AP	1,348.67
223722	9/3/2020	State Disbursement Unit	AP	2,365.50

223723	9/3/2020	Vantagepont Transfer Agents - 306797	AP	951.15
223724	9/3/2020	Vantagepoint Transfer Agents - 801838	AP	3,450.00
223725	9/4/2020	Alhambra	AP	106.38
223726	9/4/2020	Gregory Almeida	AP	123.16
223727	9/4/2020	Ameripride Services	AP	312.89
223728	9/4/2020	Animal Damage Management, Inc.	AP	615.00
223729	9/4/2020	Aramark Uniform Ser Inc	AP	768.11
223730	9/4/2020	AT&T	AP	472.26
223731	9/4/2020	AT&T	AP	80.25
223732	9/4/2020	Richard A Blak Phd	AP	800.00
223733	9/4/2020	Boot Barn	AP	908.47
223734	9/4/2020	Borelli Real Estate Service, Inc.	AP	90.00
223735	9/4/2020	Bruce's Tire Inc	AP	9,023.36
223736	9/4/2020	BSK Associates	AP	3,522.00
223737	9/4/2020	Ca Dept of Justice	AP	509.00
223738	9/4/2020	CEP America California	AP	362.00
223739	9/4/2020	Comcast	AP	7.43
223740	9/4/2020	Cook's Communications Corp.	AP	2,849.40
223741	9/4/2020	Delta Wireless, Inc.	AP	429.00
223742	9/4/2020	Double D Towing, LLC	AP	200.00
223743	9/4/2020	Edges Electrical Group, LLC	AP	1,366.22
223744	9/4/2020	Employee Relations, Inc.	AP	50.00
223745	9/4/2020	Fastenal Company	AP	386.58
223746	9/4/2020	Fast Track Car Wash	AP	416.50
223747	9/4/2020	Federal Express Corporation	AP	19.93
223748	9/4/2020	FLC II	AP	183.95
223749	9/4/2020	Galls Inc	AP	148.79
223750	9/4/2020	Grainger Parts Operations	AP	110.96
223751	9/4/2020	Great Mats.Com Corporation	AP	1,325.76
223752	9/4/2020	Hach Company	AP	197.45
223753	9/4/2020	Heppner Precision Machine Shop, Inc.	AP	162.54
223754	9/4/2020	Holt of California	AP	5,457.64
223755	9/4/2020	JB Anderson Land Use Planning	AP	3,300.25
223756	9/4/2020	Kelly-Moore Paint Company, Inc.	AP	73.94
223757	9/4/2020	Tim J Law	AP	4,000.00
223758	9/4/2020	Lucas Business Systems	AP	1,415.47
223759	9/4/2020	Jessie Lewis	AP	600.00
223760	9/4/2020	Advance America, Cash Advance Centers of Californi	AP	105.62
223761	9/4/2020	Liberty Private Security, Inc.	AP	4.52
223762	9/4/2020	Mark Thomas & company. Inc.	AP	33,377.94
223763	9/4/2020	Marfab Inc	AP	286.45
223764	9/4/2020	Matson Alarm Co Inc	AP	181.00
223765	9/4/2020	McCrometer Inc.	AP	182.00
223766	9/4/2020	Merced Chevrolet Inc.	AP	3,655.84
223767	9/4/2020	Merced Truck & Trailer Inc	AP	265.45
223768	9/4/2020	Municipal Maintenance Equipment, Inc.	AP	260.84
223769	9/4/2020	NDN International LLC	AP	1,190.75
223770	9/4/2020	North Central Laboratories	AP	240.60
223771	9/4/2020	Neri Insurance Agency Inc.	AP	65.00
223772	9/4/2020	The Office City	AP	451.94
223773	9/4/2020	O'Reilly Auto Parts	AP	1,729.37
223774	9/4/2020	PG&E Company	AP	176,654.46
				Void

223775	9/4/2020	PG&E Company	AP	9.86
223776	9/4/2020	PSG Fencing Corp.	AP	1,300.00
223777	9/4/2020	The Phone Connection Inc	AP	464.94
223778	9/4/2020	Pitney Bowes Inc	AP	473.25
223779	9/4/2020	Provost and Pritchard Engineering, Inc.	AP	655.10
223780	9/4/2020	Protech Security & Electronics, Inc.	AP	709.32
223781	9/4/2020	Razzari Ford	AP	979.15
223782	9/4/2020	Santos Ford Inc.	AP	640.43
223783	9/4/2020	Save Mart Supermarkets	AP	504.92
223784	9/4/2020	Sherwin Williams Co	AP	314.18
223785	9/4/2020	Shred-It US JV LLC	AP	137.63
223786	9/4/2020	Sorensens True Value	AP	793.82
223787	9/4/2020	Sorensens True Value	AP	47.71
223788	9/4/2020	Terryberry Company LLC	AP	106.87
223789	9/4/2020	Turlock Spay Neuter Clinic LLC	AP	150.00
223790	9/4/2020	Underground Service Alert of	AP	656.16
223791	9/4/2020	Windecker Inc	AP	13,692.92
223792	9/4/2020	Young's Air Conditioning	AP	75.90
223793	9/4/2020	Zee Medical Service Co	AP	160.42
223794	9/4/2020	Caliber Bodyworks, Inc.	AP	2,571.27
223795	9/4/2020	City of Los Banos Utility	AP	56,483.17
223796	9/4/2020	Mary Lou Gilardi	AP	61.81
223797	9/4/2020	Liebert Cassidy Whitmore	AP	5,626.00
223798	9/4/2020	Los Banos Volunteer	AP	190.00
223799	9/4/2020	Los Banos Medical Group A Medical Corp.	AP	100.00
223800	9/4/2020	Merced County Auditor Controller	AP	497.50

Break in check sequence due to the following:

Check #223419 (Payroll)

Check #223563 -#223564 (Payroll)

Total Void Check Count:	1
Total Void Check Amount:	451.94
Total Valid Check Count:	378
Total Valid Check Amount:	1,706,909.71
Total Check Count:	379
Total Check Amount:	1,707,361.65

**CITY OF LOS BANOS  
CITY COUNCIL MEETING MINUTES  
AUGUST 19, 2020**

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

*SPECIAL NOTE: This meeting was held by teleconference due to the COVID-19 Pandemic.*

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES.** This closed session item was held in closed session at 3:00 PM prior to the City Council Meeting. City Clerk Mallonee stated she received no public comments by email regarding this closed session item.

No reportable action.

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 4:34 p.m.

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

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

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

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by Faria to approve the City Council Meeting agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** Mayor Villalta asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee stated that she received two emails regarding item 11 regarding City Council Resolution No. 6259 – Directing City of Los Banos Staff to Begin Negotiations with mid Valley Disposal to Finalize Franchise Agreement for the Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services which will be read during that item. There were no additional comments and the public forum was closed.

**CONSIDERATION OF APPROVAL OF CONSENT AGENDA.** Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda as follows: Check Register for #223246 – #223417 in the Amount of \$432,379.27; Minutes for the August 5, 2020 City Council Meeting; City Council Resolution No. 6252 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 3 and Accompanying Subdivision Improvement Agreement (Anderson Homes); City Council Resolution No. 6253 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Needed Modifications to the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$25,000; City Council Resolution No. 6254 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Purchasing All Needed Miscellaneous Equipment for the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$80,000; City Council Resolution No. 6255 – Approving an Amendment to Division 5 – Personnel Benefits of the City’s Policy & Procedures Manual as it Pertains to the City’s Contribution toward Monthly Health Premiums for Unrepresented Employees for the Calendar Year 2021; City Council Resolution No. 6256 – Approving the Acceptance of Federal Grant Funding from the Assistance to Fire Fighter Grant Program - COVID-19 Supplement (AFG-S) and Amending 2020-2021 Fiscal Year Budget as it Pertains to Revenues and Expenditures in the Amount of \$9,555.93. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**PRESENTATION – PROCLAMATION RECOGNIZING NATIONAL HEALTH CENTER WEEK.** City Clerk Mallonee read the proclamation.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND DISCUSSION OF THE SUBMITTAL OF AN APPLICATION IN RESPONSE TO THE RELEASE OF STATE ADMINISTERED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CV FUNDS FOR COVID-19 RELATED ACTIVITIES THAT BENEFIT LOW AND MODERATE INCOME RESIDENTS; CITY COUNCIL RESOLUTION NO. 6257 – APPROVING AN APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS RESPONSE ROUND 1 (CDBG-CV1)**

**NOFA DATED JUNE 5, 2020.** Community & Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding if we have received inquiries regarding help for local businesses and how the loans for low-mod households work.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

Motion by Lewis, seconded by Jones to adopt City Council Resolution No. 6257 – Approving an Application for Funding and Execution of a Grant Agreement and Any Amendments thereto from the 2020 Community Development Block Grant Program-Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6258 – ACCEPTING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS IN THE AMOUNT OF \$517,629 AND ADOPTING THE CARES ACT FUNDING PLAN, COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM GUIDELINES AND THE RESIDENTIAL HARDSHIP ASSISTANCE PROGRAM GUIDELINES.** Finance Director Williams presented the staff.

There was Council Member and staff discussion regarding if we were going to receive additional funding from Merced County and the Small Business Program funding Merced County is offering to all business in the County.

Motion by Faria, seconded by Jones to adopt City Council Resolution No. 6258 – Accepting Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds in the Amount of \$517,629 and Adopting the CARES Act Funding Plan, COVID-19 Small Business Assistance Program Guidelines and the Residential Hardship Assistance Program Guidelines. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6259 – DIRECTING CITY OF LOS BANOS STAFF TO BEGIN NEGOTIATIONS WITH MID VALLEY DISPOSAL TO FINALIZE FRANCHISE AGREEMENT FOR THE RESIDENTIAL AND COMMERCIAL GARBAGE, RECYCLABLE MATERIAL AND ORGANIC WASTE COLLECTION SERVICES CONTRACTOR.** Public Works Director/City Engineer Fachin presented the staff report and introduced the city's Consultant, Richard Tagore-Erwin, President, with R3 Consulting Group, Inc., which included a PowerPoint presentation.

There was Council Member and staff discussion regarding fines if they do not comply with recycling guidelines, concerns with the word “may” and if there is a deadline date that everyone has to be in compliance, suggestion of not burdening our rate payers with organic waste costs, not wanting to commit to instituting recycling rate/increases until absolutely necessary, options for smaller cans for people not needing a large can, concerns and questions regarding the trucks that the haulers will use and wanting them to be kept clean and not being messy when garbage is picked up, appreciating the can replacement turnaround time, the additional residential cleanup days and paper shredding being offered, the price of Mid Valley’s contract proposal, and how the current employees coming over will transition to the new service provider.

Mayor Villalta asked City Clerk Mallonee to read the comments received into the record. City Clerk Mallonee read a letter from STEVEN GALLICHIO, Operations Supervisor with Republic Services requesting that they continue to include Republic Services in the negotiation process, as negotiating with multiple haulers will ensure that the City is receiving the highest value possible; BRYAN RONNGREN, President/Business Representative with Teamsters Local 386 speaking in support of Allied Waste/Republic Services and the union members they represent.

Motion by Lewis, seconded by Faria to adopt City Council Resolution No. 6259 – Directing City of Los Banos Staff to Begin Negotiations with mid Valley Disposal to Finalize Franchise Agreement for the Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6260 – REQUESTING THAT THE MERCED COUNTY REGIONAL WASTE AUTHORITY (RWA) DO THE FOLLOWING: 1. PERFORM A STUDY THAT RESEARCHES AND REVIEWS THE EXISTING LANDFILL TIPPING FEES AT THEIR TWO LANDFILLS, AND 2. ESTABLISHES AND FOLLOWS A WASTE STREAM DIRECTION POLICY OF SOLID WASTE, RECYCLING AND PLANT MATERIAL THAT IS EQUITABLE AND CONSISTENT FOR ALL THE RWA JURISDICTIONS.** Public Works Director/City Engineer Fachin presented the staff report.

There was Council Member and staff discussion regarding the huge discrepancy in tipping fees with cities in the County, how some pay more and some pay less with no explanation, transportation fees for hauling garbage, how the fees need to be applied fairly, how the State sets the rules on recycling, how it is wrong that MCAG is penalizing the rate payers in Los Banos, and how everything should be based on an equitable price, should be fair to each community and only for the services they are receiving.

Motion by Johnson-Santos, seconded by Faria to adopt City Council Resolution No. 6260 – Requesting that the Merced County Regional Waste Authority (RWA) Do the Following: 1. Perform a Study that Researches and Reviews the Existing Landfill Tipping Fees at their Two Landfills, and 2. Establishes and Follows a Waste Stream

Direction Policy of Solid Waste, Recycling and Plant Material that is Equitable and Consistent for all the RWA Jurisdictions. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**LOS BANOS DOWNTOWN UPDATE.** Community & Development Director Elms provided an update on the Downtown, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the vacant building monitoring fee, buildings currently being renovated downtown and others in need of renovations, wanting the downtown to become vibrant, concerns with retrofitting buildings, seismic work that needs to be done on some buildings, plans for the Crest Theater property, think of ways to incentivize and make all this happen, enhancing the food theme downtown in hopes of bringing more people to downtown, and how the Downtown Association will be important partners with all of this. Police Commander Reyna gave an update on what Code Enforcement has been working in respect to the buildings at 503/507 I Street and what the owner has planned and the concerns the City has regarding the buildings. Fire Chief Hurley spoke regarding 543 I Street give an overview of what happened to the property, what has been completed and what still needs to be done.

**CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 2, 2020 DUE TO SUMMER BREAK.** Motion by Faria, seconded by to Johnson-Santos to cancel the regular City Council Meeting scheduled for Wednesday, September 2, 2020 due to Summer Break. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**COVID-19 STATUS UPDATE; CITY COUNCIL RESOLUTION NO. 6261 – CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF LOS BANOS (COVID-19).** City Manager Terrazas presented a COVID-19 status update, reading the current numbers COVID-19 numbers from the Merced County website. He stated that he attended two days' worth of meetings with the Governor's COVID-19 Strike Team staff who were offering assistance to Merced County and looking to implement best practices and strategies to try to reduce the COVID-19 case numbers.

Motion by Johnson-Santos, seconded by to Lewis to adopt City Council Resolution No. 6261 – Continuing the Declaration of the Existence of a Local Emergency within the city of Los Banos (COVID-19). The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**ADVISEMENT OF PUBLIC NOTICES (Two Reports).** Community & Economic Development Director Elms stated that there are two items to be considered at the next Planning Commission meeting on Wednesday, August 26, 2020 including revisions to Vesting Tentative Tract Map #2020-02 for Mission Village south Phase 5B and revisions

to Final Development Plan #2020-01 for Mission Village south Phases 5A and 5B located east of Mercey Springs Road and South of Mission Drive and north of Willmott Avenue; Vesting Tentative Tract Map #2020-10 for Overland Subdivision located west of Cottonwood Drive, north of Overland Ave and east of Cabernet Street.

**CITY MANAGER REPORT.** City Manager Terrazas reported that we in a significant heat spell and the City's cooling zone is open at Mercey Springs Church of the Nazarene through Thursday; he spoke regarding the smoke issues and the unhealthy impacts and affects, reminded all to avoid the smoke if you can and stay indoors; and how we have received a supply of masks and information from Merced County and have assembled it into packets and will distribute it to the community.

**REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.** Mayor Villalta stated that MCAG is still actively working on the Highway 152 project with task force meetings, the Pioneer Trail, Pathway out to the College, and refuse expansion

**DARONICA JOHNSON-SANTOS:** No report

**BRETT JONES:** No report

**DEBORAH LEWIS:** Council Member Lewis inquired as to the shopping cart ordinance and if staff could bring it back to a Council Meeting for an update on if any of the companies have set up a monthly cleaning process.

**TOM FARIA:** Council Member Faria stated that first we had to deal with COVID-19 and now we have the fires, there are all kinds of heroes and volunteers fighting fires and our thoughts and prayers are with them.

**MAYOR MICHAEL VILLALTA:** Mayor Villalta spoke regarding the fires wishing all to stay safe as they work to fight the fires.

**ADJOURNMENT.** The meeting was adjourned at 7:42 PM.

APPROVED:

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

ATTEST:

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

**CITY OF LOS BANOS  
SPECIAL CITY COUNCIL MEETING MINUTES  
SEPTEMBER 1, 2020**

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

*SPECIAL NOTE: This meeting was also held by teleconference due to the COVID-19 Pandemic.*

**CALL TO ORDER:** Mayor Villalta called the City Council Meeting to order at the hour of 5:06 p.m.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by City Clerk/Human Resources Director Mallonee.

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

**STAFF MEMBERS PRESENT:** *Participating by teleconference:* City Clerk/Human Resources Director Mallonee, City Manager Terrazas, Finance Director Williams, Legal Counsel Tuffo.

**CONSIDERATION OF APPROVAL OF AGENDA:** Motion by Lewis, seconded by Faria to approve the agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

**PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.** Mayor Villalta opened the public forum. City Clerk Mallonee stated that no public comment was received by email, therefore the public forum was closed.

**CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS**

ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. No reportable action, direction given to staff.

ADJOURNMENT. The meeting was adjourned at 5:50 pm.

APPROVED:

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

ATTEST:

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



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

**Agenda Staff Report**

**TO:** Mayor & City Council Members

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

**DATE:** September 16, 2020

**SUBJECT:** Response Letters Regarding Merced County Civil Grand Jury Final Report 2019-2020 City of Los Banos Roads Maintenance External Investigation

**TYPE OF REPORT:** Consent Agenda

---

**Recommendation:**

That the City Council authorize the City Manager and Public Works Director/City Engineer to execute the attached two letters to the Honorable Jeanne Schechter, Presiding Judge, Superior Court of California, County of Merced, responding to the Merced County Civil Grand Jury Final Report 2019-2020 City of Los Banos Roads Maintenance External Investigation.

**Discussion:**

In response to a complaint regarding street repair and maintenance procedures and protocol received by the Merced County Civil Grand Jury (MCCGJ) an investigation was conducted by MCCGJ into the maintenance and repair of City of Los Banos streets.

The MCCGJ conducted three interviews with the City of Los Banos Public Works Department in regards to the City's street repair and maintenance activities, specifically, the cost and functionality of fog sealing.

The MCCGJ released its 2019-2020 Final Report on August 18, 2020. The City of Los Banos Roads Maintenance investigation is included in the report.

The findings of this investigation include the following:

1. That 64% of roads in Los Banos fall below a “satisfactory” rating and need more than a fog seal for preservation
2. That the money spent fog sealing and restriping roads below a “good” rating is not an effective means of long-term maintenance
3. That the website does not provide relevant or current information for the public regarding Streets Services activities and schedules
4. That Streets Services does not have a central system for submitting and tracking public complaints

The recommendations from the MCCGJ external investigation are:

- R1 That Streets budget more money toward road improvement instead of putting it into fog sealing and striping roads with ratings below satisfactory in the 2021-2022 fiscal year budget
- R2 That Streets update their website and make it more user friendly by January 1, 2021
- R3 That Streets create a pamphlet or newsletter to provide information to the public regarding procedures and road maintenance schedules by January 1, 2021
- R4 That the City create a centralized online system to report road problems by January 1, 2021

As part of the External Investigation, the Merced County Civil Grand Jury has requested a response from the City of Los Banos and has invited a response from the City of Los Banos Public Works Department.

Attached are two letters, one the requested response from the City of Los Banos, and the other is the invited response from the City of Los Banos Public Works Department.

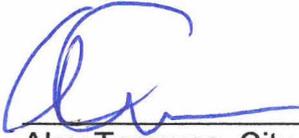
The letter from the City of Los Banos Public Works Department states several items of clarification in the findings.

Staff is requesting that the City Council authorizes the City Manager and Public Works Director/City Engineer to execute the two letters to the MCCGJ in response to External Investigation City of Los Banos Roads Maintenance.

**Fiscal Impact:**

No additional impact.

**Reviewed by:**



Alex Terrazas, City Manager

**Attachments:**

Letter from Alex Terrazas, City Manager

Letter from Mark Fachin, P.E., Public Works Director/City Engineer

Sections of Merced County Civil Grand Jury Final Report 2019-2020



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

September 16, 2020

The Honorable Jeanne Schechter  
Presiding Judge  
Superior Court of California, County of Merced  
627 W. 21<sup>st</sup> Street  
Merced, CA 95340

Re: 2019-2020 Civil Grand Jury Report  
City of Los Banos Roads Maintenance External Investigation

Dear Judge Schechter:

The City of Los Banos has received and reviewed the 2019-2020 Merced County Civil Grand Jury Final Report. Enclosed is the City of Los Banos Department of Public Works response to City of Los Banos Roads Maintenance External Investigation.

The City appreciates the oversight and values the work of the Grand Jury.

Sincerely,

Alex Terrazas  
City Manager  
City of Los Banos

cc: Karen Deeming, Merced County Grand Jury Foreperson  
Mark Fachin, P.E., City of Los Banos Public Works Director/City Engineer



September 16, 2020

The Honorable Jeanne Schechter  
Presiding Judge  
Superior Court of California, County of Merced  
627 W. 21<sup>st</sup> Street  
Merced, CA 95340

Re: 2019-2020 Civil Grand Jury Report  
City of Los Banos Roads Maintenance External Investigation

Dear Judge Schechter:

I have received and reviewed the 2019-2020 Merced County Civil Grand Jury Final Report and agree with the findings of the MCCGJ. I offer the following responses to the external investigation of Los Banos Roads Maintenance:

- R1 In the current fiscal year 2020-2021 Streets Services (RD in the report) did not budget or plan any fog sealing activities and has instead budgeted an amount equal to, or greater than, that spent fog sealing on hot mix overlays. Further, four of the planned hot mix overlays have already been completed, with the final overlay scheduled to be completed in the spring of 2021. In future fiscal years, Streets Services will survey those streets scheduled for fog sealing and will not fog seal those below a "good" rating; the funds saved from the exclusion of streets below this rating will be spent on other activities such as slurry seals, cape seals, and overlays.
- R2 Streets Services does not have a stand-alone website, but rather a webpage included on the City website. This webpage will be updated to include planned maintenance and repair activities with a link on the City website's home page on or before January 1, 2021.
- R3 Streets Services will develop a pamphlet to provide information to the public regarding procedures and road maintenance schedules by January 1, 2021 and include it on the webpage.

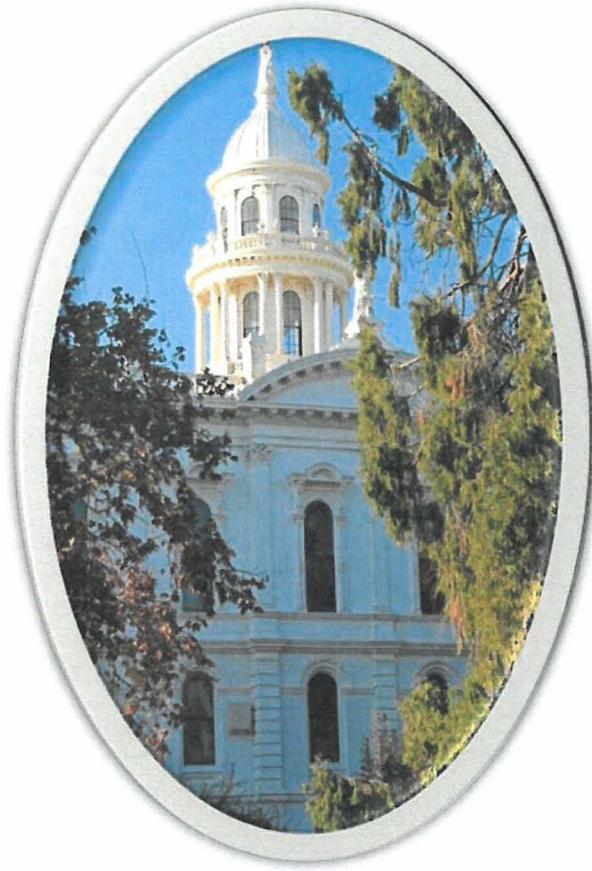
R4 Public Works is in the process of updating the software used to track the activities of Streets Services. This process includes research into request and work management software (e.g. see/click/fix) that will be integrated into the updated software. In the meantime, Public Works will develop an email account specifically for street service requests and include a link to it on the City's website.

The Department of Public Works appreciates the oversight and values the work of the Grand Jury.

Sincerely,

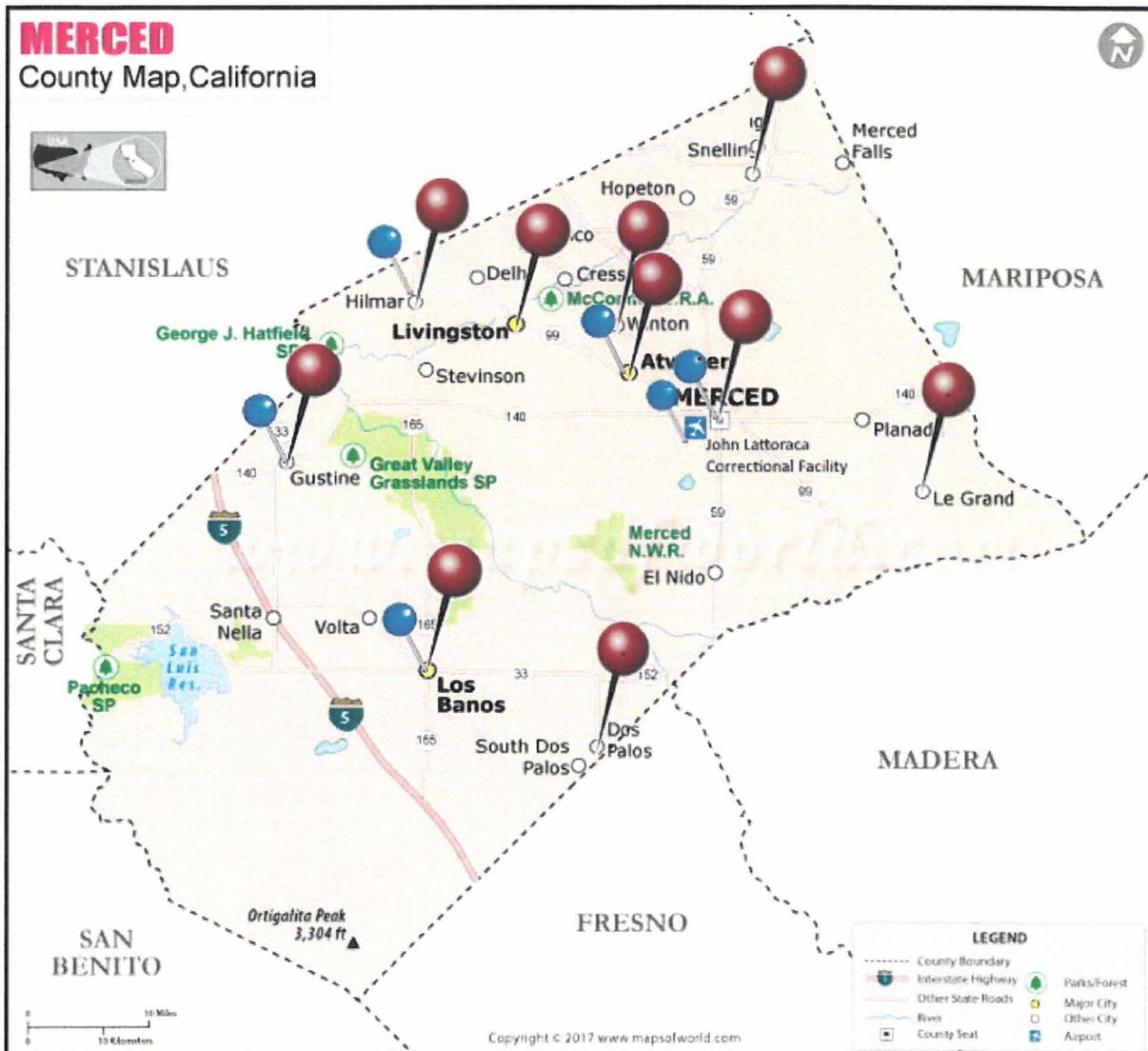
Mark Fachin, P.E.  
Public Works Director/City Engineer  
City of Los Banos

cc: Karen Deeming, Merced County Grand Jury Foreperson  
Alex Terrazas, City of Los Banos City Manager



**MERCED COUNTY**  
**CIVIL GRAND JURY REPORT**  
**2019-2020**

# Map of Merced County



**Red pins** denote cities where members of the MCGJ reside.

**Blue pins** denote cities where investigations took place.

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# 2019-2020 MERCED COUNTY CIVIL GRAND JURY MEMBERS

1. Armstrong, Laurie
2. Bettencourt, Michael
3. Deeming, Karen                      Foreperson
4. de Santiago, Laura                  Recording Secretary
5. Foote, Ryan                            Pro-Tem
6. Green, Michael
7. Hargrove, Richard
8. Jackson, Jr., Stoney
9. Jorritsma, Eloise
10. Krego, Phyllis
11. Marcum, Teri
12. Martins, Joe
13. Mattos, Jr., Weldon
14. Murphy, Linda
15. Phillips, Levonne\*
16. Pirtle, George\*
17. Smith, Rebecca
18. Soares, Toby\*
19. Sousa Jr., Jose
20. Tenenbaum, Samuel
21. Williams, Steven

\*Members unable to complete their term

The 2019-2020 Civil Grand Jury members resided in the following communities in Merced County:

Atwater  
Dos Palos  
Gustine  
Hilmar  
Le Grand  
Livingston  
Los Banos  
Merced  
Snelling  
Winton

## **IS FOG SEALING THE ANSWER: LOS BANOS ROADS MAINTENANCE**

### **SUMMARY**

The Los Banos Public Works Department (PWD) Roads Division (RD), located at 411 Madison Avenue, is in charge of the road maintenance, improvements and replacement throughout the city. This division is responsible for 130 miles of streets and 5 miles of alleys. Curbs, gutters and sidewalks are also under their jurisdiction. The Merced County Civil Grand Jury (MCCGJ) found the majority of the roads in Los Banos are rated below “satisfactory” and need more than fog seal treatments for proper preservation. The MCCGJ recommends that the RD put funding toward more substantial repairs of the roads instead of fog sealing roads in “fair-poor,” “poor,” and “very poor” condition. In addition, the MCCGJ recommends the RD provide a comprehensive website to inform the public, and provide a centralized complaint system for reporting problems.

### **BACKGROUND**

The MCCGJ received a complaint regarding street repair procedures. There were concerns about the expenditure of public funds and resources going toward the substantial expense of oiling roadways and repainting and striping without first doing any repair, even of significant cracks and potholes.

### **METHODOLOGY**

Members of the MCCGJ inspected multiple streets in Los Banos, both thoroughfares and residential areas. Additionally, the MCCGJ met with management of Los Banos PWD. Documents received included past repair history from 2015 through 2019, street work plan, Pavement Condition Index (PCI), cost of pavement treatment, map of pavement conditions, road repair budget and explanation of repair procedures. The MCCGJ also reviewed the City website for information about road repairs and maintenance.

**DISCUSSION**

The RD provides a wide range of services that include pavement management, concrete improvements, sidewalk maintenance, painting streets, curb markings, traffic signs and signals, bridges, minor construction, flood control, weed abatement, traffic surveys, and leaf removal.

The Los Banos RD rates City roads according to their condition to determine the appropriate rehabilitation, preservation, and repair needed. According to the *City of Los Banos Pavement Summary*, the City has an overall Pavement Condition Index (PCI) of 59 which coincides with the “fair” condition assessment chart provided by public works (See Table 1).

**Table 1 City’s PCI Categories**

Condition Assessment	PCI Value
Good	86 – 100
Satisfactory	71 – 85
Fair	56 – 70
Poor	41 – 55
Very Poor	0 – 40

Table 1- City’s PCI Categories

The cost for treatment and the treatments themselves depends upon the condition of the road (See Table 2).

Fog sealing is an application of diluted asphalt emulsion. The emulsion is used to seal and enrich the asphalt

M&R Category	M&R Work Type	Unit Cost	Unit	PCI Condition
Preventative / Preservation	Fog Seal	\$ 0.25	SqFt	Good
	Slurry Seal	\$ 0.75	SqFt	Satisfactory
	Cape Seal	\$ 1.50	SqFt	Fair
	Scrub Seal	\$ 1.85	SqFt	Fair-Poor
Major Rehabilitation	2-Inch Overlay	\$ 1.75	SqFt	Fair-Poor
	Fabric & 2-Inch Overlay	\$ 2.00	SqFt	Fair-Poor
	Cold Milling & 2-Inch Overlay	\$ 2.25	SqFt	Poor
	Full Reconstruction	\$ 4.50	SqFt	Very Poor

Table 2- Unit cost for pavement treatment corresponding with pavement conditions

pavement surface, seal minor cracks, and prevent further deterioration of the street. The application is a preventive maintenance activity and is scheduled before the street or road shows visual signs of any structural damage; however, Los Banos RD applies this treatment to all roads, regardless of condition.

According to the website, the RD sprays about 30,000 gallons of sealer on City streets with the goal of treating approximately 20 miles or one-fifth of the City streets each year. Management reports that the cycle of spraying can extend from 5-7 years, depending on the budget.

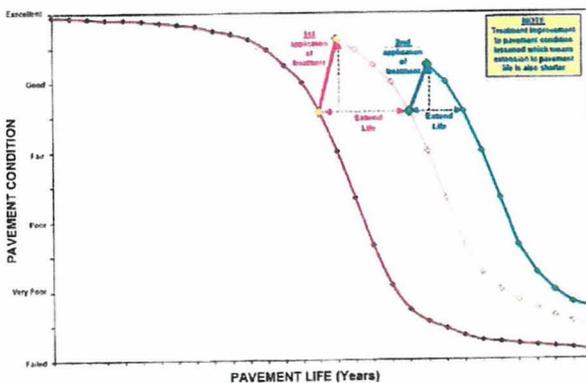


Table 3- Extension of Pavement by Condition

Fog sealing is designed to increase the service life of streets by approximately five years. Each subsequent application of fog seal treatment provides a lessened

extension of the pavement life (See Table 3). This is the appropriate treatment for roads rated “good.”

The distribution of categories shows that only 12.3% (See Table 4) of Los Banos City roads are rated at “good” and qualify for the Fog Seal treatment (See Table 2).

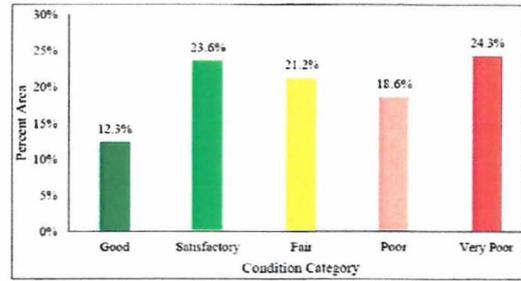


Table 4- distribution of Los Banos City pavement conditions



Figure 12: Fog sealed and striped road rated at 19 PCI (very Poor condition) located on F St in Los Banos.

The PWD spent approximately \$332,000 on fog sealing roads and over \$28,000 on striping in 2019 and completed a total of 137 fog seal events and multiple striping and painting events, including roads rated as low as 20 on the PCI (See Figures 12, 13, 14 and 15). This procedure is indicated specifically for roads in good condition (PCI 86-100). Treatments such as slurry seal, cape seal and scrub seal are indicated to treat roads in “fair-poor” to “satisfactory” condition. The RD does not show any expense for these other sealing procedures in 2019.

According to management, the benefit of fog sealing roads is the cost and the fact that it can be done in-house rather than being contracted out. The cost to fog seal is \$0.25/sqft compared to other more expensive seal options (See Table 2). Although a less expensive option, it does not appear to provide a good return on investment when the roads are in “fair-poor,” “poor,” or “very poor” condition. The hundreds of thousands of dollars spent on fog sealing and repainting may be better invested in long-term repair of the roads in Los Banos.

The RD receives monies from Measure V, SB1 and the City budget for roads repairs. According to management, Measure V funds do not need to be spent each fiscal year but can be saved to do major repairs. SB1 funds come from the State,

According to management, the

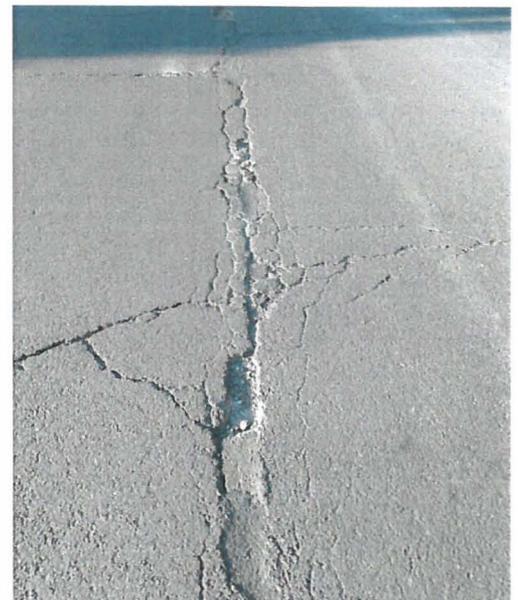


Figure 13: Fog sealed and striped road rated at 47 PCI (poor condition) located on 2<sup>nd</sup> Street in Los Banos.



Figure 14: Fog sealed and striped road rated at 71 PCI (fair condition) located on 2<sup>nd</sup> Street in Los Banos.

through a gas tax, and are not required to be spent each year. The City submits a project list before receiving the funds and then reports projects actually completed. All unspent funds including Measure V, SB1, and the City budget can roll over into the following year.

Residents are not aware of road repair projects, and questions regarding the efficacy of the protocols utilized by the RD have been posed. The current website is difficult to find and offers minimal explanation and a hard-to-access map. The MCCGJ believes the chasm between the RD and

the public would be closed with more comprehensive communication about road repair procedures and schedules.

According to management, when a resident has a complaint about a needed road repair, there is no form to fill out. The resident must call the PWD and the information is either filed or sent out to a crew, but there are no online or physical systems to handle complaints.

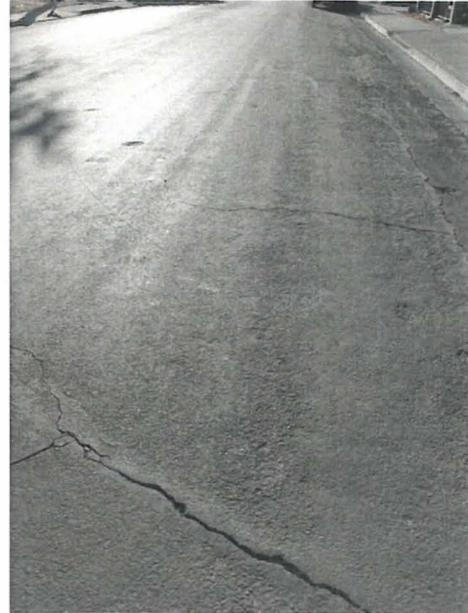


Figure 15: Fog sealed and striped road rated at 81 PCI (satisfactory condition) located on F Street in Los Banos.

#### FINDING(S):

- F1: That 64% of roads in Los Banos fall below a “satisfactory” rating and need more than a fog seal for preservation.
- F2: That the money spent fog sealing and restriping roads below “good” rating is not an effective means of long-term maintenance.
- F3: That the website does not provide relevant or current information for the public regarding RD activities and schedules.
- F4: That the RD does not have a central system for submitting and tracking public complaints.

**RECOMMENDATION(S):**

- R1: That the RD budget more money toward road improvement instead of putting it into fog sealing and striping roads with ratings below “satisfactory” in the 2021-2022 fiscal year budget.
- R2: That the RD update their website and make it more user friendly by January 1, 2021.
- R3: That the RD create a pamphlet or newsletter to provide information to the public regarding procedures and road maintenance schedules by January 1, 2021.
- R4: That the City create a centralized online system to report road problems by January 1, 2021.

**REQUEST FOR RESPONSES**

Pursuant to Penal Code §933.05, the grand jury requests responses as follows:

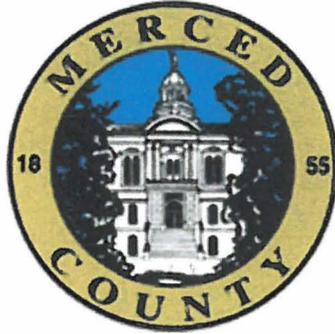
From the following individuals:

- Los Banos Public Works Roads Division responds to F1, F2, F3, F4, R1, R2, R3 and R4 within 60 days.

From the following governing bodies:

- Los Banos City Council responds to F1, F2, F3, F4, R1, R2, R3 and R4 within 90 days.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



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



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

## Agenda Staff Report

**TO:** Mayor and City Council Members

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

**DATE:** September 16, 2020

**TYPE OF REPORT:** Consent Agenda

**SUBJECT:** City of Los Banos State Route 152 Signal Synchronization Project-Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery Form and amending the Fiscal Year 2020-2021 Budget by increasing both revenues and expenditures by \$100,000 in the CMAQ Grant Fund Account

---

**Recommendation:**

That the City Council adopts the resolution to amend the Fiscal Year 2020-2021 Budget to increase the revenue by \$100,000 in the CMAQ Grant Fund Account 249-000-331-010 and to increase expenditures by \$100,000 in the CMAQ Grant Fund Account 249-430-210-231; and to authorize the City Manager to execute the CMAQ Assurance of Timely Project Delivery Form for the City of Los Banos State Route 152 Signal Synchronization project.

**Background:**

In an effort to make SR-152 through the City of Los Banos, a more efficient and safe roadway, the Los Banos SR-152 Safety Task Force was established. This group began meeting monthly in December 2019, and includes members of the following agencies: State of California (Caltrans), City of Los Banos (staff and elected officials), Merced County Association of Governments (MCAG), County of Merced staff, California Highway Patrol, Los Banos Unified School District, and other local entities.

Through these meetings, as well as Caltrans and the City of Los Banos technical staff work group meetings, a listing of interim and midterm safety enhancing/congestion relieving improvements have been proposed to be implemented.

One of the identified projects which the Safety Task Force identified was the SR-152 traffic signal synchronization. This project would be to synchronize the 14 traffic signal

locations within the 5 mile stretch of SR-152 through the City of Los Banos, using a wireless traffic signal interconnect system.

City of Los Banos staff, working with the consulting firm, Gouveia Engineering, Inc., prepared a CMAQ grant application for the above described project. This application was submitted to MCAG (Merced County Association of Governments) on June 3, 2020. The application is an attachment to this staff report.

The CMAQ application was for a requested amount of \$900,000; \$100,000 for engineering and \$800,000 for construction.

The CMAQ Committee met on June 17, 2020, and the City of Los Banos project was approved. The approved schedule is for the engineering portion to be funded in Federal Fiscal Year (FFY) 2020/2021 and the construction to be funded in FFY 2021/2022.

At the July 10, 2020, MCAG Governing Board Meeting, the Board adopted Federal Transportation Improvement Program (FTIP) Amendment #18. This amendment is for the inclusion of the approved CMAQ projects in the 2019 FTIP. This included the City of Los Banos SR-152 Traffic Synchronization project. The MCAG staff report for this item is included as an attachment to this report.

On August 13, 2020, the U.S. Department of Transportation Federal Highway Administration approved the MCAG FY 2019 FTIP Amendment #18. The approval letter is attached to this staff report.

**Discussion:**

At this point, in order to proceed with the SR-152 Signal Synchronization project using CMAQ funding, a CMAQ Assurance of Timely Project Delivery Form needs to be executed by the City Manager. This form states that the City will deliver this project in a timely manner and 'that all project delivery deadlines for all project phases will be met or exceeded.'

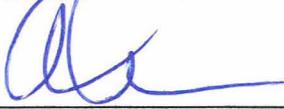
The CMAQ funding will cover 100% of the project costs once the RFA (request for authorization) has been approved by the Department of Transportation.

The City costs to get the RFA approval phase is estimated to be \$7,700; \$3,900 for the application work and \$3,800 for the RFA preparation work. This cost is to be 100% paid by the City. After this phase, all costs of this project will be reimbursed by the CMAQ grant.

**Fiscal Impact:**

Currently, this CMAQ grant is not in the approved Fiscal Year 2020/2021 City of Los Banos Budget. A budget amendment is needed to increase revenue by \$100,000 in the CMAQ Grant Fund Account 249-000-331-010 and to increase expenditures by \$100,000 in the CMAQ Grant Fund Account 249-430-210-231. This amount will cover the engineering phase of this project in 2020/2021. The construction phase of the project, which totals \$800,000, will be in the 2021/2022 proposed City Budget.

**Reviewed by:**



Alex Terrazas, City Manager

  
Sonya Williams, Finance Director

**Attachments:**

Resolution

Congestion Management Air Quality (CMAQ) Assurance of Timely Project Delivery Form

Project Area Map

CMAQ Application for the SR-152 Signal Synchronization Project

MCAG July 10, 2020 FTIP Amendment #18 Staff Report

FHA Letter of Approval for FTIP Amendment #18, dated August 13, 2020

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THAT THE CITY MANAGER EXECUTE THE CONGESTION MITIGATION AIR QUALITY (CMAQ) ASSURANCE OF TIMELY PROJECT DELIVERY FORM FOR THE CITY OF LOS BANOS STATE ROUTE 152 SIGNAL SYNCHRONIZATION PROJECT AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2020-2021 AS IT PERTAINS TO THE CMAQ FUND ACCOUNT**

WHEREAS, the Los Banos SR-152 Safety Task Force has identified the SR-152 Signal Synchronization project as a safety enhancing/congestion relieving improvement; and

WHEREAS, the Merced County Association of Governments (MCAG) Governing Board has adopted Federal Transportation Improvement Program (FTIP) Amendment #18 which included the SR-152 Signal Synchronization project as a Congestion Mitigation Air Quality (CMAQ) funded project; and

WHEREAS, the US Department of Transportation Federal Highway Administration approved the FTIP Amendment #18 on August 13, 2020; and

WHEREAS, the SR-152 Signal Synchronization project is required to have the City Manager execute the CMAQ Assurance of Timely Project Delivery Form; and

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the Fiscal Year 2020-2021 budget.

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

WHEREAS, the proposed amendment would increase revenue by \$100,000 in the CMAQ Grant Fund Account 249-000-331-010 and increase expenditures by \$100,000 in the CMAQ Grant Fund Account 249-430-21-231.

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

1. Authorizes the City Manager to execute the CMAQ Assurance of Timely Delivery Form for the City of Los Banos State Route 152 Signal Synchronization project; and
2. Amend the 2020-2021 Fiscal Year Budget to include an increase in revenue of \$100,000 to the CMAQ Grant Fund Account 249-000-331-010 and to include an increase in expenditures by \$100,000 in the CMAQ Grant Fund Account 249-430-210-231.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 16th day of September 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

## Congestion Mitigation Air Quality (CMAQ) Assurance of Timely Project Delivery

AB 1012 has been enacted into State Law in part to provide for the “timely use” of State and Federal funds; and the (City/County) City of Los Banos is able to apply for and receive Federal funding under the Congestion Mitigation Air Quality (CMAQ) Program.

The (City/County) City of Los Banos desires to ensure that the following CMAQ project(s):

(Identify CMAQ project[s]):

### Los Banos State Route 152 Signal Synchronization Project

is/are delivered in a timely manner to preclude the Merced Region from losing those funds for non-delivery; and

It is understood by the (City/County) City of Los Banos that failure for not meeting project delivery dates for any phase of a project may jeopardize federal funding to the Region.

The (City/County) City of Los Banos hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.

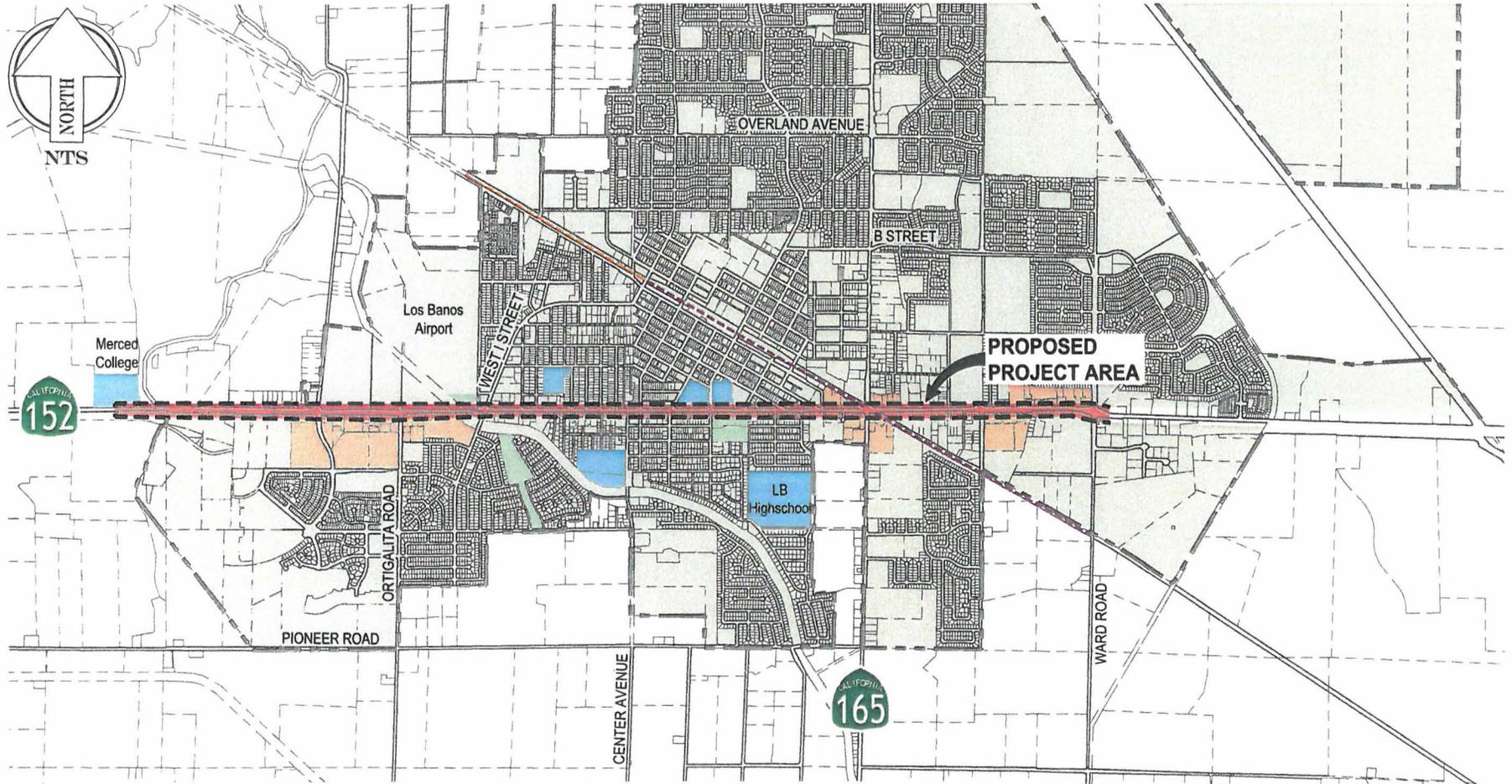
Failure to meet project delivery deadlines may be deemed as sufficient cause for the MCAG Board to terminate an agency’s project and reprogram CMAQ funds as deemed necessary.

The (City/County) City of Los Banos does direct its management and engineering staff to ensure all projects are carried out in a timely manner as per the requirements of AB 1012.

Authorized Representative:

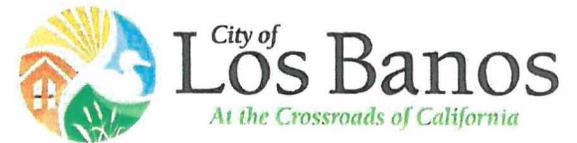
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: Alex Terrazas, City Manager



**LEGEND**

- |   |                             |   |                           |
|---|-----------------------------|---|---------------------------|
|  | PROPOSED PROJECT CORRIDOR   |  | DEVELOPED COMMERCIAL AREA |
|  | AREA WITHIN THE CITY LIMITS |  | EXISTING TRAIL SYSTEM     |
|  | CITY SCHOOL                 |  | FUTURE TRAIL SYSTEM       |
|  | PARK/OPEN SPACE AREA        |   |                           |



OWN BY: DGR  
 DATE: 05/20/20

**CMAQ Application - Proposed Project Area Map - SR-152 Signal Synchronization**

**Attachment D**

## CMAQ Project Application

**Applications must be received at MCAG by 5 pm June 3, 2020.**

Submit one hard copy and an electronic copy to:

Merced County Association of Governments

Attn: Ty Phimmasone

369 West 18<sup>th</sup> St.

Merced, CA 95340

[ty.phimmasone@mcagov.org](mailto:ty.phimmasone@mcagov.org)

**Agency (project applicant):**

City of Los Banos
-------------------

**Application prepared by (name, title, phone #):**

Danny Reed Jr, Project Manager, (209) 854-3300
--

**Project Scope of Work (brief):**

SR-152 Signal Synchronization
-------------------------------

**Project Description (details including project limits):**

The City of Los Banos has been working with Caltrans District 10 staff to develop a project to synchronize the traffic signals in the SR-152 transportation corridor. In June of 2015 Caltrans completed the Los Banos SR-152 Comprehensive Operational Study which recommended traffic signal synchronization as the most cost-effective way to improve traffic flow along the corridor.

The City, with the assistance of Caltrans, proposes to synchronize 14 traffic signal locations within a 5 mile stretch of the SR-152 corridor using a wireless traffic signal interconnect system. In order to keep traffic signals synchronized, the signals need to be interconnected using a hard-wired and/or wireless connection. This connection prevents the clocks at each location from drifting, allowing the controllers to stay in sync and keeping signal timing coordinated. Additional improvements will include Closed Circuit Television (CCTV) cameras with remote access capability to monitor the traffic flow along the corridor.

Listed below are the locations that will receive these improvements.

Postmile:	Location	Postmile:	Location
17.79	Merced College Entrance	20.991	11 <sup>th</sup> Street
18.8	Badger Flat Road	21.058	H and I Street
19.26	Ortitalita Road	21.27	Mercy Springs Road/SR-165
19.65	West I Street	21.65	Miller Lane
20.33	4 <sup>th</sup> Street	21.76	Place Road
20.45	6 <sup>th</sup> Street	21.9	Home Depot
20.59	7 <sup>th</sup> Street	22.22	Ward Road

**Project Cost (\$):**

	<b>CMAQ (88.53%)</b>	<b>Local (11.47%)</b>	<b>Time to Complete (Months)</b>	<b>Total</b>
Prelim. Engineering (PE)	88,530	11,470	6	100,000
Right-of-Way (R/W)	0	0	0	0
Construction	708,240	91,760		800,000
<b>TOTAL</b>	<b>796,770</b>	<b>103,230</b>		<b>900,000</b>

**Time to Complete:** For PE, provide time required to obtain NEPA Clearance. For R/W, provide time required to obtain R/W Certification.

**Project Cost-Effectiveness (in dollars/pound) (attach calculations):**

\$ 40.49 \$/Lb

**Source of Local Match (minimum 11.47%):**

This project is a HCE project and the City is requesting to use Toll Credits to fund the City's 11.47% Match.

**Project Schedule:**

Preliminary Engineering: FFY 20/21  
 Right of Way: This project does not require any property acquisition or utility relocations.  
 Construction: FFY 20/21  
 Refer to the attached preliminary project schedule (Attachment A) for a breakdown of the critical path tasks.

**Additional Information (attach more sheets if needed). Projects will be evaluated subjectively based (up to 15 points) on this supporting information:**

These synchronization improvements through this section of the SR-152 corridor will enhance safety, decrease travel time, and improve overall traffic flow. Improving traffic signal efficiency will also result in the reduction of fuel consumption and greenhouse gas emissions.

This project is also a quality of life project for the City of Los Banos and its residents. The potential to decrease travel time from improved traffic flow will reduce the frustration that residents experience trying to drive to various commerce locations in town that require the use of the SR-152 corridor.

Existing traffic signals are not interconnected and synchronization would provide better coordination. Synchronization of the traffic signals using wireless technology is necessary through some kind of interconnection to allow the smoother flow of traffic. The SR-152 corridor experiences severe congestion with LOS F during PM peak hours, long delays, and high accident rates. Synchronization of the existing signals to mitigate congestion is a top need for the City and the community.

**Proof of Public Vetting:**

The City of Los Banos is currently completing a specific plan for the SR-152 corridor that is using the June 2015 SR-152 Comprehensive Operational Study as one of its source documents. As part of the Specific Plan development process, the public is invited to attend a number of charrettes to develop the content that will be presented in the final specific plan document.

**Assurance of Project Delivery by Formal Board/City Council Action? YES or NO? If no, when will this be provided? (MUST BE provided within 1 month of MCAG Board awarding CMAQ for project)**

NO, a City Council Resolution is not included with this application. Upon notice of project funding a formal resolution will be presented to City Council for approval at the next regularly scheduled City Council Meeting.

# Attachments Index

Attachment A – Preliminary Project Timeline

Attachment B – Preliminary Engineer’s Estimate

Attachment C – CMAQ Emissions Calculation Sheet

Attachment D – Project Improvements Location Map



**City of Los Banos**  
**SR-152 Signal Synchronization**  
**PRELIMINARY ENGINEER'S ESTIMATE**

Date: 6/2/2020

Prepared By: DGR

Item No.	Item Description	Estimated Quantity	Unit Price	Item Total
<b>I.</b>	<b>Construction</b>			
1	Mobilization	1 LS	\$ 15,000.00	\$ 15,000.00
2	Traffic Control Plan	1 LS	\$ 5,000.00	\$ 5,000.00
3	Equipment and Installation	1 LS	\$ 650,000.00	\$ 650,000.00

Construction Subtotal:	\$ 670,000.00
Contingency (Approx. 10%)	\$ 67,000.00
<b>Construction Total:</b>	<b>\$ 737,000.00</b>

<b>II. PE Phase Tasks (Environmental Clearance, PS&amp;E, &amp; Bidding)</b>	13%	\$	100,000.00
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<b>III. Construction Engineering Tasks</b>	8.5%	\$	<u>62,645.00</u>
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	<b>TOTAL</b>	<b>\$</b>	<b>899,645.00</b>
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Total Local Match	11.47%		103,189.28
Total Federal Request	88.53%		796,455.72

# City of Los Banos

## Congestion Improvements: Signals Synchronization - SR-152 S

**CMAQ \$** **\$900,000**  
**LIFE** **15** years

Days (D) **365** days/year

**Length (L) of congested roadway segment** **4.23** miles

Traffic Volume during congested period **36,500** trips/day (Congested Traffic)

**Capital Recovery Factor (CRF)**, where  $i = 3\%$   
 $CRF = \frac{[(1+i)^n \times i]}{[(1+i)^n - 1]}$   $n = 15$   
 $(1+i)^n = 1.5580$   
**CRF = 0.0838**

**EMISSION FACTOR INPUTS FOR AUTO TRAVEL:** *Table 4: Emission Factors by Speed Sept., 2019*

<u>Before &amp; After Speeds</u>	<u>BEFORE (30 mph)</u>	<u>AFTER (35 mph)</u>
ROG	0.04 g/mi	0.04 g/mi
NOx	0.3 g/mi	0.27 g/mi
PM2.5	0.004 g/mi	0.004 g/mi
<i>March, 2010</i>		
PM10 (minus PM2.5)	0.027 g/mi	0.027 g/mi

**Annual Project VMT**  
**APVMT = D x L x Congested Traffic** **56,354,175** miles/year

**Annual Emission Reductions ER**  
 $(ROG + NOx + PM10 + PM2.5) = 0.5 \times [(APVMT) \times (Before\ Speed\ Factor - After\ Speed\ Factor)] / 454$   
 Note: 1 pound = approx. 454 grams

0.00 ER (ROG)	lbs/year	> kg/day	<b>0.00</b>
1861.92 ER (NOx)	lbs/year	> kg/day	<b>2.32</b>
0.00 ER (PM2.5)	lbs/year	> kg/day	<b>0.00</b>
0.00 ER (PM10)	lbs/year	> kg/day	<b>0.00</b>
<b>1861.92 ER-Total</b>	lbs/year	> kg/day	<b>2.32</b>

### Cost-Effectiveness of Funding

$CEF = (CRF \times Funding) / (ROG + NOx + PM10 + PM2.5)$

**Cost-Effectiveness of Funding (CEF)**

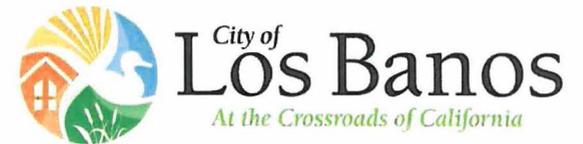
**\$ 40.49 \$ / lb. emissions**

**CMAQ: Air Pollution Reductions (kg/day) = (lbs./year) / (2.2 x 365)**  
**2.32 kg/day**



**LEGEND**

- |   |                             |   |                           |
|---|-----------------------------|---|---------------------------|
|  | PROPOSED PROJECT CORRIDOR   |  | DEVELOPED COMMERCIAL AREA |
|  | AREA WITHIN THE CITY LIMITS |  | EXISTING TRAIL SYSTEM     |
|  | CITY SCHOOL                 |  | FUTURE TRAIL SYSTEM       |
|  | PARK/OPEN SPACE AREA        |   |                           |



DWN BY: DGR  
 DATE: 05/20/20

**CMAQ Application - Proposed Project Area Map - SR-152 Signal Synchronization**

**Attachment D**

**ITEM 13**

**MEMORANDUM**

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DATE: July 10, 2020  
TO: MCAG Governing Board  
FROM: Ty Phimmasone, Associate Planner  
RE: ACTION: Adopt Federal Transportation Improvement Program Amendment 18

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**SUMMARY**

Federal Transportation Improvement Program (FTIP) Amendment 18 would program 10 new Congestion Mitigation Air Quality (CMAQ) projects and temporarily delete two street sweeper projects, and program Federal Transit Administration (FTA) 5339(a) awarded to the Transit Joint Powers Authority (TJPA) for the purchase of three transit buses

**REQUESTED ACTION**

Adopt Formal Amendment 18 to the 2019 Federal Transportation Improvement Program.

**BACKGROUND**

**2019 Federal Transportation Improvement Program (FTIP)**

MCAG adopted the Final 2019 FTIP on August 16, 2018. The 2019 Federal Statewide Transportation Improvement Program (FSTIP), which incorporated MCAG's 2019 FTIP, was officially approved by the Federal agencies on December 17, 2018.

Projects and programs, which are federally funded, must be programmed in the FTIP in order to have access to these funds. Any updates or changes to these federally-funded projects/programs for 2019 FTIP Federal Fiscal Years (FFY's: 2018/19 – 2021/22) must be "amended" into the FTIP.

**PAST ACTIONS TAKEN**

In April 2019, the Board approved the CMAQ Exchange, in the amount of \$3,896,494, with San Diego Association of Governments (SANDAG).

In April 2020, the Board authorized the CMAQ Call for Projects.

**Congestion Mitigation Air Quality (CMAQ)**

In preparation for the CMAQ loan repayment from San Diego Association of Governments (SANDAG) in FFY 2020/21, the Board authorized the CMAQ Call for Projects in April 2020.

Caltrans HQ Programming also provided regions with slightly-increased CMAQ programming apportionments to use in FFY’s 2020/21 and 2021/22, \$53,112 and \$53,294 increases respectively. These were included in the available CMAQ programming capacities.

There were ten applications submitted. The CMAQ Committee, made up of the applicant jurisdictions, MCAG, and Caltrans, scored the ten submitted applications. On June 17, the Committee convened to discuss and make the recommendation for programming the CMAQ funds to projects. If approved, this Amendment 18 will program the Committee’s recommendation, as summarized below:

<b>Project</b>	<b>Committee Recommendation</b>
Atwater phase 1 pedestrian improvements on various streets	Fully-fund for environmental, design, and construction
Gustine pedestrian improvements on North Ave	Fully-fund for environmental, design, and construction
Livingston phase 1 Max Foster multiuse path	Fully-fund for environmental, design, and construction
Los Banos State Route 152 signals synchronization	Fully-fund for environmental, design, and construction
Merced transit hub in N. Merced	Fully-fund for environmental, design, and construction
Merced pedestrian improvements on Nottingham, Tamworth, Buckingham, Alexander	Fully-fund for environmental, design, and construction
Merced County Plainsburg Road complete streets (only construction funding requested)	Fund construction
Atwater phase 2 pedestrian improvements on various streets	Fund startup only – environmental and design
Atwater phase 3 pedestrian improvements on various streets	Fund startup only – environmental and design
Gustine pedestrian improvements on 3rd Ave, East Ave, and South Ave	Fund startup only – environmental and design

In order to accommodate construction funding in FFY 2021/22 for Los Banos’ signals synchronization project, Merced and Livingston were agreeable to moving out their street sweeper projects to some latter year in the upcoming 2021 FTIP. Since the current 2019 FTIP does not include those latter 2021 FTIP years, this amendment will temporarily delete these projects, and the funding will be restored in the 2021 FTIP, to be adopted in Spring 2021.

**Federal Transit Administration (FTA) Section 5339(a) Discretionary Bus Replacement Program**

The TJPA for Merced County was awarded \$306,833 of FTA 5339(a) funding, which will be paired with \$54,147 of State Transit Assistance (STA) monies, to purchase three replacement transit buses.

If you have any questions regarding this staff report, please contact Ty Phimmasone at 723.3153 x 123 or [ty.phimmasone@mcagov.org](mailto:ty.phimmasone@mcagov.org).

The Citizens Advisory Committee and the Technical Review Board concur with the requested action.

**FISCAL IMPACT**

Program \$4,818,077 in CMAQ, temporarily delete \$885,545 in CMAQ, program \$306,833 of FTA 5339(a) and \$54,147 of STA.

**REQUESTED ACTION**

Adopt Formal Amendment 18 to the 2019 Federal Transportation Improvement Program.

**ATTACHMENTS**

CMAQ Committee Programming Recommendation – June 17, 2020

CMAQ Committee Meeting Notes – June 17, 2020

Draft Resolution No. 2020/07-16-05

**CMAQ Committee meeting - June 17, 2020 at 10 am  
Scoring Tally & Funding Recommendation Form**

AGENCY	PROJECT TITLE	Total	Local	CMAQ Requested		
				PE	CON	TOTAL
Atwater	Pedestrian Improvements 1	\$ 1,124,530	\$ 128,984	\$ 90,504	\$ 905,042	\$ 995,546
Atwater	Pedestrian Improvements 2	\$ 1,992,210	\$ 228,506	\$ 160,337	\$ 1,603,367	\$ 1,763,704
Atwater	Pedestrian Improvements 3	\$ 1,451,010	\$ 166,431	\$ 116,780	\$ 1,167,799	\$ 1,284,579
Gustine	East Ave Sidewalk Infill	\$ 855,284	\$ 98,102	\$ 87,367	\$ 669,815	\$ 757,182
Gustine	North Avenue Sidewalk Infill	\$ 395,010	\$ 45,308	\$ 51,807	\$ 297,895	\$ 349,702
Livingston	Max Foster Multiuse Path - Phase 1	\$ 580,683	\$ 66,605	\$ 59,315	\$ 454,763	\$ 514,078
Los Banos	SR-152 Signal Synchronziation	\$ 900,000	\$ -	\$ 100,000	\$ 800,000	\$ 900,000
Merced	North Transit Hub	\$ 764,186	\$ 87,652	\$ 66,397	\$ 610,137	\$ 676,534
Merced	Nottingham Lane Sidewalk Project	\$ 584,812	\$ 67,079	\$ 46,920	\$ 470,813	\$ 517,733
County	Plainsburg ATP Improvements	\$ 2,375,000	\$ 64,780	\$ -	\$ 500,000	\$ 500,000

**Committee Recommendation**

Recommended Programming by FFY	
FFY 20/21	FFY 21/22
\$ 995,546	
\$ 160,337	
\$ 116,780	
\$ 87,367	
\$ 349,702	
\$ 514,078	
\$ 100,000	\$ 800,000
\$ 676,534	
\$ 517,733	
\$ 500,000	

**Subtotal**  
**CMAQ Funding Capacity**  
**Remaining Balance**

\$ 4,018,077	\$ 800,000
\$ 4,027,000	\$ 1,210,000
\$ 8,923	\$ 410,000



## **CMAQ Committee Meeting Notes**

### **DATE**

**Wednesday, June 17, 2020**

The meeting of the CMAQ Scoring Committee held on Wednesday, June 17, 2020 by Zoom Conference Call was called to order by Matt Fell at 10:04 a.m.

### **Representatives Present**

Mark Pereida, City of Atwater  
Doug Dunford, City of Gustine  
Anthony Chavarria, City of Livingston  
Danny Reed, For City of Livingston  
Mark Fachin, City of Los Banos  
Michael Beltran, City of Merced  
Matiel Holloway, County of Merced  
Hilda Sousa, Caltrans

### **MCAG Staff Present**

Blake Dunford, Assistant Planner  
Matt Fell, Deputy Director  
Ty Phimmasone, Associate Planner

Matt Fell called the meeting to order at 10:04 and gave an overview of the CMAQ call for projects process. He noted that by the Board's CMAQ policy, this committee makes a recommendation to the MCAG Governing Board for projects to program. Ty Phimmasone gave a brief overview of the Federal Transportation Improvement Program (FTIP) process, which will include two new years of CMAQ capacity. He added there would be a new call for projects in Spring 2021 to fill this capacity. Matt then opened the floor to discussion.

Mark Fachin proposed for the Los Banos SR-152 Signal Synchronization Project to be given pre-engineering funding in FFY 20/21 and construction funding in FFY 21/22.

Doug Dunford proposed for pre-engineering or pre-engineering and construction for Gustine's North Avenue project in FFY 20/21 and funding for East Avenue in FFY 21/22 since both projects had small fiscal impacts.

Hilda Sousa noted that there was not enough available funding in FFY 21/22 for much construction work.

Mark Pereida proposed Atwater's first pedestrian improvement project could be done now with the rest at a later date.

Ty then suggested to follow Madera's CMAQ process by going by scoring. Michael Beltran asked if it would be possible to allocate all of Los Banos' project in FFY 20/21. Mark Fachin explained that would not be possible due to the length of the pre-engineering process. He then asked if anyone could do construction in FY 20/21. Staff from multiple jurisdictions agreed that they could move pre-engineering and construction in the same fiscal year for the following projects:

- Merced North Transit Hub
- Merced County Plainsburg ATP
- Livingston Max Foster Multiuse Path – Phase 1
- Atwater Pedestrian Improvements Part 1

Michael Beltran asked if pre-engineering could be done for all remaining projects in FFY 20/21, which would leave approximately \$777,000 for construction. The following two projects were added to fully fund in FFY 20/21.

- Merced Nottingham Lane Sidewalk
- Gustine North Avenue Sidewalk Infill

Members chose to allocate pre-engineering funding to all remaining projects.

Ty explained that projects programmed in the next FTIP document could be advanced to construction at any time at MCAG's discretion, and gave the example of Merced's Street Sweeper purchase which was programmed later, but could be moved up if Buy America waivers were approved.

Matt explained to the committee that the next CMAQ call for projects would be done when the FTIP adds two years of programming. The CMAQ policy includes provisions for the Los Banos Pioneer Road CMAQ eligible components and Transit requests, which are unknown at this time. Mark Fachin asked how transit fit with the CMAQ process, which Matt explained through the MCAG CMAQ policy.

Mark Fachin asked if the remaining capacity of approximately \$410,000 in FFY 21/22 would be lost or carry over. Matt said it could be included in the next call for projects. Mark Fachin commented it could be used for the construction for the remaining projects. Ty added it could be used for a new project as well. Mark Fachin inquired to the street sweeper project allocation. Ty reported it was \$605,000 for Merced and \$260,000 for Livingston.

Matiel Holloway commented the current allocation appears reasonable and asked about a timeline for the next call for projects. Ty explained it would be in Spring 2021, likely after mid-April with a tentative deadline for mid-summer.

Ty added that he would try to program all projects before October 1<sup>st</sup> to give as much time as possible for projects with pre-engineering and construction in the same fiscal year. Matt added that the committee's recommendation could go to the board in July. If that happened, Ty said it would take a couple months for Caltrans to approve and send to the Federal Highway Administration for final approval, which would be sometime in September 2020. He also noted that if Los Banos is able to move forward in their project by next year, the city could advance the \$800,000 in construction funding early.

Mark Fachin moved to approve the recommended CMAQ allocation. Matiel Holloway seconded. There was unanimous approval.

**BEFORE THE  
MERCED COUNTY ASSOCIATION OF GOVERNMENTS  
RESOLUTION NO. 2020/07-16-05**

In the Matter of:

**RESOLUTION ADOPTING** the Merced County Association of Governments 2019 Federal Transportation Improvement Program (FTIP) Amendment 18

**WHEREAS**, the Merced County Association of Governments (MCAG) is a Regional Transportation Planning Agency and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

**WHEREAS**, federal planning regulations require Metropolitan Planning Organizations to prepare and adopt a long range Regional Transportation Plan (RTP) for their region; and

**WHEREAS**, federal planning regulations require that Metropolitan Planning Organizations prepare and adopt a Federal Transportation Improvement Program (FTIP) for their region; and

**WHEREAS**, the 2019 Federal Transportation Improvement Program (FTIP) Amendment 18 has been prepared to comply with Federal and State requirements for local projects and through a cooperative process between the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the State Department of Transportation (Caltrans), principal elected officials of general purpose local governments and their staffs, and public owner operators of mass transportation services acting through the Merced County Association of Governments forum and general public involvement; and

**WHEREAS**, the 2019 FTIP Amendment 18 listing is consistent with: 1) the 2018 Regional Transportation Plan; 2) the 2020 State Transportation Improvement Program; and 3) the Corresponding Conformity Analysis; and

**WHEREAS**, the 2019 FTIP Amendment 18 contains the MPO's certification of the transportation planning process assuring that all federal requirements have been fulfilled; and

**WHEREAS**, the 2019 FTIP Amendment 18 meets all applicable transportation planning requirements per 23 CFR Part 450; and

**WHEREAS**, projects submitted in the 2019 FTIP Amendment 18 must be financially constrained and the financial plan affirms that funding is available; and

**WHEREAS**, the 2019 FTIP Amendment 18 is consistent with the adopted Conformity Analysis for the 2019 FTIP and the 2018 RTP; and

**WHEREAS**, the 2019 FTIP Amendment 18 does not interfere with the timely implementation of the Transportation Control Measures; and

**WHEREAS**, the 2019 FTIP Amendment 18 conforms to the applicable SIPs; and

**WHEREAS**, the documents have been widely circulated and reviewed by MCAG advisory committees representing the technical and management staffs of the member agencies; representatives of

other governmental agencies, including State and Federal; representatives of special interest groups; representatives of the private business sector; and residents of Merced County consistent with public participation process adopted by MCAG; and

**NOW, THEREFORE, BE IT RESOLVED**, that MCAG adopts the 2019 FTIP Amendment 18.

**BE IT FURTHER RESOLVED**, that MCAG finds that the 2019 FTIP Amendment 18 is in conformity with the requirements of the Federal Clean Air Act Amendments and applicable State Implementation Plans for air quality.

The foregoing resolution was passed and adopted by MCAG this 16<sup>th</sup> day of July 2020.

AYES: Directors Aguilar, Espinoza, Hogue, Lor, McDaniel, Murphy, Oliveira, Silveira, Villalta

NOES: None

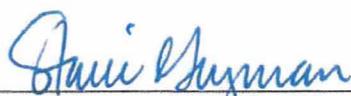
ABSTAIN: None

ABSENT: Director Creighton

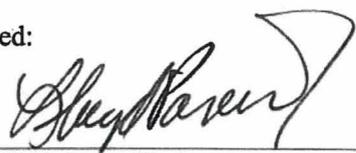
ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Merced County Association of Governments duly adopted at a regular meeting thereof held on the 16<sup>th</sup> day of July 2020.

Signed:

  
\_\_\_\_\_  
Stacie Guzman, Executive Director  
Merced County Association of Governments

Signed:

  
\_\_\_\_\_  
Paul Creighton, Chair  
Merced County Association of Governments



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

August 13, 2020

650 Capitol Mall, Suite 4-100  
Sacramento, CA 95814  
(916) 498-5001

In Reply Refer To:  
HDA-CA

Mr. Bruce de Terra  
Chief, Division of Transportation Programming  
California Department of Transportation, MS 82  
1120 N Street  
Sacramento, CA 95814

Attn:           Muhaned Aljabiry

SUBJECT:    Merced County Association of Governments (MCAG) FY 2019 FTIP  
                  Amendment # 18

Dear Mr. De Terra:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment # 18 to the Merced County Association of Governments (MCAG) FY 2019 Transportation Improvement Program (FTIP) that was submitted by your letter dated July 28, 2020. MCAG adopted Amendment # 18 on July 20, 2020. This amendment to MCAG's FTIP:

- This amendment modifies project funded from the Congestion Mitigation and Air Quality program and adds projects funded with Federal Transit Administration 5339(a) funds

Pursuant to the February 14, 2018, *Memorandum of Agreement between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the FY 2019 Federal Statewide Transportation Improvement Program (FSTIP) for the MCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the May 27, 2016 Federal Register.

We find that the MCAG's FTIP, through Amendment # 18, was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Public Law 114-94, the Fixing America's Surface Transportation (FAST) Act.

We have determined that this program modification is exempt from conformity. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have questions or need additional information concerning our approval for this MCAG FSTIP amendment, please contact Jasmine Amanin ([jasmine.amanin@dot.gov](mailto:jasmine.amanin@dot.gov)) of the FHWA California Division office at (916) 651-7411 or Ted Matley ([Ted.Matley@dot.gov](mailto:Ted.Matley@dot.gov)) of the FTA Region IX at (415) 734-9468.

**ANTONIO** Digitally signed by  
**JOHNSON** ANTONIO JOHNSON  
Date: 2020.08.13  
11:28:09 -07'00'

Tashia J. Clemons  
Director, Planning & Environment  
Federal Highway Administration



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

**Agenda Staff Report**

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

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

**DATE:** September 16, 2020

**TYPE OF REPORT:** Public Hearing

**SUBJECT:** Consideration of Final Development Plan #2020-01 for Mission Village South Phase 5

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**Recommendation:**

Staff requests that the City Council open the public hearing, receive public comment, and consider the following action:

1. Adopt a Resolution approving Final Development Plan #2020-01 for Mission Village South Phase 5.

**Background:**

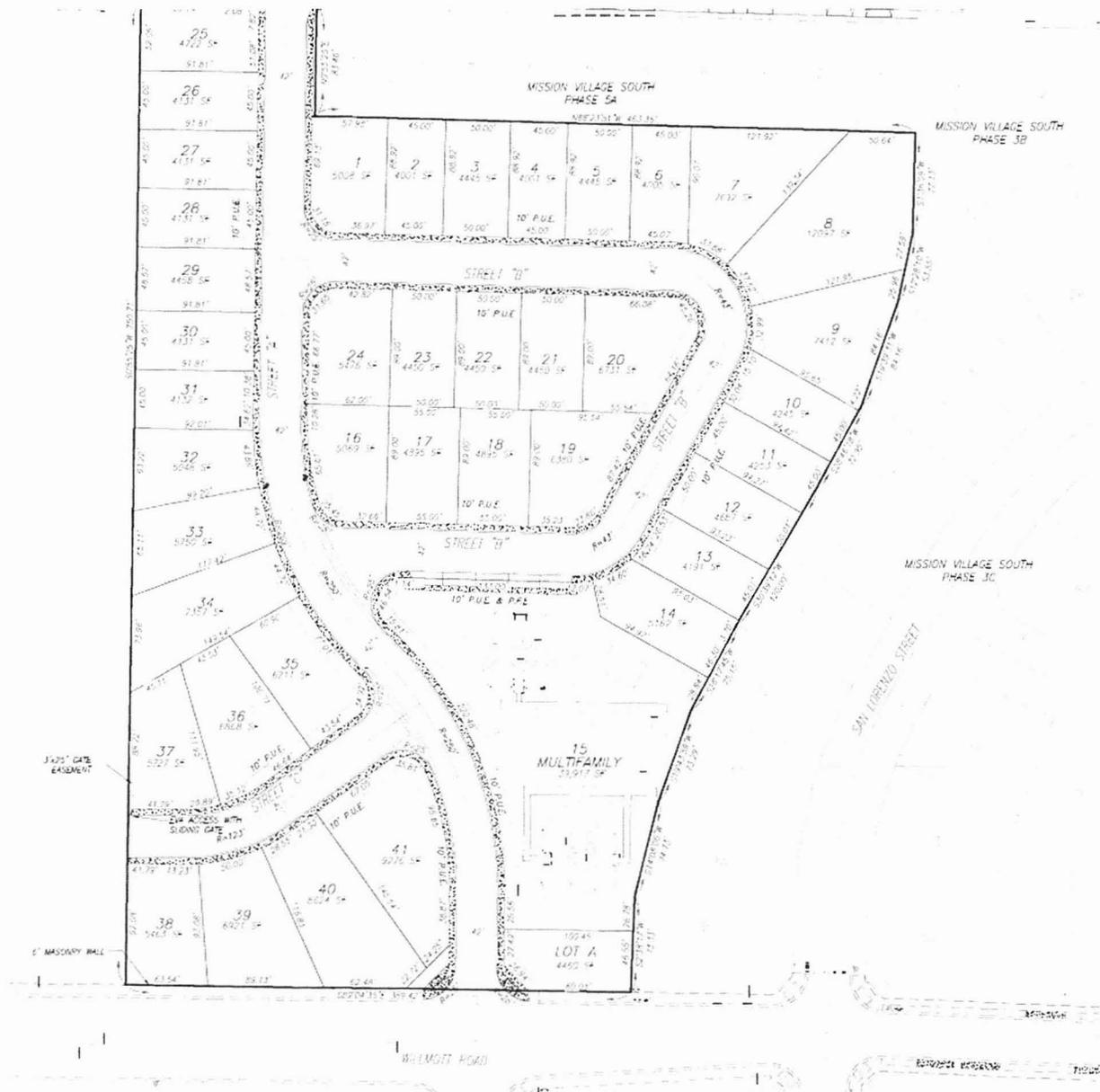
On August 5, 2020, the Los Banos City Council reviewed for consideration Final Development Plan #2020-01 for Mission Village South Phase 5. At that meeting the applicant received direction from the City Council to revise the Final Development Plan to accommodate the conditions of approval requested by staff. The public hearing was continued to a date certain, September 16, 2020. The applicant has revised Vesting Tentative Tract Map (VTTM) #2020-02 and Final Development Plan (FDP) #2020-01 as recommended.

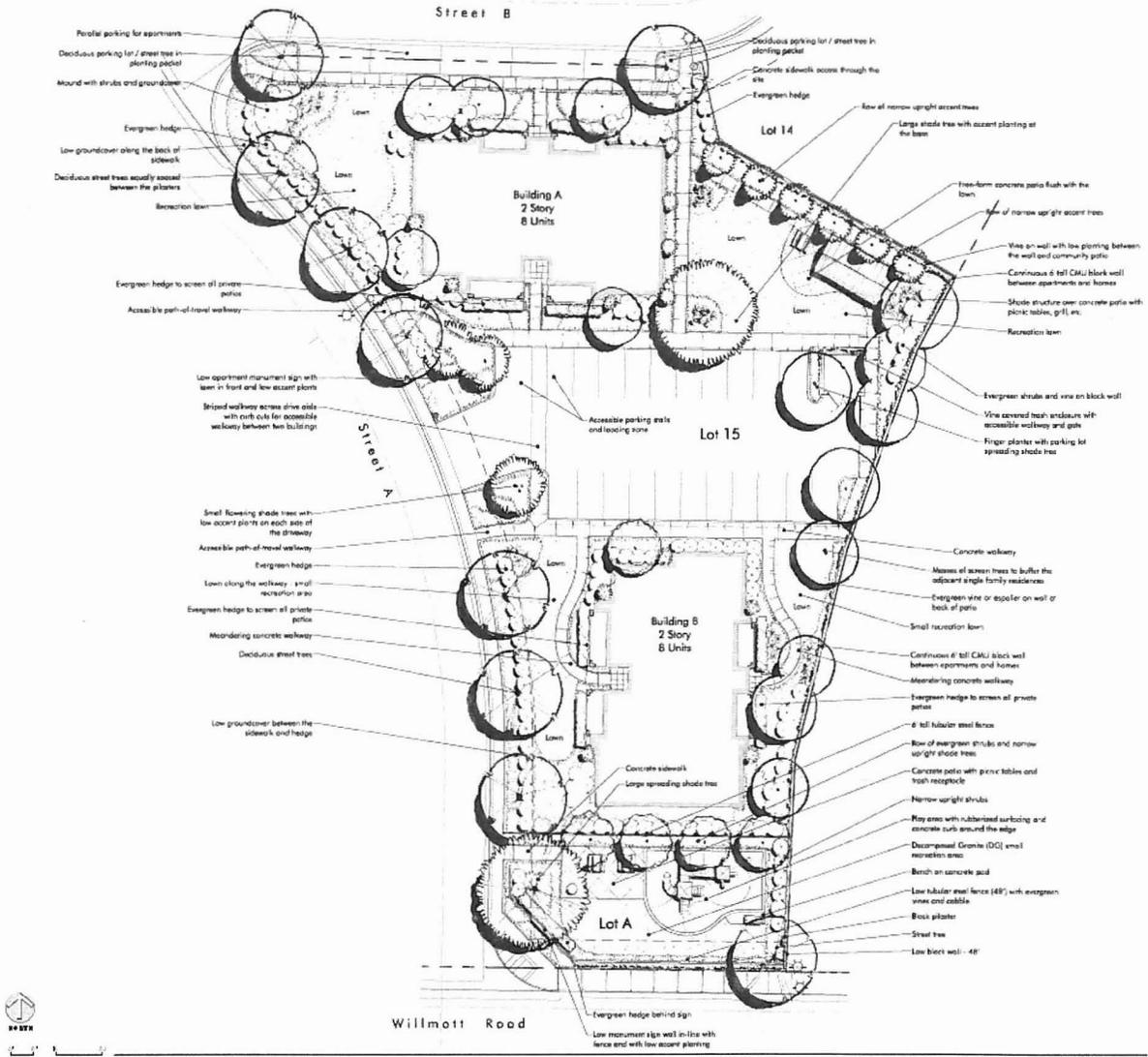
On August 26, 2020, the Los Banos Planning Commission reviewed the revisions to VTTM #2020-02 for Mission Village South Phase 5B and Final Development Plan #2020-

01 for Mission Village South Phase 5. The revisions provided by the applicant consist of the following:

- Removal of the gated community component. The neighborhood would be a public community (non-gated);
- Added sidewalks through the development with 42' wide curb to curb street sections;
- Added open space within the multi-family lot to accommodate a shade structure with picnic tables; and
- The relocation of Lot A to the eastern corner of Street A and Willmott Avenue to accommodate a public park with small play structure.

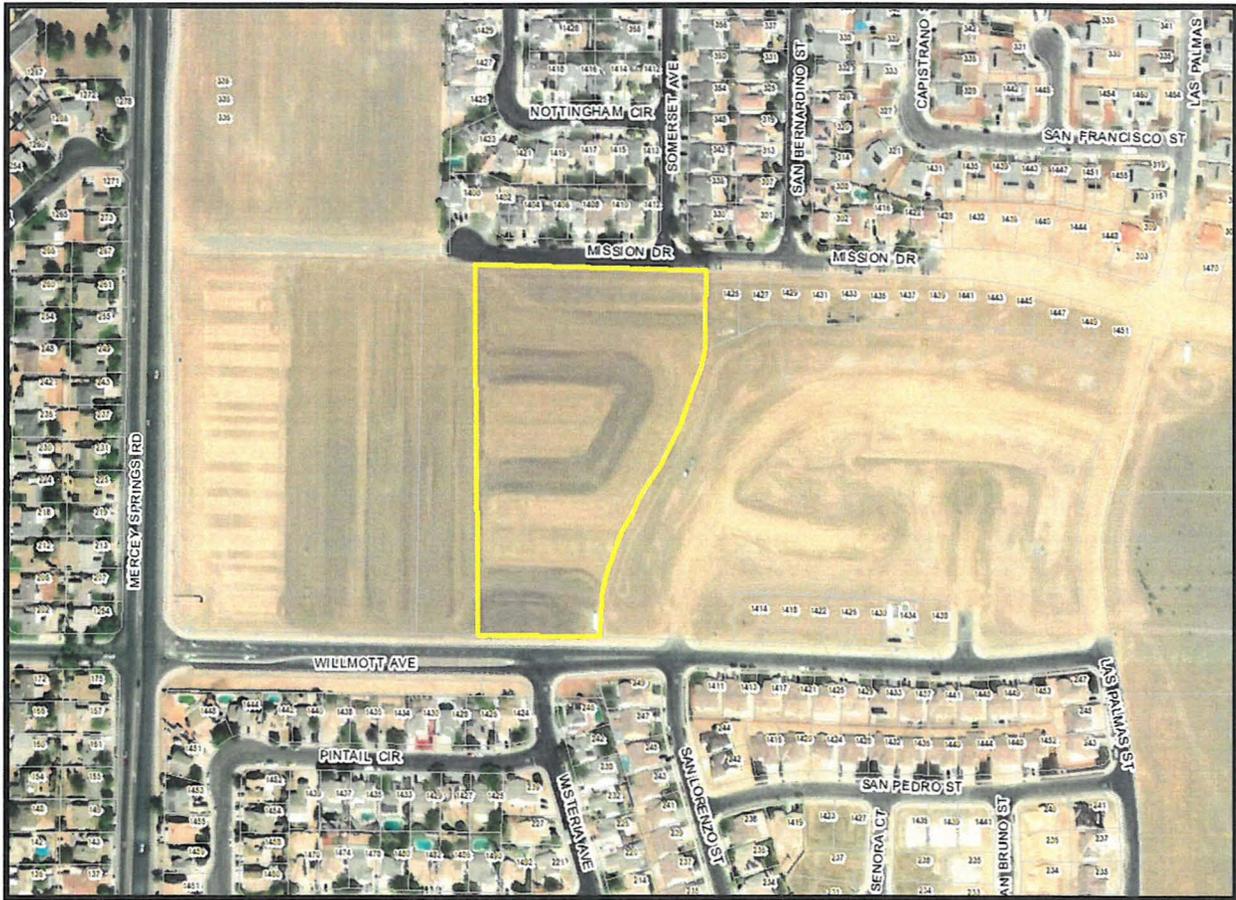
The revisions to Final Development Plan #2020-01 are reflected below:





**Discussion:**

The project site is located east of Mercey Springs Road, south of Mission Drive, and north of Willmott Avenue. Vehicle access to Mission Village South Phase 5A Mission Drive and Phase 5B access will be off of Willmott Avenue. The project site is outlined in yellow on the area map below. Phase 5A which is proposed to consist of 10 single family lots is located along the north side of the project area facing Mission Drive. Phase 5B is the remaining project area and is located to the south of Phase 5A and is proposed to consist of 40 single family lots and one large lot with 2 eight-plexes.



**LAND USE:**

The project site is currently undeveloped. The project site is zoned Medium Density Residential (R-2) with a Planned Development overlay. The General Plan designation is Medium Density Residential (MDR). The following table shows the adjacent land uses:

Property	Land Use	Zone	General Plan
Project Site	Undeveloped	R-2/PD	MDR
North	Residential	R-1	LDR
East	Residential	R-1	LDR
South	Residential	R-1	LDR
West	Undeveloped	H-C	C

R-1 = Low Density Residential      LDR = Low Density Residential  
 R-2 = Medium Density Residential      MDR = Medium Density Residential  
 H-C = Highway Commercial      C = Commercial  
 PD = Planned Development

## **ENVIRONMENTAL ASSESSMENT:**

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was previously evaluated in the Mission Village & Mission Estates Subdivisions and Rezone (SCH #2001021115) Mitigated Negative Declaration, which was approved by the Los Banos Planning Commission on July 2001. Staff has determined that environmental review for the project is adequate and consequently did not prepare a subsequent Mitigated Negative Declaration in accordance to Section 15162 of the CEQA guidelines. The evidence in the project file support that no circumstances of further impacts requiring the preparation of a subsequent Mitigated Negative Declaration are present in this case.

## **FINAL DEVELOPMENT PLAN ANALYSIS:**

Pursuant to Section 9.3-401 of the Los Banos Zoning Code, the purpose of the Planned Development District (P-D) is:

- To provide an integrated neighborhood development which would otherwise not be possible under traditional "lot-by-lot" zoning.
- Planned Development District encourages innovative and creative development by allowing flexibility in land use and design.
- The Planned Development District allows the opportunity to provide amenities and conveniences while maintaining a suitable neighborhood environment and permits development based on a high standard of performance and design by creating greater efficiency in land use by providing for flexibility in strict application of the Zoning Code.
- This is achieved by maximizing open space, preserving natural amenities, and creating additional amenities as approved by the City Council.

A Final Development Plan is required for the total project or an approved phase of the project in order for development to occur in the Planned Development District. The City Council by resolution may grant approval of the Final Development Plan subject to conditions, or may deny the request. The Planning Commission and the City Council may impose conditions deemed necessary or desirable to maintain neighborhood compatibility and to protect the public health, safety or welfare. Examples of such conditions are height, signs, lot coverage, yards, density, and parking requirements. There are no minimum lot sizes in the PD overlay; yard areas and building setbacks as set forth in the Final Development Plan; allowable coverage shall not exceed 70% with the remaining areas devoted to landscaped open areas, yards, and outdoor recreation.

### ***Project Design***

The project is designed for two phases. Phase 5A faces Mission Drive consisting of 10 detached single family residential lots. Phase 5B is the remaining portion of the development and includes 40 single family lots. The majority of the lots are 4,000 to 5,000

square feet, there are also a number of larger lots consisting of 6,000 to 7,000 square feet in size. Phase 5B also consists of a multi family component consisting of two (2) two-story eight-plexes on a 43,046 square foot lot. The stated intent of the design was to present a range of home choices from seven different home models along with several elevation options ranging from one (1) and two (2) story attractive production homes positioned on varying lot sizes throughout the project.

Phase 5B has been revised to provide sidewalks throughout the entire proposed Final Development Plan.

### ***Land Use***

The project site is designated as Medium Density Residential according to the Los Banos General Plan with an R-2 zoning and a Planned Development overlay.

Mission Village South Phase 5A proposes 10 Medium Density Residential detached single family homes on lot sizes varying from 3,755 square feet to 4,697 square feet.

Mission Village South Phase 5B proposes 40 residential detached single family homes on lot sizes ranging from 4,046 to 12,135 square feet. Also proposed is one multi-family lot at 43,036 square feet as the location for two (2) eight-plexes. The resulting density of the proposed project is 7.57 dwelling units per gross acre (du/ac).

### ***Architecture***

The proposed architecture for the project reflects the character of many older communities found throughout California's Central Valley such as: Early Californian, California Coastal, and California Rustic architectural styles. The Final Development Plan architecture provides a variety in elevation, color scheme, house designs, and setbacks to provide compatibility with the existing Mission Estates neighborhood. The proposed elevation styles used within the proposed Final Development Plan will be compatible with, and complementary to, the existing context in terms of scale, height, and neighborhood feel. The design will consist of articulated front elevations and set back second stories. A mixture of gable and hip roofs vary appearance and each design uses a roof pitch that is consistent with the style it represents giving the different elevations higher or lower ridgelines depending on style. The proposed elevations for the production homes utilize variations in building style, colors, and materials. Each architectural plan group consists of an elevation of stone veneer used on the base of the homes or different portions of the front elevations with the body of the structure mainly consisting of stucco with some options having wood siding. Each architectural plan group also consists of the use of different types of decorative aesthetic vent features throughout various plans. The proposed designs have the front door recessed while garages and the elevation adjacent to the door are similarly or slightly off-set extended to the front façade with minimum two (2)-car garages.

The Final Development Plan proposes seven (7) different architectural plan groups each consisting of three (3) distinct elevation styles per plan adding up to a total of twenty-one (21) different design styles.

The proposed multi-family structures will be two (2) story structures which will have similar architectural features as the proposed single family structures. The multi-family structures will have a gabled roof with stone veneer on portions of all elevations with the body of the structure mainly consisting stucco. There will be arches in the entry locations of the multi-family structure.

### ***Circulation***

Mercey Springs Road is an arterial located to the west of the project and Place Road is an arterial located east of the project site. Willmott Avenue is designated as a minor arterial which is one access point for Mission Village Phase 5B. Mission Village South Phase 5B will have three (3) public streets, one of them, Street A, connecting with Willmott Avenue. All streets have been proposed to be forty-two (42') feet wide with rolled curbs. Willmott Avenue connects to Las Palmas Street which is designated as neighborhood/local residential. Las Palmas Street connects to the designated minor collector, Mission Drive, which is the main access for Mission Village South Phase 5A. Willmott Avenue has an existing Class II bike lane connecting to Las Palmas which has an existing Class I bike path which connects to a Class I bike path at Place Road.

There is pedestrian circulation connectivity with the inclusion of sidewalks which maintains and enhances the pedestrian connectivity from the Mission Village South Phase 5 community residents to the rest of the surrounding developments.

### ***Open Space and Recreation***

The applicant has proposed open space with a shade structure within the multi-family component and a small recreation/ park area for the rest of the community. In addition, the applicant has revised the Final Development Plan to include a park area within Lot A that will consist of a 6' tall wrought iron fence, concrete patio with picnic tables and trash receptables, play area, benches, and a 4' tall block wall along the eastern property line.

The proposed subdivision will be required to annex into a Landscape and Lighting District to finance the ongoing maintenance of street lighting, landscaped street medians and rights-of-ways, storm drainage facilities, water and sewer, sidewalks, street signs, parks and related facilities, masonry walls, fences, and traffic signals.

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

**Water:** The City of Los Banos would provide domestic water services by connecting to an existing twelve (12") inch water line at Mission Drive. Routine eight (8") inch distribution lines are proposed to be installed throughout the project site. All existing groundwater wells within the boundary of the map have been conditioned to be abandoned to Merced County Standards. The project is subject to the provisions of the Los Banos Water Master Plan and will conform to its requirements including, but not limited to, payment of water impact fees.

**Sewer:** The City of Los Banos would provide wastewater service to the project site by connecting to an existing six (6") inch sanitary sewer line at Mission Drive and an existing eight (8") inch sanitary sewer line located at Willmott Road. Routine six (6") inch to eight

(8") inch lines are proposed to be installed throughout the project site. The Project build-out has been contemplated in the Wastewater Master Plans and will conform to its requirements including, but not limited to, payment of the wastewater impact fees.

Drainage: The City of Los Banos would provide storm water drain services by an existing twelve (12") storm drain along Somerset Avenue which will be extended to Mission Drive to serve Phase 5A. There is an existing catch basin that presently serves Mission Drive. An existing thirty (30") storm drain located on Willmott Avenue will be used to serve the proposed gated community Phase 5B. There is an existing eighteen (18") inch storm drain line stubbed to Phase 5B, which will be abandoned. The storm drain lines will be consistent to City standards and specifications and to be in accordance with the Storm Drain Master Plan.

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.

**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 July 24, 2020. As of the date of this staff report, no comments were received.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

1. Resolution
  - Exhibit A: CEQA Findings
  - Exhibit B: Findings for Approval
  - Exhibit C: Conditions of Approval
2. Final Development Plan
3. Architectural Elevations
4. Public Hearing Notice – July 24, 2020

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

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LOS BANOS APPROVING FINAL  
DEVELOPMENT PLAN #2020-01 FOR MISSION  
VILLAGE SOUTH PHASE 5**

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 project site is zoned PD (Planned Development), and Title 9, Chapter 3, Article 4 – Planned Development District of the Los Banos Municipal Code (LBMC) outlines the procedure for establishing development standards within PD districts; and

WHEREAS, the Planned Development was adopted by the City of Los Banos City Council on June 6, 2001, and

WHEREAS, the applicant submitted a Final Development Plan in accordance with the Los Banos Zoning Code Sections 9-3.403 and 9-3.407 on May 21, 2020; and

WHEREAS, pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Mission Village South Phase 5 Final Development Plan #2020-01 was previously and adequately evaluated in the Mitigated Negative Declaration (SCH #2001021115) for the Mission Village & Mission Estates Subdivisions and Rezone, which was adopted by the City in July 6, 2001; and

WHEREAS, the Los Banos Planning Commission held a public hearing on July 8, 2020, and August 26, 2020 for the purpose of considering Vesting Tentative Tract Map #2020-02 and Final Development Plan #2020-01, and environmental documentation, and at the completion of the public hearings, duly considered the evidence presented and conditionally approved Vesting Tentative Tract Map #2020-02 and recommended approval of Final Development Plan #2020-01 to the Los Banos City Council; and

WHEREAS, the City Council of the City of Los Banos scheduled and duly noticed a public hearing in accordance with California Government Code Section 65091 by advertisement and notices by mail to property owners within a 300 foot radius of the project boundaries on July 24, 2020 to consider and take testimony regarding these matters on August 5, 2020 and continued to September 16, 2020; and

WHEREAS, at the City Council meeting of August 5, 2020 and September 16, 2020, the Los Banos City Council heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Final Development 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 Final Development Plan criteria

established in Title 9, Chapter 3, Article 4 of the Los Banos Municipal Code; and

BASED UPON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, the City Council 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 City Council of the City of Los Banos does hereby approve Final Development Plan #2020-01 for Mission Village South Phase 5, 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 City Council of the City of Los Banos held on the 16<sup>th</sup> day of August 2020, by Council Member \_\_\_\_\_ who moved its adoption, which motion was duly seconded by Council Member \_\_\_\_\_ and the Resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR FINAL DEVELOPMENT PLAN #2020-01 – MISSION VILLAGE SOUTH PHASE 5**

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 City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, the Mission Village South Phase 5B, Vesting Tentative Tract Map #2020-02 was previously and adequately evaluated in the Mitigated Negative Declaration (SCH #2001021115) for the Mission Village & Mission Estates Subdivisions and Rezone, which was adopted by the City in July 6, 2001.
2. The MND was adequately noticed, circulated for public review, considered at public hearings, and duly certified by the Los Banos City Council.
3. The Project will have significant impacts on air quality, biological resources, and hydrology and water quality and the City adopted a Statement of Overriding Considerations when adopting the Los Banos General Plan, with which this project is consistent with. Feasible mitigation measures identified in the MND will reduce the project impacts on air quality, biological resources, and hydrology and water quality.
4. All potentially significant effects were analyzed adequately in the MND, and subject to the mitigation measures presented in the MND, and will reduce potentially significant impacts, to a less than significant level.
5. The proposed project was adequately described, examined, and evaluated in the MND.
6. The Mission Village and Mission Estates MND contemplated a build-out of 621 residential units, the project is the last map of residential development within the Project Plan, and will utilize 50 single family and 16 multi-family of the contemplated units, bringing development to a cumulative total of 622 units and therefore, the proposed project is substantially within the development density anticipated in the Mission Village and Mission Estates MND.
7. No significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the MND.

8. No further environmental documentation is required because the proposed project was contemplated and adequately analyzed in the MND.
9. The project was adequately noticed on July 24, 2020, and considered at a public hearing on August 5, 2020.
10. The project will be subject to the applicable mitigation measures presented in the MND.
11. The City will monitor the implementation of mitigation measures in accordance with the Mission Village and Mission Estates Mitigation Monitoring Program.
12. The MND and the CEQA findings for the Mission Village and Mission Estates MND are incorporated herein by reference.
13. The City of Los Banos Community and Economic Development Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the MND was based.

## EXHIBIT B

### FINDINGS FOR APPROVAL OF FINAL DEVELOPMENT PLAN #2020-01 – MISSION VILLAGE SOUTH PHASE 5

The City of Los Banos City Council hereby finds as follows:

1. The Los Banos General Plan was adopted by the City in July 15, 2009 and the Planned Development was prepared pursuant to the Los Banos General Plan and adopted by the City of Los Banos June 6, 2001.
2. The proposed project is consistent with the City of Los Banos General Plan “Medium Density Residential” land use designation for the site, and with the Mission Village South Phase 5 “Planned Development” designation for the site.
3. The project, as conditioned, complies with the provisions of the City’s Zoning Ordinance, and includes a Final Development Plan to implement the Planned Development designation pursuant to the requirements of the Los Banos Municipal Code section 9-3.403 and 9-3.407.
4. The conceptual architectural renderings and schematic building designs, landscape and lighting designs, and other designs presented in the Final Development Plan, as conditioned, substantially conform to the requirements of the City’s Residential Design Guidelines.
5. The proposal will not be detrimental to the health, safety, comfort, or general welfare of the persons residing or working in the City of Los Banos, or injurious to property or improvements in the surrounding neighborhoods or within the City. The project will enhance the surrounding area and offer the surrounding community choices for housing and recreation.
6. The designs of the Final Development Plan, as conditioned, are consistent with the General Plan and the Mission Village South Phase 5 Planned Development goals, policies, and programs, and that the project density and development intensity are consistent with the General Plan and Planned Development land use designations for the site.
7. The proposed open spaces 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, and the specific types, densities, and configuration of residential uses are compatible with the surrounding residential and educational uses and will not result in detrimental effects to neighboring properties or to City services.

8. The project will provide adequate pedestrian and bicycle routes within the project, and, as conditioned, to nearby destinations including schools.

## EXHIBIT C

### CONDITIONS OF APPROVAL FOR FINAL DEVELOPMENT PLAN #2020-01 – MISSION VILLAGE SOUTH PHASE 5

#### General:

1. All development shall be consistent with the Final Development Plan, reflecting any conditions of approval or amendments approved by the Los Banos City Council, which includes: the Vesting Tentative Tract Map, the land use type, pedestrian and vehicular access, architectural design, parks, open space, and recreation, public facilities, services, and infrastructure, and phasing plan.
2. Building Master Plans shall be consistent with the Final Development Plan and approved by the Community and Economic Development Department and Building Department prior to issuance of a building permit.
3. Prior to issuance of the building permit of the twenty-first (21<sup>st</sup>) single family dwelling unit, the developer shall commence construction of the first (1<sup>st</sup>) multi-family building of the project. Construction commencement is defined as pulling the first (1<sup>st</sup>) multi-family building permit.

#### Lighting:

4. All street lighting shall be LED. The streetlights shall meet the illumination standards in the City Street Light standards. After Public Works inspection and approval, all street light electrical boxes shall be slurried per Public Works direction.

#### Architecture and Physical Design:

5. This project shall be subject to P-D (Planned Development) Design Standards as presented in the Final Development Plan.
6. The monotony of straight building lines shall be alleviated by varying the size of individual buildings, staggering the front yard setbacks, varying exterior building materials and colors, articulating building facades, and utilizing extensive landscaping.
7. The variation in setbacks, unit placement, and materials and colors shall be implemented in a random fashion with no apparent pattern, to avoid monotony.
8. The minimum front yard setback for production homes with front-loading garages shall be 20'. The minimum setback to living areas shall be 15' from the front yard property line. The minimum front yard setback to porches shall be 15'.

9. The minimum side-yard setback shall be 5'. Minimum reverse corner street yard setback shall be 15'.
10. The minimum rear-yard setback shall be 10' for single story, and 18' for multi-story units.
11. The typical architecture and plot plans set forth in the Final Development Plan are conceptually approved with this application. Plans submitted for building permits shall be consistent with these elevations in terms of style, material, and character.
12. To protect privacy, building placement that offsets side-facing second-story bedroom windows at adjacent houses shall be required.
13. Residential dwelling units shall not exceed 30 feet in height and multi-family buildings shall not exceed 32' in height.
14. The developer shall provide entry monumentation and/or landscaping to provide for a neighborhood identity, substantially similar to that shown in the Final Development Plan.
15. If parking for model homes is to be provided in a temporary parking lot, such lot shall be approved by the Community and Economic Development Director as a commercial lot conforming with Los Banos Municipal Code section 9-3.2009, and shall be removed within 60 days of the end of sales, if not intended to serve a permanent use.

Physical Amenities:

16. The developer shall install a seven-foot high decorative masonry wall along the western property line abutting the commercial parcel to the west of the project site at the rear of private properties. The developer shall install a 6' high decorative masonry wall along Willmott Avenue and north lot line of Lot 25.

Parks and Landscaping:

17. Landscape plans shall emphasize deciduous shade tree plantings to the south and west of buildings.
18. Landscaping and site design shall substantially conform to the conceptual plans of the Final Development Plan.
19. The applicant shall comply with the landscaping and irrigation requirements imposed by the Public Works Department.
20. Prior to the occupancy of the first (1<sup>st</sup>) multi-family dwelling unit, a community park shall be constructed.

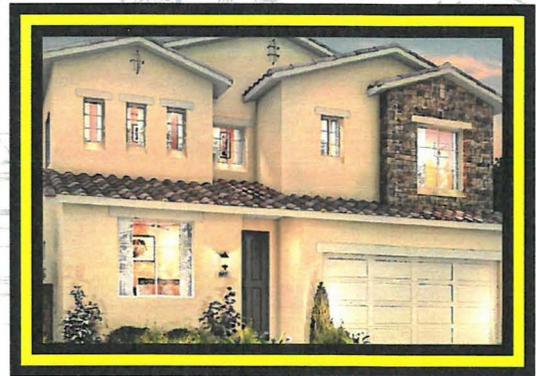
21. The proposed park shall be developed in accordance with the adopted Final Development Plan.
22. Landscape plans for each residential front yard shall utilize drought tolerant plantings. The developer shall be required to follow local and State mandates regarding water conservation and water efficiency. Once the City adopts a new water efficient landscape ordinance, the developer shall be required to follow the new ordinance requirements. Landscaping shall be installed prior to Certificate of Occupancy.

# Mission Village South

## Phase 5

### Final Development Plan

Los Banos, CA 93635



Los Banos, May 2020

**Mission Village South Phase 5**

**Final Development Plan**

**Los Banos, California**

**May 2020**

**Revised August 2020**

**Prepared by:  
Benchmark Engineering Inc.**

## **PROJECT PROPONENTS**

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**Property Owner:**

**STONEFIELD HOME INC.**

Greg Hostetler  
923 E. Pacheco Blvd., Suite C  
Los Banos, CA 93635  
(209) 826-6200



**Subdivider:**

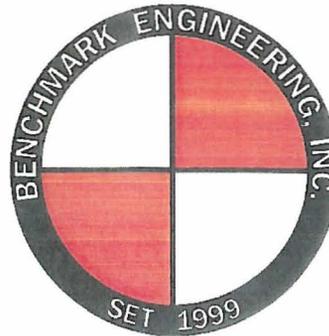
**STONEFIELD HOME INC.**

Jovan Granados  
923 E. Pacheco Blvd., Suite C  
Los Banos, CA 93635  
(209) 826-6200

**Civil Engineer:**

**BENCHMARK ENGINEERING, INC.**

Rick Mummert  
915 17<sup>th</sup> Street  
Modesto, CA 95354  
(2009) 548-9300



# INTRODUCTION

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# INTRODUCTION

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# INTRODUCTION

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ENLARGED VICINITY MAP  
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PROPOSED SEWER SYSTEM EXHIBIT

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DOCUMENT)

# INTRODUCTION

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## Section 1

### INTRODUCTION

# **INTRODUCTION**

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## **1.1 PURPOSE AND CONTENT**

The purpose of this document is to present Mission Village South Phase 5 Final Development Plan (FDP), as detailed within the seven following sections:

**Section 1 INTRODUCTION**

**Section 2 LAND USE**

**Section 3 CIRCULATION**

**Section 4 PARKS, OPEN SPACE AND RECREATION**

**Section 5 PUBLIC FACILITIES, SERVICES, AND INFRASTRUCTURE**

**Section 6 ARCHITECTURE**

**Section 7 PHASING AND FINANCING**

Mission Village South Phase 5, being a subdivision of Parcel 2 as described in the Grant Deed dated February 27, 2019, as Document No. 2019005706, Merced County Records and lying in the north half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California. On December 11, 2019 Vesting Tentative Tract Map #2019-01 for Mission Village South 5A was approved by the Los Banos Planning Commission. The approved Vesting Tentative Tract Map #2019-01 consisted of 10 medium density residential (R-2) lots fronting on Mission Drive. Mission Village South 5B Vesting Tentative Tract Map proposes to subdivide the "remainder" of the above described Parcel 2 into 40 medium density residential (R-2) lots and 1 multi-family residential lot containing 16 one bedroom and two-bedroom apartment units within the Mission Village South community. In 2007 Mission Village South Phase 5 was previously entitled (FDP#2006-09) as the remainder parcel of the original Mission Village South Subdivision. The site has carried a Medium Density general plan designation since the 1999 General Plan was

# INTRODUCTION

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Mission Village South Phase 5 follows guidelines set forth in the City of Los Banos General Plan.

Mission Village South Phase 5 Final Development Plan (FDP) brings forth medium density single family residential and multi-family residential land use, provides for efficient internal and external circulation, and identifies the infrastructure and public facilities which will serve the project.

The development concepts, land uses, low maintenance drought tolerant landscape and architectural features, unique layout, and use of advanced guidelines and design standards are intended to ensure the quality and character of the FPD.

## 1.2 PROJECT SITE LOCATION

Mission Village South Phase 5 is located within the existing City limits, located to the East of Mercy Springs Road between Mission Drive to the north and Willmott Road to the south, forming the final part of the Mission Village South Subdivision. Phase 5A, of the proposed project consists of 1.04 acres and Phase 5B consists of 7.81 acres of APN 428-280-012 (8.85 acres total).

The Mission Village South Phase 5 project is located within the primary growth area envisioned with the previous entitlements, and General Plan. Legal descriptions and plats are presented in Appendix A of this document.

## 1.3 SITE SETTING / EXISTING CONDITIONS

The property is surrounded by vacant land to the west, homes under construction to the east, and existing residential homes to the north and south. An elementary school is under construction approximately one-quarter mile to the east. The vacant land to the west is planned for commercial development.

# INTRODUCTION

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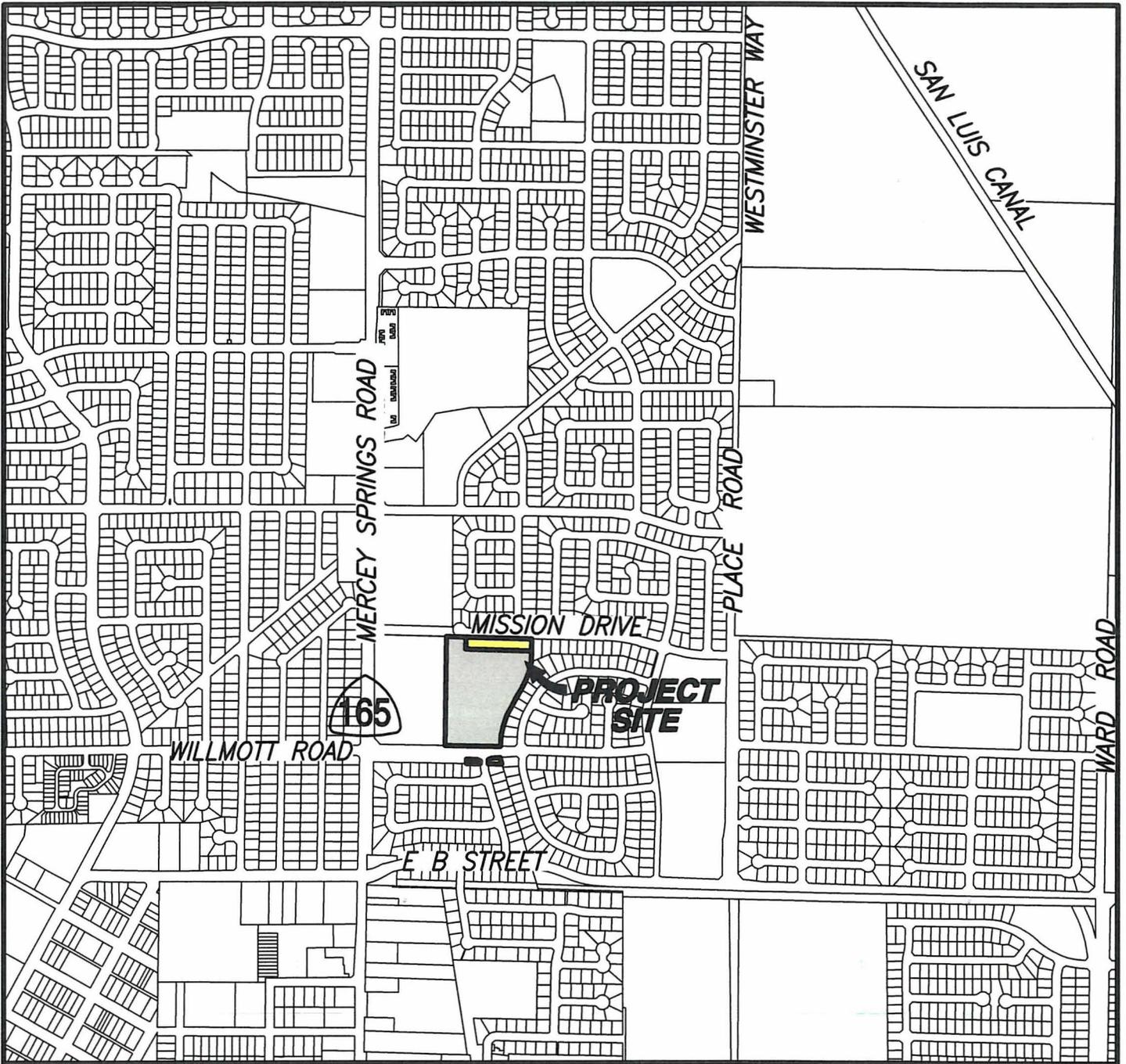
## 1.4 PROJECT CONCEPT

The project provides a mix of land uses consistent with medium density residential zoning. Mission Village South 5A is 10 medium density lots fronting Mission Drive. Mission Village South 5B is 40 medium density lots and one multi-family parcel consisting of 16 units. Mission Village South 5B is in conformance with the medium density land use.

The Los Banos General Plan and Residential Design Standards serve as guiding principles for Mission Village South Phase 5.

The open space on the west side of Mission Village South Phase 5 is future commercial.

# MISSION VILLAGE SOUTH PHASE 5 VICINITY MAP



## LEGEND

- PHASE 5A
- PHASE 5B

SCALE: 1" = 1000'



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 915 17th STREET • MODESTO, CALIFORNIA • 95336  
 (209) 548-8300 FAX: (209) 548-8305

**VICINITY MAP**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**  
 LOS BANOS, CALIFORNIA

DRAWN BY: JP  
 DATE: 5-14-2020  
 SHEET:  
 JOB: 209239

# MISSION VILLAGE SOUTH PHASE 5 ENLARGED VICINITY MAP



## LEGEND

- PHASE 5A
- PHASE 5B

SCALE: 1" = 400'

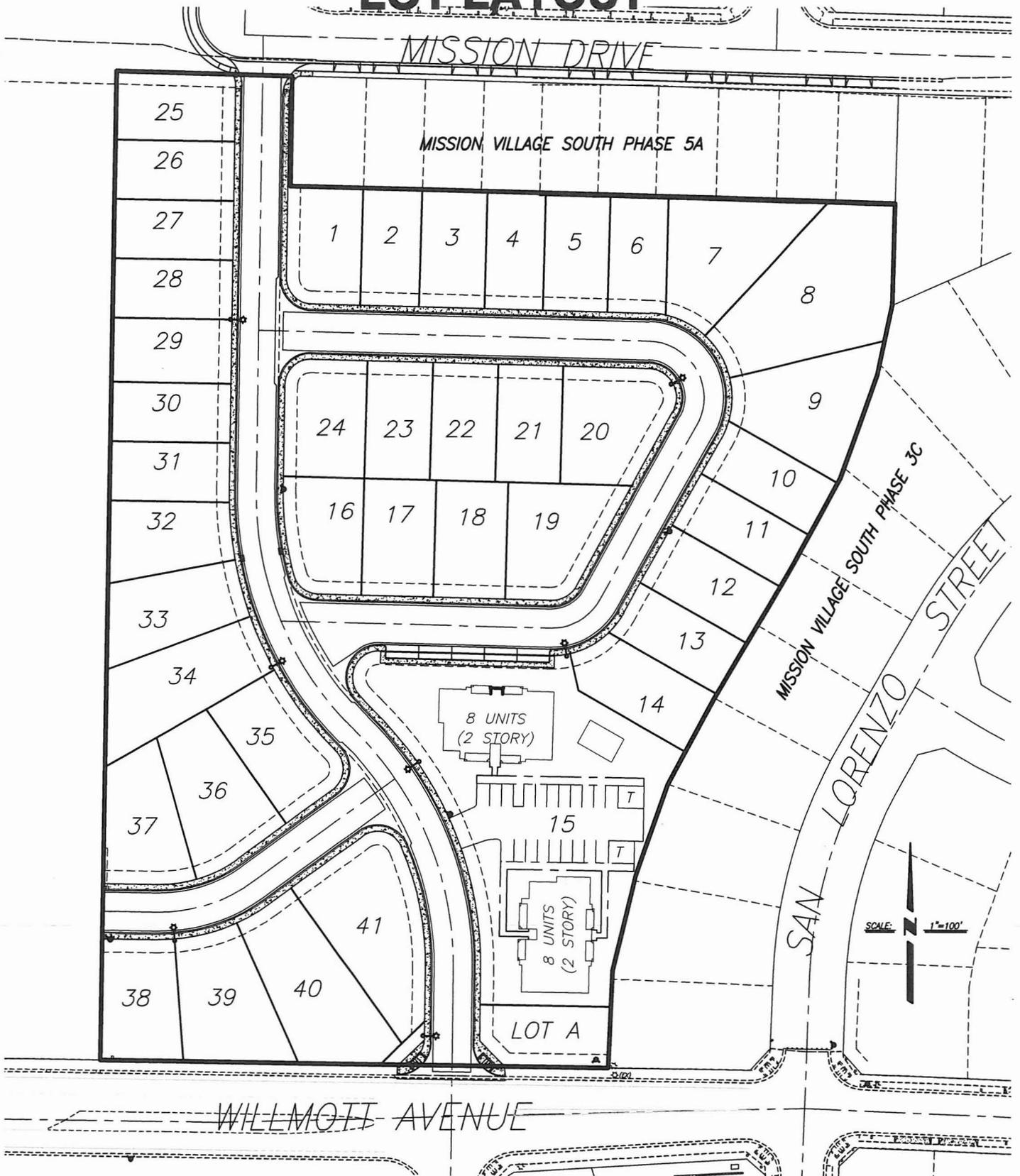


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**ENLARGED VICINITY MAP**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**  
 LOS BANOS, CALIFORNIA

DRAWN BY: JP  
 DATE: 5-14-2020  
 SHEET:  
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# MISSION VILLAGE SOUTH PHASE 5B LOT LAYOUT



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**LOT LAYOUT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5B**  
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**LAND USE**

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**Section 2**

**LAND USE**

## **LAND USE**

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### **2.1 INTRODUCTION**

This section provides descriptions of the proposed land uses and identifies the general guidelines utilized for the overall development of Mission Village South Phase 5.

The intent of the proposed project is to develop approximately 8.85 acres in accordance with the design goals of the Los Banos General Plan.

The proposed FDP will enhance the surrounding area and offer the neighboring community a variety of choices for housing. Mission Village South Phase 5 provides a variety of housing options including small lot detached single-family homes as well as apartment living.

### **2.2 LAND USE SUMMARY**

Mission Village South Phase 5A includes 10 medium density detached single family dwellings. The medium density single family homes are on lot sizes varying from 3,755 square feet to 4,697 square feet as shown in Table 2-1 below. Minimum lot size would be 3,755 square feet. Lot widths generally vary from 45 to 60 feet, with a depth of 83 feet.

Mission Village South Phase 5B includes 40 medium density detached single family dwelling units and 16 multi-family units. The medium density single family homes are on lot sizes varying from 4,001 square feet to 12,097 square feet and 1 multi-family lot at 39,917 square feet as shown in Table 2-1 below. Minimum lot size proposed is 4,001 square feet. Lot widths generally vary from 32.99 to 81.76 feet, with varying lot depths of 88.92 to 145.54 feet.

All of the units would be one and two stories, with seven different models and several elevation options available. The houses are about 1,380 to 2,392 square feet. The two multi-family dwellings will be 9,068 square feet each.

## LAND USE

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**TABLE 2-1  
LOT SIZES (SQ. FT.)**

	Density	Number of Lots	Approximate Square Footage	Lot Area Average
MVS 5A	Medium	10	3,755 – 4,697	3,869
MVS 5B	Medium	40	4,001 – 12,097	5,414
	Multi-Family	1	39,917	39,917

The project will have adequate pedestrian routes to neighborhood parks and commercial areas, sidewalks and/or pathways connect or will connect to an adjacent commercial area to the west and to a nearby elementary school and a neighborhood park within the project.

The proposed land use is presented in the Land Use Plan exhibit at the end of this section.

### **2.3 RESIDENTIAL LAND USE**

Approximately 7.49 acres of the total 8.85 acres of Mission Village South Phase 5A is proposed for residential development excluding the two separate parcels south of Willmott Road (Lots A and B). At build-out there will be 50 single family detached homes and 16 multi-family units. Lots of varying sizes are shown on the Land Use Exhibit at the end of this section. The medium density residential development will be approximately 7.46 units per gross acre.

The proposed residential uses 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 medium density housing is compatible to the commercial zone to the west and low density residential to the east and southeast included in the planned development overlay approved for the Mission Village South Subdivision. The specific types, densities, and configuration of residential uses are compatible with the surrounding residential uses

## **LAND USE**

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and will not result in detrimental effects to neighboring properties or to the City services.

### **2.4 OPEN SPACE**

Landscape areas are incorporated into Mission Village South Phase 5B along Willmott Road and Lot "A" neighborhood park. The multi-family lot also incorporates open space with Lot 15.

### **2.5 SCHOOLS, PARKS, AND PUBLIC USES**

Mission Village South Phase 5 proposes quaint neighborhood park (Lot B) and is about one-quarter mile west of an elementary school currently under construction. Pacheco High School is less than a mile southeast of the project site. Also, Los Banos Junior High School and Elena Talbot Park are both less than a mile south of the project site. A neighborhood park on Palermo Drive is 0.6 miles to the east.

### **2.6 RESIDENTIAL DEVELOPMENT GUIDELINES**

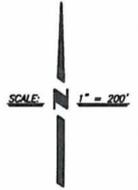
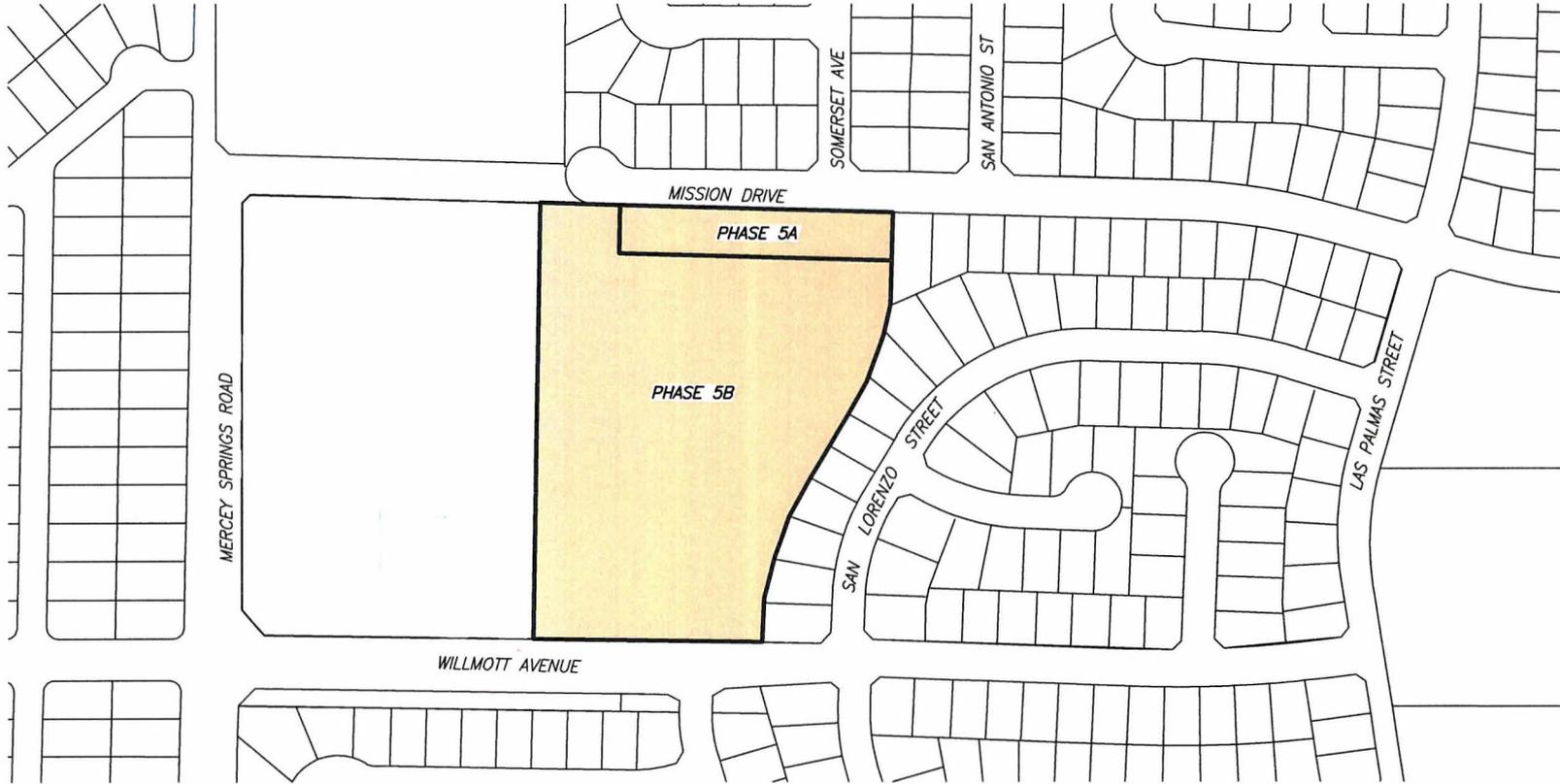
The following sections present general development guidelines for residential uses. These guidelines are consistent with the City of Los Banos General Plan vision. The FDP will establish densities, lot sizes, setbacks, and architectural features. The underlying zoning standards of the City of Los Banos Zoning Ordinances are consistent with the proposed land use and shall apply unless exempted or otherwise changed with a Development Agreement.

### **2.7 MEDIUM DENSITY RESIDENTIAL**

Setbacks from the property lines shall be a minimum front yard setback of 20 feet to a front-loading garage, and 15 feet to the living area. Setbacks to the porch are proposed to be 15 feet.

Exterior side-yard setbacks shall be a minimum of 5 feet. Rear-yards shall be a minimum of 10 feet for single story, and 18 feet for multi-story units.

# MISSION VILLAGE SOUTH PHASE 5 LAND USE EXHIBIT WITH PROJECT DENSITIES



MEDIUM DENSITY RESIDENTIAL  
66 UNITS / 8.85 AC = 7.46 UNITS/AC



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**LAND USE EXHIBIT  
WITH PROJECT DENSITIES  
MISSION VILLAGE SOUTH PHASE 5**

**LOS BANOS, CALIFORNIA**

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MISSION VILLAGE SOUTH- PHASE 5  
LOT SQUARE FOOTAGE

**Mission Village South 5A**

LOT #	SQ FOOTAGE		LOT #	SQ FOOTAGE		
1	3,805					
2	3,800					
3	3,809					
4	3,804					
5	3,755					
6	3,755					
7	3,755					
8	3,755					
9	3,755					
10	4,697					

**Mission Village South 5B**

1	5,008		24	5,476		
2	4,001		25	4,722		
3	4,445		26	4,131		
4	4,001		27	4,131		
5	4,445		28	4,131		
6	4,005		29	4,458		
7	7,692		30	4,131		
8	12,097		31	4,132		
9	7,412		32	5,048		
10	4,245		33	5,750		
11	4,253		34	7,357		
12	4,687		35	6,211		
13	4,191		36	6,868		
14	5,162		37	5,727		
15	39,917		38	5,463		
16	5,069		39	6,921		
17	4,895		40	8,624		
18	4,895		41	9,276		
19	6,380		LOT A	4460		
20	6,731					
21	4,450					
22	4,450					
23	4,450					

**Mission Village South 5A**

Min 3,755 SF  
Max 4,697 SF  
Average 3,869 SF

**Mission Village South 5B**

Min 4,001 SF  
Max 12,097 SF  
Average 5,628 SF  
Lot 15 Apartment 39,917 SF

# CIRCULATION

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## Section 3

### CIRCULATION



## **CIRCULATION**

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### **3.1 CONCEPT**

One objective of the development plan is to provide for safe and efficient movement of motorists, pedestrians, and bicycles both within the project and to greater Los Banos.

The circulation system provides a four foot wide sidewalk adjacent to curb and gutter for safe walking space.

The project provides various home sizes on smaller lots, which would provide a variety of housing options within the City. As was intended when the neighboring properties were re-zoned to commercial (to the west) and single-family residential (to the east) the development would provide a transitional buffer between these two uses.

Mission Village South Phase 5 will be built in two phases. Phase 5A will include 10 single family residential lots on the north end of the project. Phase 5B will include a 40 lot single family residential and one multi-family housing lot. This FDP application is for Mission Village South Phase 5A and 5B.

### **3.2 EXISTING ROADWAYS**

Mercey Springs Road to the west is Highway 165. Place Road, to the east. Willmott Avenue on the south are minor arterials and Mission Drive on the north is a minor collector. The remaining roadways and cul-de-sac within the vicinity are neighborhood streets designed for low traffic volumes.

### **3.3 PROPOSED ROADWAYS**

As referenced in Section 3.2 Mission Drive has existing curb, gutter, and pavement. Sidewalks will be installed a minimum four feet in width and will be shaded by street trees in the planting strips for lots fronting Mission Village South Phase 5A. With Mission Village South 5B the sidewalk will be adjacent to the rolled curb and gutter along all street frontages within the project.

# CIRCULATION

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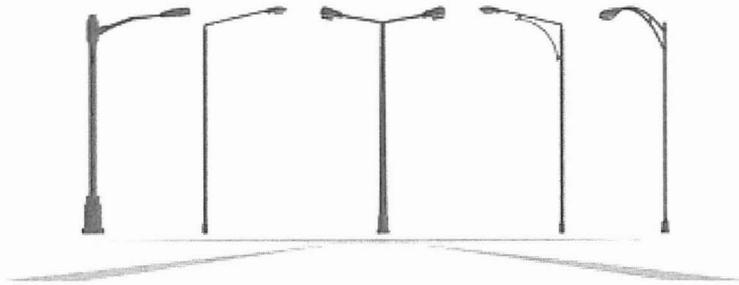
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## 3.4 PUBLIC TRANSPORTATION

A limited amount of public transportation currently is available in Los Banos. Additional routes and more buses will be made available as demand develops. One important guideline for public transportation is that no resident should be more than one-quarter mile from the nearest bus stop.

## 3.5 STREET LIGHTING

LED lighting will be located throughout Mission Village South subdivision. City standard cobra-head style streetlights are existing along Mission Drive and Willmott Road. Cobra-head LED style streetlights will also be incorporated into the project.



# MISSION VILLAGE SOUTH PHASE 5 VEHICULAR CIRCULATION EXHIBIT



**LEGEND**

- ARTERIAL
- MINOR ARTERIAL
- MINOR COLLECTOR
- NEIGHBORHOOD/LOCAL RESIDENTIAL

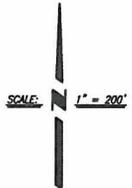


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**VEHICULAR CIRCULATION EXHIBIT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**  
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# MISSION VILLAGE SOUTH PHASE 5 BIKE / PEDESTRIAN CIRCULATION EXHIBIT



**LEGEND**

- - - - EXISTING BIKE PATH (CLASS II)
- - - - EXISTING BIKE PATH (CLASS I)



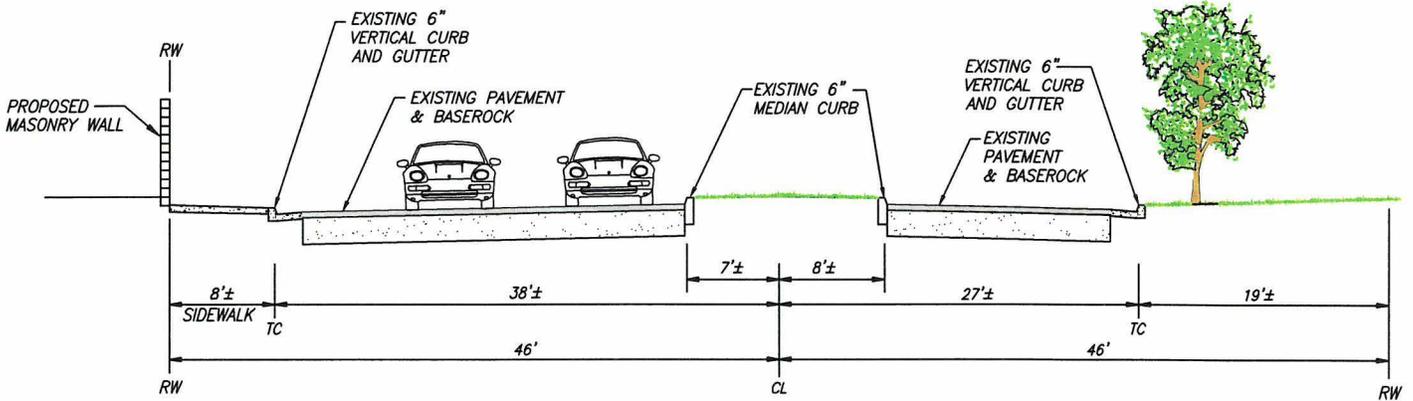
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**BIKE / PEDESTRIAN CIRCULATION EXHIBIT**  
 MISSION VILLAGE SOUTH  
 PHASE 5

LOS BANOS, CALIFORNIA

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# MISSION VILLAGE SOUTH PHASE 5 MINOR ARTERIAL EXHIBIT

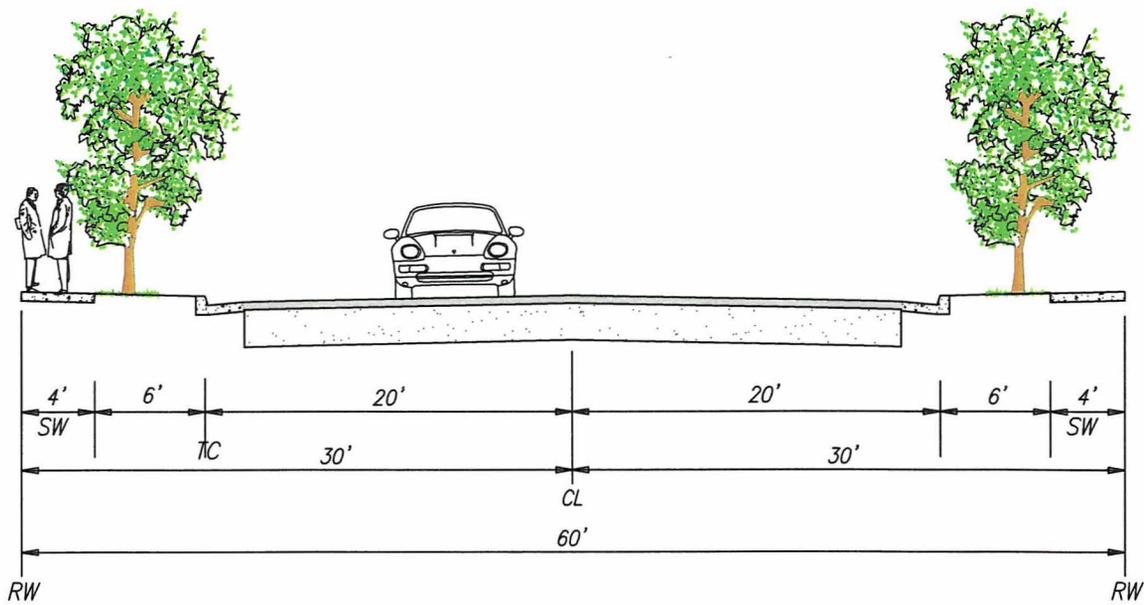


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**MINOR ARTERIAL EXHIBIT**  
**MISSION VILLAGE SOUTH**  
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# MISSION VILLAGE SOUTH PHASE 5 MINOR COLLECTOR EXHIBIT

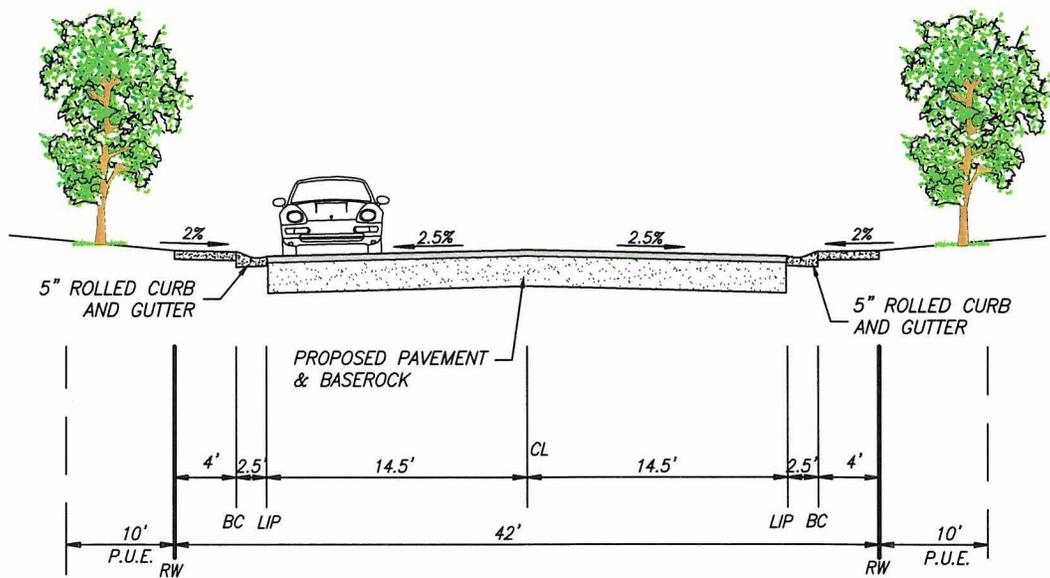


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**MINOR COLLECTOR EXHIBIT**  
**MISSION VILLAGE SOUTH**  
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 LOS BANOS, CALIFORNIA

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# MISSION VILLAGE SOUTH PHASE 5 MODIFIED LOCAL RESIDENTIAL STREET EXHIBIT



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**LOCAL STREET**  
**MISSION VILLAGE SOUTH**  
**PHASE 5B**  
 LOS BANOS, CALIFORNIA

DRAWN BY: BB/JP  
 DATE: 8/18/20  
 SHEET:  
 JOB: 209239

**PARKS, OPEN SPACE AND RECREATION**

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**Section 4**

**PARKS, OPEN SPACE AND RECREATION**



# **PARKS, OPEN SPACE AND RECREATION**

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## **4.1 PURPOSE AND INTENT**

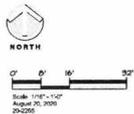
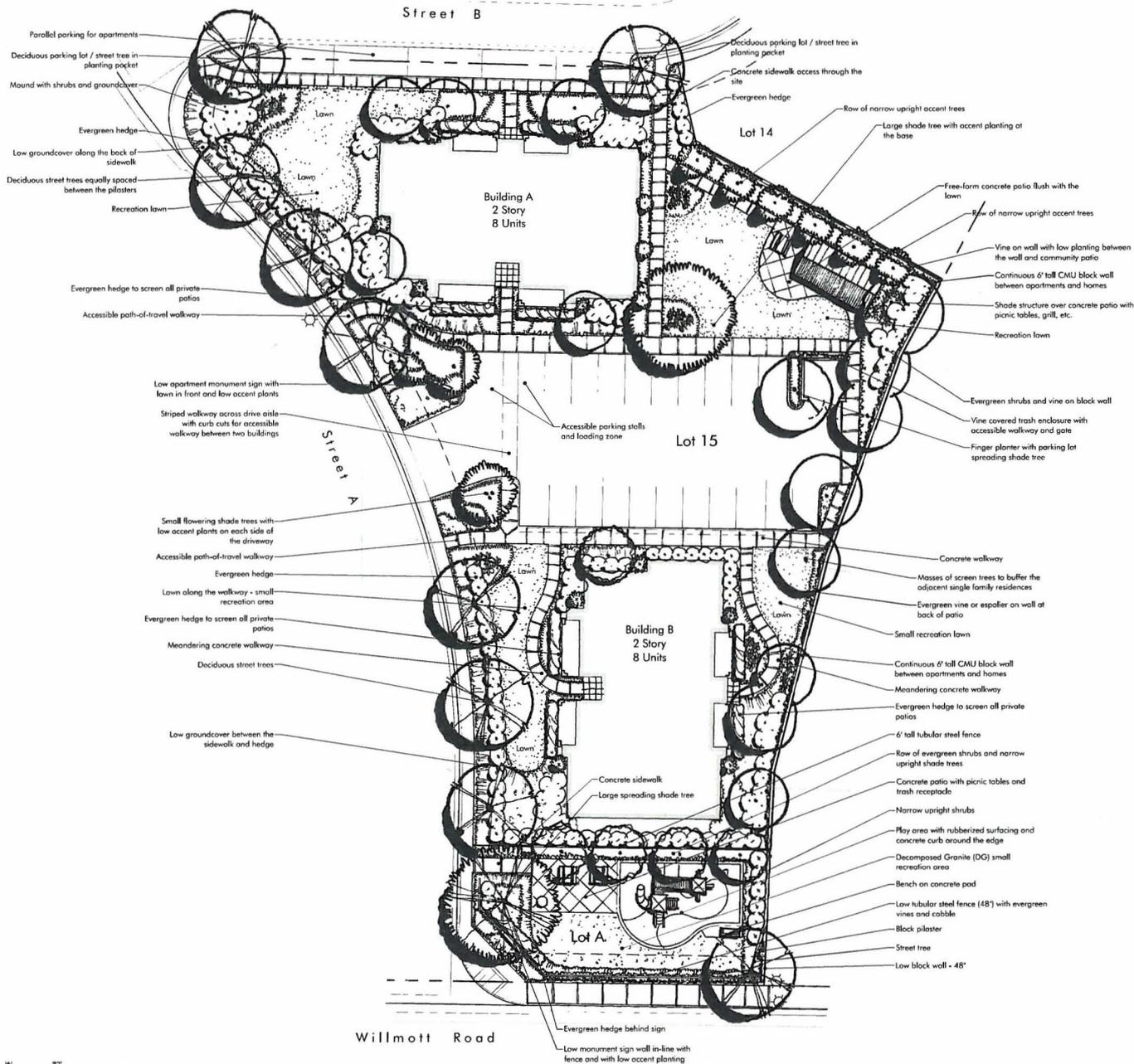
Landscaped components of Mission Village South Phase 5 consist of park strip landscaping, street trees, landscaped entry, multi-family parcel and Lot “A” park.

## **4.2 REQUIRED FACILITIES**

The City of Los Banos Recreation and Parks Department provides and maintains park facilities throughout the City. The Parks and Open Space Master Plan identify a parkland dedication standard of five acres per 1,000 residents.

Mission Village South Phase 5 proposes 50 single family dwelling units and 16 multi-family units. Lot “A” Park with various amenities is proposed within the project site





## Mission Village South - 5B - Entry and Apartments

### Schematic Site and Landscape Plan

MISSION VILLAGE  
SOUTH



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**MONUMENT SIGN CONCEPT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**  
LOS BANOS, CALIFORNIA

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**PUBLIC FACILITIES, SERVICES, AND  
INFRASTRUCTURE**

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**Section 5**

**PUBLIC FACILITIES, SERVICES, AND INFRASTRUCTURE**



# **PUBLIC FACILITIES, SERVICES, AND INFRASTRUCTURE**

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## **5.1 PURPOSE AND INTENT**

Mission Village South Phase 5 will include public facilities and services including potable water, sanitary sewer, and storm water drainage.

## **5.2 WATER FACILITIES**

Water for domestic use and fire protection will be provided by the City of Los Banos in accordance with the City's Water Master Plan.

### **5.2.1 EXISTING FACILITIES**

Existing water facilities include a 12-inch main on Mission Drive along the project frontages.

### **5.2.2 PROPOSED FACILITIES**

The project will be served by the water mains described in Section 5.2.1. Water services will distribute water to individual lots, multi-family units and common landscape areas. All water improvements will conform to the City of Los Banos Water Master Plan.

Fire hydrant and "Blue dot" hydrant locaters will be installed as specified by the City of Los Banos Improvement Standards and Specifications.

## **5.3 SANITARY SEWER FACILITIES**

Sanitary sewer will be provided by the City of Los Banos in accordance with the City's Sewer Master Plan.

### **5.3.1 EXISTING FACILITIES**

The project will be served by an existing 6" sanitary sewer line in Mission Drive and an 8" sewer line in Willmott Road.

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## **PUBLIC FACILITIES, SERVICES, AND INFRASTRUCTURE**

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### **5.3.2 PROPOSED FACILITIES**

The City of Los Banos will provide sanitary sewer collection and treatment for the FDP. All sewer improvements shall conform to City of Los Banos Improvement Standards and Specifications. The exact location and final design of the system must be approved by the City of Los Banos.

### **5.4 STORM DRAINAGE**

#### **5.4.1 EXISTING FACILITIES**

Existing storm drain facilities include a 12-inch drain along Somerset Avenue constructed to Mission Drive. An existing catch basin serves existing Mission Drive. An existing 30" storm drain line in Willmott Road will serve the project. An existing 18" storm drain stubbed to Phase 5B will be utilized as the projects connection point for storm drainage.

#### **5.4.2 PROPOSED FACILITIES**

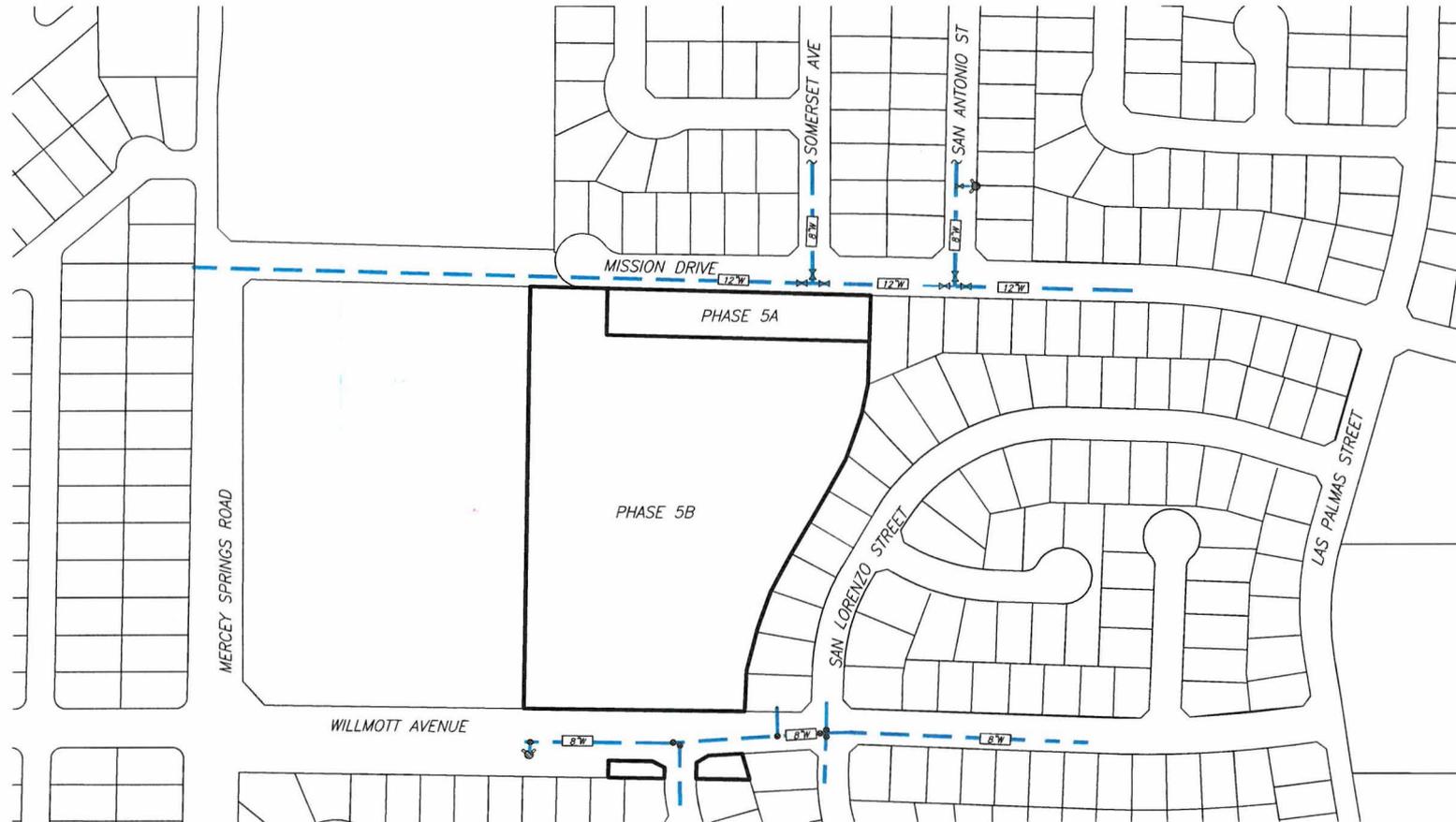
Storm drainage disposal would be by local collection system and connection to City's storm drain system.

#### **5.4.3 PIPE DESIGN**

Storm drain piping shall be designed according to City of Los Banos Improvement Standards and Specifications.



# MISSION VILLAGE SOUTH PHASE 5 EXISTING WATER SYSTEM EXHIBIT

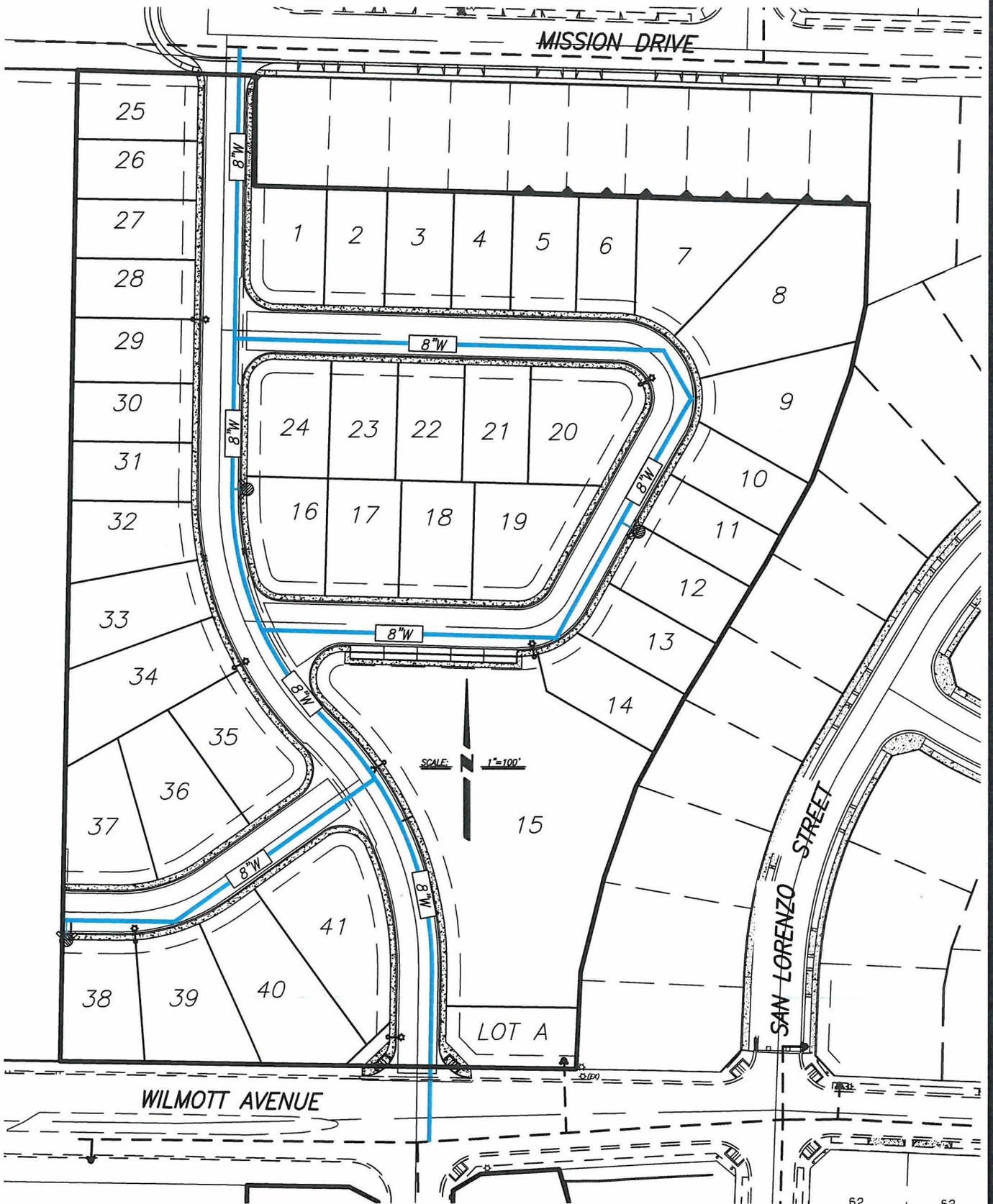


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**EXISTING WATER SYSTEM EXHIBIT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**

**LOS BANOS, CALIFORNIA**

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**WATER EXHIBIT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5B**  
 LOS BANOS, CALIFORNIA

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# MISSION VILLAGE SOUTH PHASE 5 EXISTING STORM DRAIN SYSTEM EXHIBIT



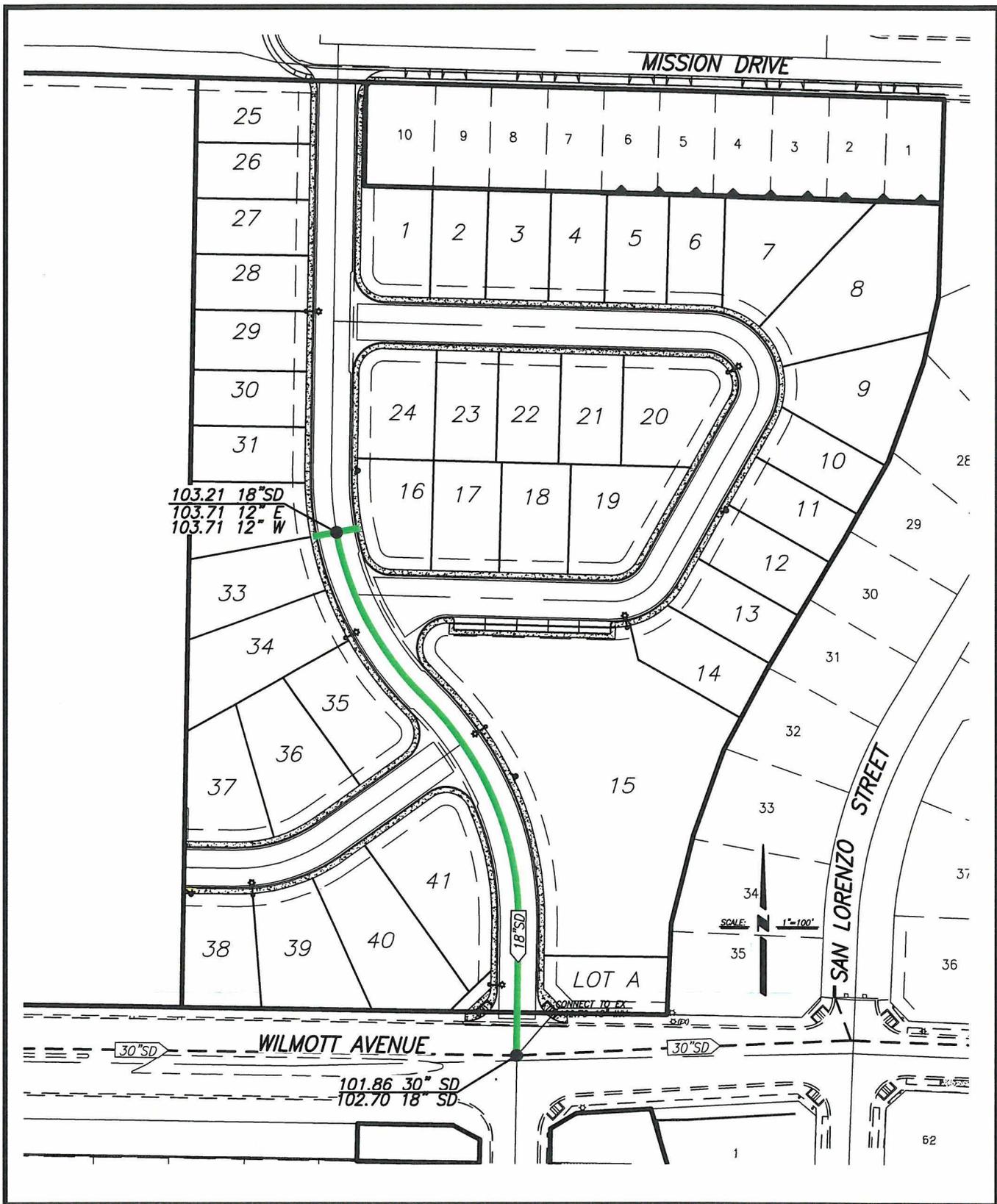
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**EXISTING STORM DRAIN SYSTEM EXHIBIT**  
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103.21 18" SD  
 103.71 12" E  
 103.71 12" W

SCALE: 1"=100'  
 NORTH

30" SD

WILCOTT AVENUE

30" SD

101.86 30" SD  
 102.70 18" SD

LOT A

CONNECT TO EX

SLOPE

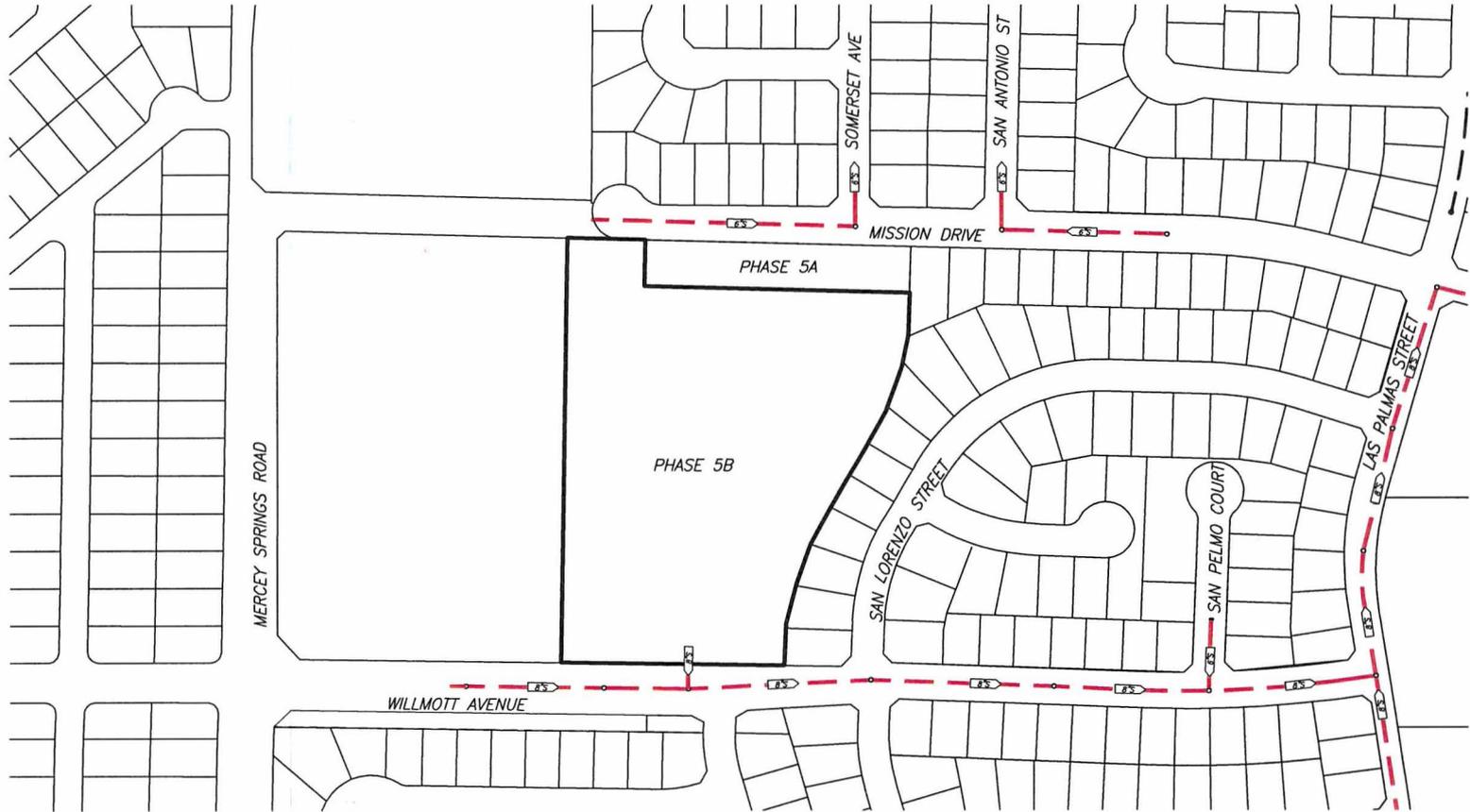


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**STORM DRAIN EXHIBIT  
 MISSION VILLAGE SOUTH  
 PHASE 5B**  
 LOS BANOS, CALIFORNIA

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# MISSION VILLAGE SOUTH PHASE 5B EXISTING SEWER EXHIBIT

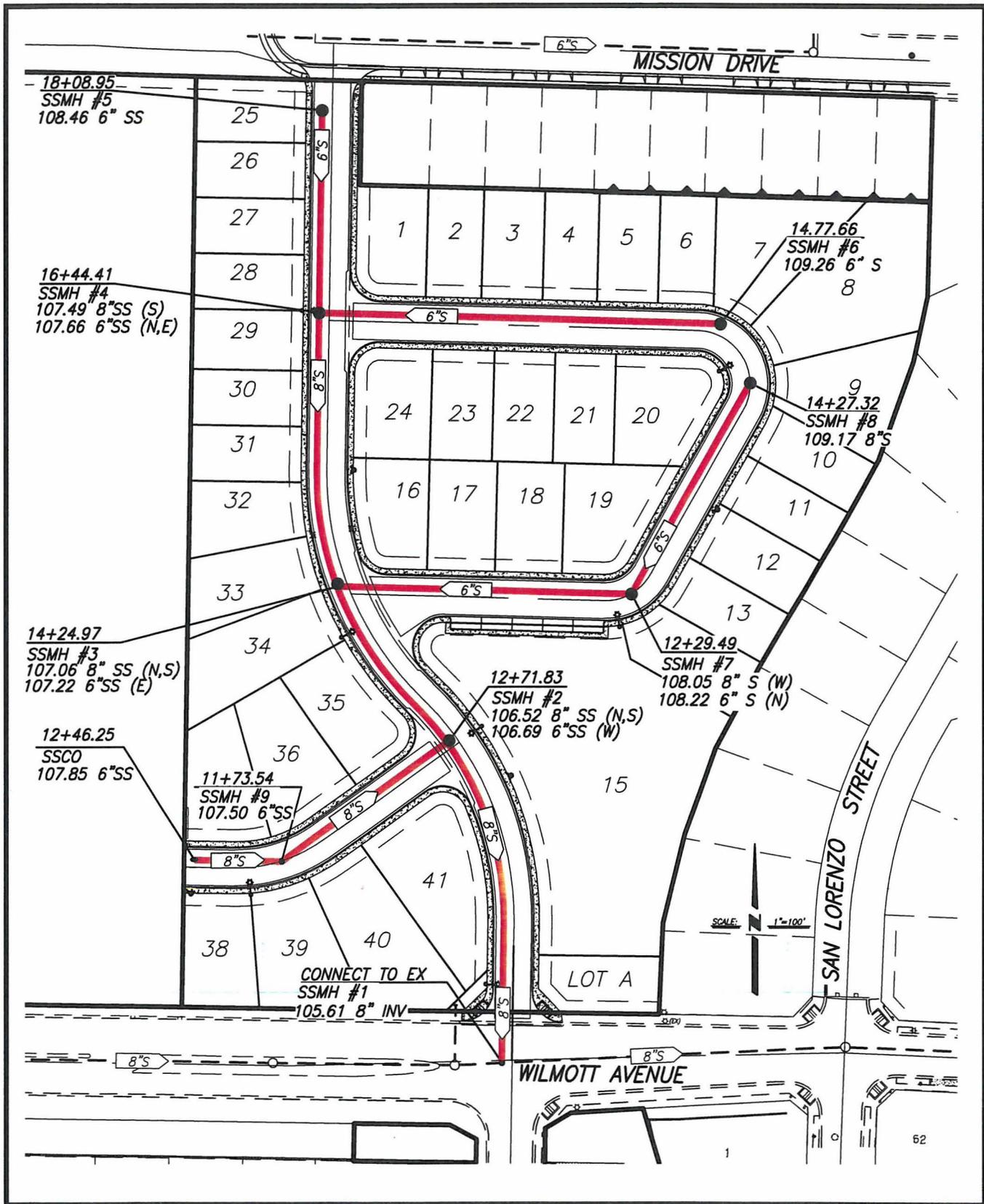


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**EXISTING SEWER EXHIBIT**  
**MISSION VILLAGE SOUTH**  
**PHASE 5B**

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**SEWER EXHIBIT  
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 PHASE 5B**  
 LOS BANOS, CALIFORNIA

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# ARCHITECTURE

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## Section 6

# ARCHITECTURE



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**Mission Village South Phase 5 – Final  
Development Plan**

# ARCHITECTURE

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## 6.1 NEIGHBORHOOD CHARACTER AND COMPATIBILITY

Our goal for Mission Village South Phase 5 is to provide high quality architecture and planning that combine to create neighborhoods of diverse character that are compatible to the surroundings areas as well as an enhancement to the overall value of the community. This diversity is achieved through the use of a variety of lot sizes, floor plans, elevation styles, differing rooflines and garage configurations, and a wide range of colors and material selections.

The single family detached lots have been arranged to minimize the number of rear yards abutting the lots of Mission Village South Phase 3C to the east. The apartment buildings have been arranged on the site plan so that only one side of one building abuts the lots to the east. The northern apartment building is designed with the shorter side of the structure facing only proposed Lot 14. Parking areas and open space on the site provides a buffer between the project and future homes to the east.

## 6.2 ARCHITECTURE AND APPEARANCE

Mission Village South Phase 5 consists of 7 different, detached single-family floor plans ranging from 1,380 square feet to 2,392 square feet with 2 car garages. These plans are divided among neighborhoods of 3,755 to 12,135 square foot lots, with 4 single-story and 3 two-story designs. Plan widths are 35' while the depths vary from 43' to 60'.

Each plan includes 3 distinct elevation styles and color/material palettes. By mixing single and two-story plans and varying floor plan types, elevation styles, colors and materials each neighborhood is insured a rich texture of facades and massing. Differing garage treatments will provide for an articulated streetscape.

## 6.3 ELEVATION STYLES

The elevation styles chosen for Mission Village South Phase 5 invoke the character and charm of many of the older communities found

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## **ARCHITECTURE**

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throughout the central valley. Recognizable styles such as Early Californian, California Coastal and California Rustic are part California's architectural history since the turn of the century and many examples can be found in the surrounding neighborhoods.

As mentioned in the previous subsection, each plan will have three distinct corresponding elevations adding up to a total of 21 different designs. Articulated front elevations and set back second stories provide richness to the massing of the homes. A mixture of gable and hip roofs vary appearance and each design uses a roof pitch that is consistent with the style it represents giving the different elevations higher or lower ridgelines depending on the style. Exterior materials and detailing also vary between styles. This diverse combination of elements will produce neighborhoods that are visually dynamic and rich in architectural character.

### **6.4 COLORS AND MATERIALS**

Materials and colors have been chosen for each design to be compatible with its corresponding style. There are 3 color schemes per style, allowing for 21 unique color schemes spread across the neighborhood.

**PHASING AND FINANCING**

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**Section 7**

**PHASING AND FINANCING**



## **PHASING AND FINANCING**

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### **7.1 PURPOSE AND INTENT**

The following text addresses the proposed phasing of the project and the associated major infrastructure improvements that will be required for the sequential build out of Mission Village South Phase 5A and 5B.

Various funding methods for financing the FDP capital improvements are available to the owner.

Various lenders may be used to meet the funding needs as they arise depending upon phasing sizes, infrastructure complexity, and economies of scale and market demand.

### **7.2 PHASING OF IMPROVEMENTS**

This is the final residential phase of the larger Mission Village South project. It is anticipated that build out of the FDP will occur in two phases. This document identifies improvements that will have to be undertaken both on-site and off-site. They must correspond in timing and capacity to the phasing.

### **7.3 PROJECT BENEFIT**

Some project facilities will consist of improvements that will benefit the FDP solely. These will be termed in-tract improvements. These improvements will be fully funded by the project proponents and will not be eligible for reimbursement through the City. Examples of such ineligible improvements are:

- curbs, gutters, sidewalks, and park strip landscaping of neighborhood and collector streets
- all paving on neighborhood streets and slurry seal on Mission Drive
- on-site sanitary sewer collection system
- on-site storm drainage collection system including pipes, manholes, inlet structures and outlet structures

## **PHASING AND FINANCING**

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---

- domestic water and fire flow distribution system, piping, valves, and hydrants

If there are beneficiaries of the project infrastructure other than the proponents, it is expected that the City of Los Banos will enter into appropriate reimbursement agreements as permitted by the Municipal Code.

### **7.4 FINANCING MECHANISMS**

#### **7.4.1 CAPITAL FACILITIES**

The City of Los Banos currently has ordinances that describe the procedures for obtaining reimbursement for utilities and roads that may benefit off-site areas. Mission Village South Phase 5B will use existing City mechanisms for reimbursement for such conditions if they occur.

#### **7.4.2 DEVELOPER FINANCING**

Developers typically finance in-tract subdivision improvements including roads, sewer, storm drainage, water, landscaping and utilities using private funding sources. In addition, major public facilities can be financed by the developers at the request of, and reimbursed by, the City of Los Banos. This will be addressed in the Subdivision Agreement.

#### **7.4.3 LANDSCAPE AND LIGHTING DISTRICTS**

The Landscape and Lighting Act of 1972 permits the installation, maintenance and servicing of landscaping and lighting through annual assessments on real property benefiting from those improvements. Mission Village South Phase 5 is annexed to the City of Los Banos Landscape and Lighting District.

**APPENDICES**

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**Appendix A**

**CERTIFICATE OF COMPLIANCE, LLA NO. 2018-02 AND PLATS**

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**Mission Village South Phase 5- Final  
Development Plan**

**BARBARA J LEVEY**  
Merced County Clerk - Recorder

204 Fidelity National Title

**RECORDING REQUESTED BY:**

City of Los Banos

Doc#: **2019005704**

**Titles: 1 Pages: 6**

**WHEN RECORDED RETURN TO:**

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



\* \$ R 0 0 0 2 5 2 2 4 0 \$ \*

Fees 29.00  
Taxes 0.00  
Housing Fee 0.00  
PAID 29.00

Space above this line for Recorder's use.

**CERTIFICATE OF COMPLIANCE**  
(Government Code, Section 66499.35)  
**CITY OF LOS BANOS, STATE OF CALIFORNIA**

Lot Line Adjustment No. 2018-02

Acting at the request of the CITY OF LOS BANOS, CALIFORNIA, the Subdivision Review Board of the City of Los Banos, pursuant to Section 66412. (d) and 66499.35, of the Subdivision Map Act and Section 9-2.1011 of the City of Los Banos Municipal Code, as amended,

**HEREBY CERTIFIES:**

- (1) That the real property and the adjustment thereof, described herein complies with the applicable provisions of the Subdivision Map Act and of the City of Los Banos Code as of the date of issue; and,
- (2) That any conditions imposed in granting this Certificate of Compliance have been fulfilled and implemented, and that recording of new deeds as described in (3) remains to be fulfilled and implemented; and,
- (3) That the issuance and recordation of this Certificate of Compliance has been duly authorized and approved by the City of Los Banos. The recording of new deeds with the legal descriptions entitled "PARCEL 1" and "PARCEL 2" shall complete this approval.

The real property affected by this action is situated in the City of Los Banos, California, and is more commonly known as Assessor Parcel No 428-280-001, and 428-280-002 and are particularly described in Exhibits "A" and Exhibit "B", attached hereto and made part hereof for all purposes.

**OWNERS:**

Trevino Pioneer, LLC, Parcel 1  
Trevino Pioneer, LLC, Parcel 2

APN: 428-280-001  
APN: 428-280-002

DATE OF ISSUANCE: FEB 7<sup>TH</sup>, 2019

BY:   
Ryan J. Schiess, P.L.S. 8366  
Reviewing City Surveyor  
Gouveia Engineering

BY:   
Mark Fachin, P.E.  
Public Works Director / City Engineer  
City of Los Banos

**ORIGINAL**

**RECORDING REQUESTED BY:**

City of Los Banos

**WHEN RECORDED RETURN TO:**

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

Space above this line for Recorder's use.

**CERTIFICATE OF COMPLIANCE**  
(Government Code, Section 66499.35)  
**CITY OF LOS BANOS, STATE OF CALIFORNIA**

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- (2) That any conditions imposed in granting this Certificate of Compliance have been fulfilled and implemented, and that recording of new deeds as described in (3) remains to be fulfilled and implemented; and,
- (3) That the issuance and recordation of this Certificate of Compliance has been duly authorized and approved by the City of Los Banos. The recording of new deeds with the legal descriptions entitled "PARCEL 1" and "PARCEL 2" shall complete this approval.

The real property affected by this action is situated in the City of Los Banos, California, and is more commonly known as Assessor Parcel No 428-280-001, and 428-280-002 and are particularly described in Exhibits "A" and Exhibit "B", attached hereto and made part hereof for all purposes.

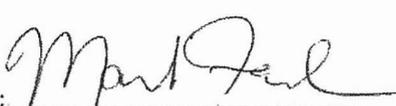
**OWNERS:**

Trevino Pioneer, LLC, Parcel 1  
Trevino Pioneer, LLC, Parcel 2

APN: 428-280-001  
APN: 428-280-002

DATE OF ISSUANCE: FEB. 7<sup>TH</sup>, <sup>2019</sup>~~2018~~

BY:   
Ryan J. Schiess, P.L.S. 8366  
Reviewing City Surveyor  
Gouvia Engineering

BY:   
Mark Fachin, P.E.  
Public Works Director/ City Engineer  
City of Los Banos

# State of California acknowledgment effective January 1, 2015

A notary public or other officer completing this Certificate verifies only the identity of the Individual who signed the document to which this Certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

On February 7, 2019 before me, (here insert the name and title of officer), personally appeared Ryan Schiess,

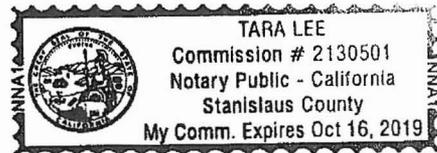
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)

is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Tara Lee (Seal)



# CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

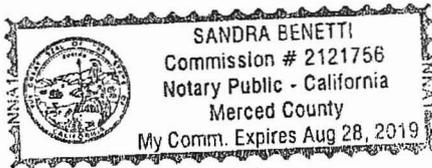
State of California

County of Merced

} ss

On February 8, 2019 before me, Sandra Benetti, Notary Public,

personally appeared Mark Fachin



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Sandra Benetti*

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Certificate of Compliance

Document Date: \_\_\_\_\_ Number of Pages: 7

Signer(s) Other Than Named Above: Ryan J. Schiess

Signer's Name: Mark Fachin

- Individual
- Corporate Officer - Title(s): N/A
- Partner -  Limited  General
- Attorney of Fact
- Trustee
- Guardian or Conservator
- Other:

Signer Is Representing: N/A



**LEGAL DESCRIPTION**

**PROPOSED PARCEL 1**

All that certain real property situate, lying, and being a portion of Lot 5 as shown on the map of Mission Village South, Phase 1, filed for record in Volume 72 of Official Plats, at Pages 4 to 8, Merced County Records, in the north half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California, being more particularly described as follows:

Lot 5 as shown on said map of Mission Village South, Phase 1; EXCEPTING THEREFROM the following described land:

BEGINNING at the northeast corner of said Lot 5, thence, along the north line of said Lot 5, North 88°23'51" West 142.79 feet; thence, South 0°55'25" West 750.71 feet, to a point on the north line of Willmott Road, as shown on said map of Mission Village South, Phase 1; thence, along the north line of said Willmott Road, South 89°04'35" East 142.34 feet, to the southeast corner of said Lot 5; thence, along the east line of said Lot 5, North 0°57'25" East 749.02 feet, to the point of beginning.

Containing a total of 9.06 acres, more or less.

Subject to conditions, covenants, restrictions, easements, and rights-of-way of record, if any.

This legal description was prepared by me, or under my direction.

  
\_\_\_\_\_  
Michael Halterman, LS 8040



6 DEC 2018

**LEGAL DESCRIPTION**

**PROPOSED PARCEL 2**

All that certain real property situate, lying, and being Lot 4 and a portion of Lot 5 as shown on the map of Mission Village South, Phase 1, filed for record in Volume 72 of Official Plats, at Pages 4 to 8, Merced County Records, in the north half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California, being more particularly described as follows:

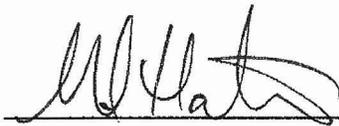
Lot 4 as shown on said map of Mission Village South, Phase 1; TOGETHER WITH the following described land:

BEGINNING at the northwest corner of said Lot 4, thence, along the north line of Lot 5 as shown on said map of Mission Village South, Phase 1, North 88°23'51" West 142.79 feet; thence, South 0°55'25" West 750.71 feet, to a point on the north line of Willmott Road, as shown on said map of Mission Village South, Phase 1; thence, along the north line of said Willmott Road, South 89°04'35" East 142.34 feet, to the southwest corner of said Lot 4; thence, along the west line of said Lot 4, North 0°57'25" East 749.02 feet, to the point of beginning.

Containing a total of 8.85 acres, more or less.

Subject to conditions, covenants, restrictions, easements, and rights-of-way of record, if any.

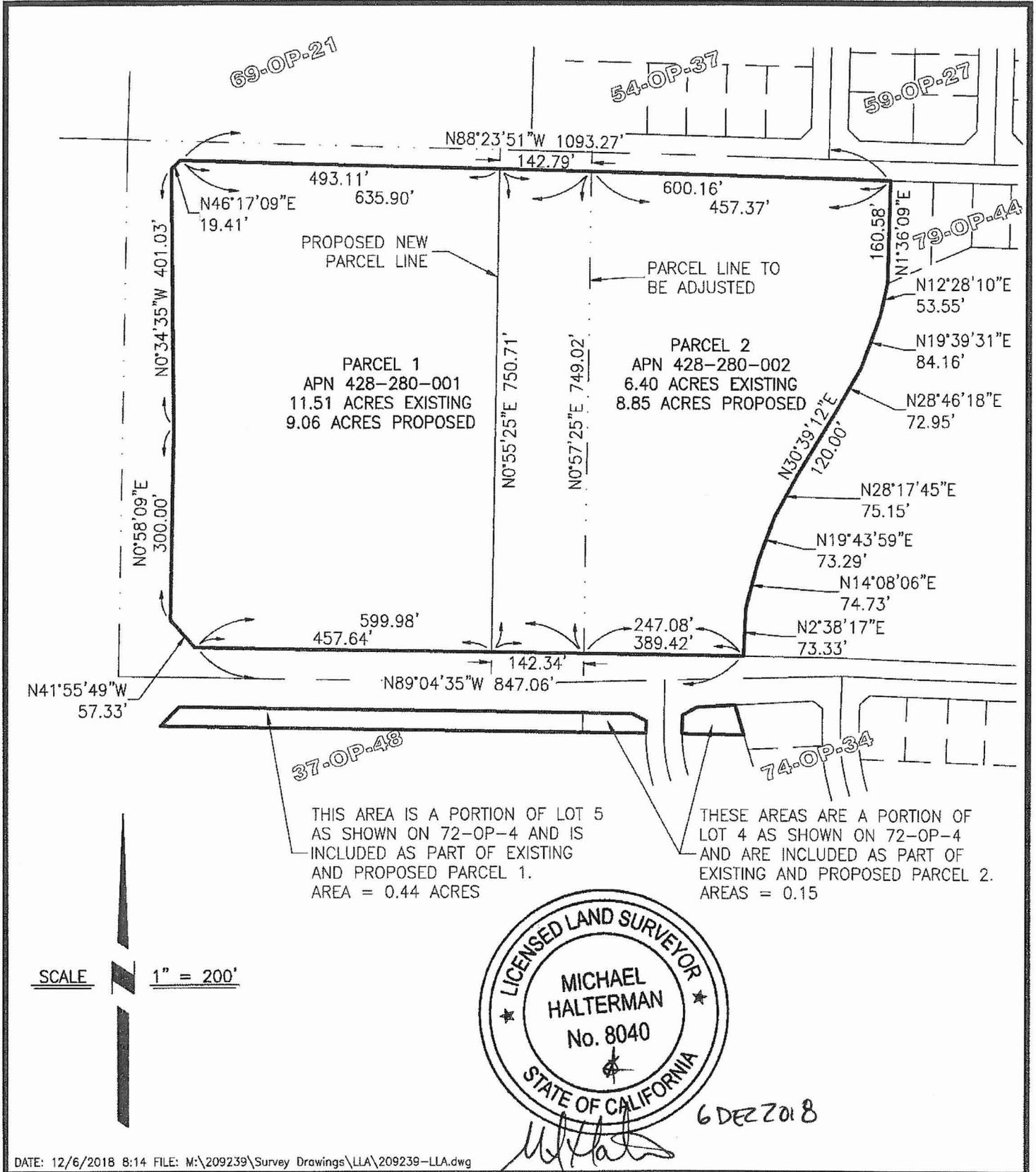
This legal description was prepared by me, or under my direction.



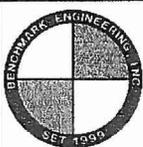
Michael Halterman, LS 8040



6 DEC 2018



DATE: 12/6/2018 8:14 FILE: M:\209239\Survey Drawings\LLA\209239-LLA.dwg



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 915 17TH STREET • MODESTO, CALIFORNIA • 95354  
 (209) 548-8300 FAX: (209) 548-8305

**LOT LINE ADJUSTMENT**  
**MISSION VILLAGE SOUTH - PHASE 5**  
 LOS BANOS, CALIFORNIA

DRAWN BY: JJ  
 DATE: 2018-09-06  
 SHEET: 1 OF 1  
 JOB: 209239

**BARBARA J LEVEY**

Merced County Clerk - Recorder

204 Fidelity National Title

RECORDING REQUESTED BY:  
Fidelity National Title Company

Doc#: **2019005706**



\* \$ R 0 0 0 0 2 5 2 2 4 2 \$ \*

<b>Titles:</b>	1	<b>Pages:</b>	5
Fees	26.00		
Taxes	0.00		
Housing Fee	75.00		
<b>PAID</b>	<b>101.00</b>		

When Recorded Mail Document  
and Tax Statement To:  
Trevino Pioneer  
923 E. Pacheco Blvd  
Los Banos, CA 93635

Escrow Order No.: FFOM-3011801491

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN/Parcel ID(s): 428-280-001 portion  
428-280-002 portion

Exempt from fee per GC sec 27388.1 (a)  
(1); fee cap of \$225 reached

**GRANT DEED**

The undersigned grantor(s) declare(s)

This transfer is exempt from the documentary transfer tax.  
The grantors and the grantees in this conveyance are comprised of the same parties who continue to hold the same proportionate interest in the property, R & T 11911. This is a Merger Deed required pursuant to a Certificate of Compliance recording concurrently herewith.

The documentary transfer tax is \$ 0.00 and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in  the City of Los Banos.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Trevino Pioneer, LLC, a California Limited Liability Company

hereby GRANT(S) to

Trevino Pioneer, LLC, a California Limited Liability Company

the following described real property in the City of Los Banos, County of Merced, State of California:

PARCEL 2 of Certificate of Compliance described more particularly on "A" & "B" attached hereto and made a part hereof

EXCEPTING THEREFROM THE PROPERTY RIGHTS EXCEPTED AND RESERVED IN DEED RECORDED APRIL 29, 1936 IN BOOK 502 OF OFFICIAL RECORDS, PAGE 108, AS INSTRUMENT NO. 4124, MERCED COUNTY RECORDS, BY BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, A NATIONAL BANKING ASSOCIATION, SAID PROPERTY RIGHTS BEING AN UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS WITH THE RIGHT OF ENTRY.

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**ORIGINAL**

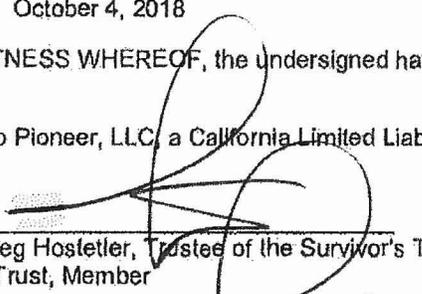
**GRANT DEED**  
(continued)

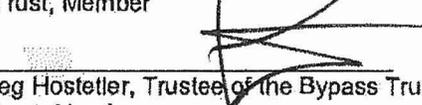
APN/Parcel ID(s): 428-280-001 PORTION  
428-280-002 PORTION

Dated: October 4, 2018

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Trevino Pioneer, LLC, a California Limited Liability Company

BY:   
Greg Hostetler, Trustee of the Survivor's Trust under the 2008 Amended and Restated Hostetler Revocable Trust, Member

BY:   
Greg Hostetler, Trustee of the Bypass Trust under the 2008 Amended and Restated Hostetler Revocable Trust, Member

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

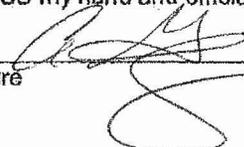
State of CALIFORNIA \_\_\_\_\_  
County of MERCED \_\_\_\_\_

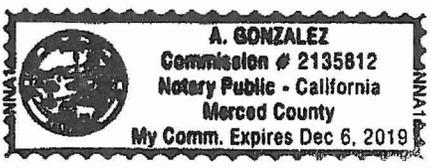
On December 12, 2018, before me, A. Gonzalez, Notary Public,  
(here insert name and title of the officer)

personally appeared GREG HOSTETLER \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature   
(Seal)



GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: A. Gonzalez

Date Commission Expires: 12-6-19 # 2135812

Place of Execution: Merced, CA on Dec 12, 2018

Date: 2-6-19 by: 

**EXHIBIT A  
LEGAL DESCRIPTION  
PARCEL 2**

All that certain real property situate, lying, and being Lot 4 and a portion of Lot 5 as shown on the map of Mission Village South, Phase 1, filed for record in Volume 72 of Official Plats, at Pages 4 to 8, Merced County Records, in the north half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California, being more particularly described as follows:

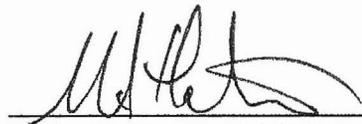
Lot 4 as shown on said map of Mission Village South, Phase 1; TOGETHER WITH the following described land:

BEGINNING at the northwest corner of said Lot 4, thence, along the north line of Lot 5 as shown on said map of Mission Village South, Phase 1, North  $88^{\circ}23'51''$  West 142.79 feet; thence, South  $0^{\circ}55'25''$  West 750.71 feet, to a point on the north line of Willmott Road, as shown on said map of Mission Village South, Phase 1; thence, along the north line of said Willmott Road, South  $89^{\circ}04'35''$  East 142.34 feet, to the southwest corner of said Lot 4; thence, along the west line of said Lot 4, North  $0^{\circ}57'25''$  East 749.02 feet, to the point of beginning.

Containing a total of 8.85 acres, more or less.

Subject to conditions, covenants, restrictions, easements, and rights-of-way of record, if any.

This legal description was prepared by me, or under my direction.

  
\_\_\_\_\_  
Michael Halterman, LS 8040



6DEC2018

EXHIBIT B

MERCY SPRINGS ROAD  
HIGHWAY 165

69-OP-21

54-OP-37  
MISSION DRIVE

SOMERSET AVENUE

59-OP-27

N88°23'51"W 600.16'

PORTION OF LOT 5  
72-OP-04

PARCEL 2  
8.85 ACRES TOTAL

N0°55'25"E 750.71'

160.58'  
N1°36'09"E 79-OP-44

N12°28'10"E 53.55'

N19°39'31"E 84.16'

N28°46'18"E 72.95'

N28°17'45"E 75.15'

N19°43'59"E 73.29'

N14°08'06"E 74.73'

N2°38'17"E 73.33'

LOT 2  
72-OP-04

N30°39'12"E 120.00'

N89°04'35"W 389.42'

WILLMOTT ROAD

37-OP-48

74-OP-34

THESE AREAS ARE INCLUDED AS PART OF PARCEL 2

SCALE 1" = 200'



*Michael Halterman* 6 DEC 2018

DATE: 12/6/2018 8:17 FILE: M:\209239\Survey Drawings\LLA\DEED 2.dwg



**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
916 17TH STREET • MODESTO, CALIFORNIA • 95364  
(209) 648-6300 FAX:(209) 648-6306

**LOT LINE ADJUSTMENT**  
**MISSION VILLAGE SOUTH - PHASE 5**  
LOS BANOS, CALIFORNIA

DRAWN BY:	JJ
DATE:	2018-11-01
SHEET:	1 OF 1
JOB:	209239

**BARBARA J LEVEY**

Merced County Clerk - Recorder

204 Fidelity National Title

**RECORDING REQUESTED BY:**  
Fidelity National Title Company

Doc#: **2019005705**

<b>Titles:</b>	1	<b>Pages:</b>	5
Fees	26.00		
Taxes	0.00		
Housing Fee	75.00		
PAID	101.00		



\* \$ R 0 0 0 0 2 5 2 2 4 1 \$ \*

**When Recorded Mail Document  
and Tax Statement To:**  
Trevino Pioneer  
923 E. Pacheco Blvd  
Los Banos, CA 93635

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: FFOM-3011801491

APN/Parcel ID(s): 428-280-001 portion

**GRANT DEED**

The undersigned grantor(s) declare(s)

This transfer is exempt from the documentary transfer tax.  
The grantors and the grantees in this conveyance are comprised of the same parties who continue to hold the same proportionate interest in the property, R & T 11911. This is a Merger Deed required pursuant to a Certificate of Compliance recording concurrently herewith.

The documentary transfer tax is \$ 0.00 and is computed on:  
 the full value of the interest or property conveyed.  
 the full value less the liens or encumbrances remaining thereon at the time of sale.  
The property is located in  the City of Los Banos.

**FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,**

Trevino Pioneer, LLC, a California Limited Liability Company

hereby **GRANT(S)** to

Trevino Pioneer, LLC, a California Limited Liability Company

the following described real property in the City of Los Banos, County of Merced, State of California:

**PARCEL 1** of Certificate of Compliance described more particular on "A" & "B" attached hereto and made a part hereof

EXCEPTING THEREFROM THE PROPERTY RIGHTS EXCEPTED AND RESERVED IN DEED RECORDED APRIL 29, 1936 IN BOOK 502 OF OFFICIAL RECORDS, PAGE 108, AS INSTRUMENT NO. 4124, MERCED COUNTY RECORDS, BY BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, A NATIONAL BANKING ASSOCIATION, SAID PROPERTY RIGHTS BEING AN UNDIVIDED 1/2 INTEREST IN ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS WITH THE RIGHT OF ENTRY.

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**ORIGINAL**

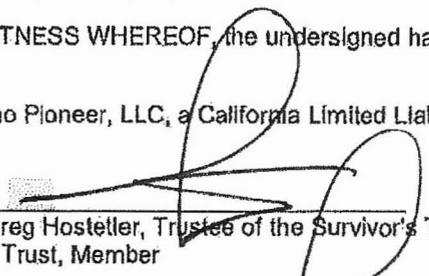
**GRANT DEED**  
(continued)

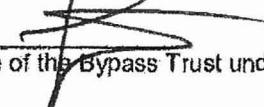
APN/Parcel ID(s): 428-280-001 PORTION

Dated: October 4, 2018

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Trevino Pioneer, LLC, a California Limited Liability Company

BY:   
Greg Hostetler, Trustee of the Survivor's Trust under the 2008 Amended and Restated Hostetler Revocable Trust, Member

BY:   
Greg Hostetler, Trustee of the Bypass Trust under the 2008 Amended and Restated Hostetler Revocable Trust, Member

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA \_\_\_\_\_

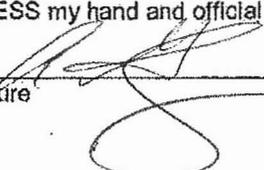
County of MERCED \_\_\_\_\_

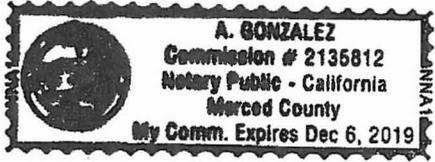
On December 12, 2018 before me, A. Gonzalez, Notary Public,  
(here insert name and title of the officer)

personally appeared GREG HOSTETLER \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature   
(Seal)



GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: A. Gonzalez

Date Commission Expires: 12-6-19 # 2135812

Place of Execution: Merced, CA on Dec 12, 2018

Date: 2-6-19 by: 

**EXHIBIT A  
LEGAL DESCRIPTION  
PARCEL 1**

All that certain real property situate, lying, and being a portion of Lot 5 as shown on the map of Mission Village South, Phase 1, filed for record in Volume 72 of Official Plats, at Pages 4 to 8, Merced County Records, in the north half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California, being more particularly described as follows:

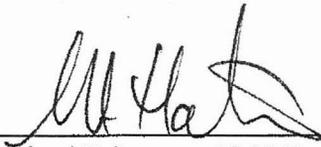
Lot 5 as shown on said map of Mission Village South, Phase 1; EXCEPTING THEREFROM the following described land:

BEGINNING at the northeast corner of said Lot 5, thence, along the north line of said Lot 5, North  $88^{\circ}23'51''$  West 142.79 feet; thence, South  $0^{\circ}55'25''$  West 750.71 feet, to a point on the north line of Willmott Road, as shown on said map of Mission Village South, Phase 1; thence, along the north line of said Willmott Road, South  $89^{\circ}04'35''$  East 142.34 feet, to the southeast corner of said Lot 5; thence, along the east line of said Lot 5, North  $0^{\circ}57'25''$  East 749.02 feet, to the point of beginning.

Containing a total of 9.06 acres, more or less.

Subject to conditions, covenants, restrictions, easements, and rights-of-way of record, if any.

This legal description was prepared by me, or under my direction.

  
\_\_\_\_\_  
Michael Halterman, LS 8040



6 DEC 2018

EXHIBIT B

69-OP-21

54-OP-37

59-OP-27

MISSION DRIVE

SOMERSET AVENUE

MERCY SPRINGS ROAD  
HIGHWAY 165

N88°23'51"W 493.10'

N46°17'09"E  
19.41'

N0°34'35"W 401.03'

N0°58'09"E  
300.00'

PARCEL 1  
9.06 ACRES TOTAL

N0°55'25"E 750.71'

LOT 4 AND  
PORTION OF LOT 5  
72-OP-04

LOT 2  
72-OP-04

N89°04'35"W 457.64'

N41°55'49"W  
57.33'

WILLMOTT ROAD

37-OP-48

74-OP-34

THIS AREA IS INCLUDED  
AS PART OF PARCEL 1



6 DEC 2018

SCALE 1" = 200'

DATE: 12/6/2018 8:17 FILE: M:\209239\Survey Drawings\LLA\DEED 1.dwg



**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
915 17TH STREET • MODESTO, CALIFORNIA • 95364  
(208) 648-9300 FAX:(208) 648-9306

**LOT LINE ADJUSTMENT**  
**MISSION VILLAGE SOUTH - PHASE 5**  
LOS BANOS, CALIFORNIA

DRAWN BY: JJ  
DATE: 2018-11-01  
SHEET: 1 OF 1  
JOB: 209239

# APPENDICES

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## Appendix B

### TITLE REPORTS

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**Mission Village South Phase 5- Final  
Development Plan**

Mission Village

**Fidelity National Title Company**

**PRELIMINARY REPORT**

In response to the application for a policy of title insurance referenced herein, **Fidelity National Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Fidelity National Title Insurance Company, a Florida corporation.

**Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.**

**It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.**

Fidelity National Title Insurance Company

By:



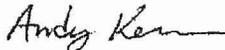
President

Attest:



Secretary

Countersigned By:



Authorized Officer or Agent



Visit Us on our Website: [www.fnfc.com](http://www.fnfc.com)



**ISSUING OFFICE:** 2540 W. Shaw Lane, Suite 112, Fresno, CA 93711

**FOR SETTLEMENT INQUIRIES, CONTACT:**

Fidelity National Title Company  
155 West El Portal Drive, Suite B • Merced, CA 95340  
(209)722-3911 • FAX (209)722-7812

**Another Prompt Delivery From Fidelity National Title Company Title Department  
Where Local Experience And Expertise Make A Difference**

**PRELIMINARY REPORT**

**Amendment E**

Title Officer: Bob Tully  
Email: [robert.tully@fnf.com](mailto:robert.tully@fnf.com)  
Title No.: FFOM-3011900431-BT

TO: Trevino Pioneer, LLC, a California Limited Liability Company  
923 E. Pacheco Blvd.  
Los Banos, CA 93635  
Attn:

**PROPERTY ADDRESS(ES):** Parcel 2 of Certificate of Compliance recorded as #2019-005704, Los Banos, CA

**EFFECTIVE DATE: March 12, 2020 at 07:30 AM**

The form of policy or policies of title insurance contemplated by this report is:

CLTA Subdivision

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Stonefiled Home, Inc., a California Corporation

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): 428-280-012**

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

Parcel 2 of Certificate of Compliance, Lot Line Adjustment No. 2018-02, recorded February 27, 2019 as Document No. 2019005704 of Official Records, more particularly described as follows:

All that certain real property situate, lying and being Lot 4 and a portion of Lot 5, as shown on the map of Mission Village South, Phase 1, recorded November 10, 2005 in Book 72, Pages 4 to 8, inclusive, of Maps, Merced County Records, in the North half of Section 13, Township 10 South, Range 10 East, Mount Diablo Base and Meridian, in the City of Los Banos, County of Merced, State of California, being more particularly described as follows:

Lot 4 as shown on said map of Mission Village South, Phase 1; together with the following described land:

Beginning at the Northwest corner of said Lot 4; thence along the North line of Lot 5 as shown on said map of Mission Village South, Phase 1, North 88° 23' 51" West 142.79 feet; thence South 00° 55' 25" West 750.71 feet to a point on the North line of Willmott Road, as shown on said map of Mission Village South, Phase 1; thence along the North line of said Willmott Road, South 89° 04' 35" East 142.34 feet to the Southwest corner of said Lot 4; thence along the West line of said Lot 4, North 00° 57' 25" East 749.02 feet to the point of beginning.

Excepting therefrom an undivided one-half interest in all oil, gas, and other hydrocarbons and minerals, with the right of entry, as reserved by Bank of America National Trust and Savings Association, NA, in deed recorded April 29, 1936 in Book 502, Page 108 of Official Records.

**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.
2. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

3. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Miller and Lux, Inc.  
Purpose: public streets/roads; telephone, telegraph & electric power lines;  
pipelines; sewers; drainage ditches; canals; reclamation & irrigation  
works; maintenance  
Recording Date: August 7, 1931  
Recording No.: Book 338, Page 376 of Official Records

The exact location and extent of said easement is not disclosed of record.

4. Matters contained in that certain document

Entitled: Development Agreement  
Dated: October 12, 2001  
Executed by: The City of Los Banos,  
Mission Village, LLC, and  
Anderson Homes, Inc.  
Recording Date: February 11, 2002  
Recording No.: 6859 of Official Records

Amendment to Development Agreement recorded August 31, 2009 as Document No. 2009-042677 of Official Records.

Reference is hereby made to said document for full particulars.

5. The herein described property lies within the boundaries of a Mello-Roos Community Facilities District (CFD) as follows:

CFD No.: 2002-01  
For: financing certain public safety services  
Disclosed by: Resolution No. 4279 - Approval of Boundary Map - Intent to Establish -  
City of Los Banos Community Facilities District No. 2002-01  
(Public Safety Services) to Levy a Special Tax in said Community  
Facilities District  
Recording Date: August 19, 2002  
Recording No.: 2002-039324 of Official Records (and all amendments thereunder)

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City of Los Banos, County of Merced. The tax may not be prepaid.

**EXCEPTIONS**  
(continued)

6. An instrument entitled Subdivision Improvement Agreement

Executed by: Anderson Homes  
In favor of: City of Los Banos  
Recording Date: November 8, 2005  
Recording No.: 2005-089301 and 2005-089302 of Official Records

Reference is hereby made to said document for full particulars.

and Recording Date: August 30, 2006  
and Recording No.: 2006-060472 of Official Records

7. The following as disclosed on the Official Plat referenced on the legal description attached herewith:

Right to Farm statement the property described on the Final Map is in the vicinity of land utilized for agricultural and residents of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including, but not limited to, pesticides and fertilizers, and from the pursuit of agricultural operations, but not limited to, plowing, spraying and burning which occasionally may generate dust, smoke, noise and odor.

The County of Merced has established agriculture as a priority use in agricultural zones which are outside of an established Specific Urban Development Plan (SUDP) boundary, Rural Residential Center (RRC) boundary, Highway Interchange Center (HIC) boundary, or Agricultural Service Center (ASC) boundary, and residents of property in the vicinity of such agricultural zones should be prepared to accept inconvenience or discomfort from normal, necessary agricultural operations.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of Mission Village South, Phase 1, Tract No. 2001-02:

Purpose: public utilities and incidental purposes  
Affects: as shown on said map  
Recording No.: Book 72, Page 4 of Maps

9. Matters contained in that certain document

Entitled: First Amendment to Reimbursement Agreement Between the  
City of Los Banos and Ranchwood Homes Corp.  
Dated: September 7, 2016  
Executed by: City of Los Banos, a California municipal corporation and  
Ranchwood Homes Corp., a California corporation  
Recording Date: October 11, 2016  
Recording No.: 2016034739 of Official Records

Reference is hereby made to said document for full particulars.

**EXCEPTIONS**  
(continued)

10. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$6,206,750.00  
Dated: November 14, 2016  
Trustor/Grantor: Trevino Pioneer, LLC, a California limited liability company  
Trustee: Fidelity National Title Company  
Beneficiary: U.S. Bank National Association, d/b/a Housing Capital Company  
Loan No.: 2511L  
Recording Date: December 8, 2016  
Recording No.: 2016043887 of Official Records of Merced County

Recording Date: December 8, 2016  
Recording No.: 1622497 of Official Records of Kings County

Affects: The herein described Land and other land.

Said deed of trust has been partially reconveyed by instrument

Recording Date: February 17, 2017  
Recording No.: 2017005484 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

Said deed of trust has been partially reconveyed by instrument

Recording Date: December 18, 2017  
Recording No.: 2017042811 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

Said deed of trust has been partially reconveyed by instrument

Recording Date: January 31, 2018  
Recording No.: 2018003036 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

Said deed of trust has been partially reconveyed by instrument

Recording Date: April 20, 2018  
Recording No.: 2018011633 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

Said deed of trust has been partially reconveyed by instrument

Recording Date: September 21, 2018  
Recording No.: 2018029482 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

**EXCEPTIONS**  
(continued)

Said deed of trust has been partially reconveyed by instrument

Recording Date: October 4, 2018  
Recording No.: 2018030974 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

Said deed of trust has been partially reconveyed by instrument

Recording Date: October 10, 2018  
Recording No.: 2018031590 of Official Records

The land described in said partial reconveyance is as follows: property not contained herein

11. Matters contained in that certain document

Entitled: Certificate of Compliance  
Dated: February 7, 2019  
Executed by: City of Los Banos  
Recording Date: February 27, 2019  
Recording No.: 2019005704 of Official Records

Reference is hereby made to said document for full particulars.

12. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:

Name of Corporation: Stonefiled Home, Inc., a California Corporation

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

**END OF EXCEPTIONS**

### NOTES

Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

- Note 1.** Note: The charge for a policy of title insurance, when issued through this application for title insurance, will be based on the Short Term Rate.
- Note 2.** Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:  
  
No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
- Note 3.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

Tax Identification No.: 428-280-001-000  
Fiscal Year: 2019-2020  
1st Installment: \$5,757.65  
2nd Installment: \$5,757.65  
Exemption: \$0.00  
Land: \$1,044,511.00  
Improvements: \$0.00  
Personal Property: \$0.00  
Code Area: 004-001

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- Note 4.** Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts were:

Tax Identification No.: 428-280-002-000  
Fiscal Year: 2019-2020  
1st Installment: \$3,085.58  
2nd Installment: \$3,085.58  
Exemption: \$0.00  
Land: \$559,342.00  
Improvements: \$0.00  
Personal Property: \$0.00  
Code Area: 004-001

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- Note 5.** Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Trevino Pioneer, LLC, a California Limited Liability Company  
Grantee: Trevino Pioneer, LLC, a California Limited Liability Company  
Recording Date: February 27, 2019  
Recording No.: 2019005706 of Official Records

**NOTES**  
(continued)

Grantor: Trevino Pioneer, LLC, a California Limited Liability Company  
Grantee: Stonefiled Home, Inc., a California Corporation  
Recording Date: January 22, 2020  
Recording No.: 2020002376, of Official Records

- Note 6.** The application for title insurance was placed by reference to only a street address or tax identification number. The proposed Insured must confirm that the legal description in this report covers the parcel(s) of Land requested to be insured. If the legal description is incorrect, the proposed Insured must notify the Company and/or the settlement company in order to prevent errors and to be certain that the legal description for the intended parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- Note 7.** If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 8.** Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.
- Note 9.** Pursuant to Government Code Section 27388.1, as amended and effective as of 1-1-2018, a Documentary Transfer Tax (DTT) Affidavit may be required to be completed and submitted with each document when DTT is being paid or when an exemption is being claimed from paying the tax. If a governmental agency is a party to the document, the form will not be required. DTT Affidavits may be available at a Tax Assessor-County Clerk-Recorder.
- Note 10.** Due to the special requirements of SB 50 (California Public Resources Code Section 8560 et seq.), any transaction that includes the conveyance of title by an agency of the United States must be approved in advance by the Company's State Counsel, Regional Counsel, or one of their designees.

**END OF NOTES**



Inquire before you wire!

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## WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.  
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

**Federal Bureau of Investigation:**  
<http://www.fbi.gov>

**Internet Crime Complaint Center:**  
<http://www.ic3.gov>

## **FIDELITY NATIONAL FINANCIAL CALIFORNIA PRIVACY NOTICE**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This California Privacy Notice explains how we collect, use, and disclose Personal Information, when and to whom we disclose such information, and the rights you, as a California resident ("Consumer"), have regarding your Personal Information ("California Privacy Rights"). Some subsidiaries maintain separate California Privacy Notices or privacy statements. If a subsidiary has a separate California Privacy Notice, it will be available on the subsidiary's website, and this California Privacy Notice does not apply.

### **Collection of categories of Personal Information:**

In the preceding twelve (12) months FNF has collected, and will continue to collect, the following categories of Personal Information from you:

- Identifiers such as name, address, telephone number, IP address, email address, account name, social security number, driver's license number, state identification card, financial information, date of birth, or other similar identifiers;
- Characteristics of protected classifications under California or Federal law;
- Commercial information, including records of personal property, products or services purchased, or other purchasing or consuming histories;
- Internet or other electronic network activity information including, but not limited to browsing history, search history, and information regarding a Consumer's interaction with an Internet website;
- Geolocation data;
- Professional or employment information;
- Education Information.

### **This Personal Information is collected from the following sources:**

- Information we receive from you on applications or other forms;
- Information about your transactions with FNF, our affiliates, or others;
- Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others;
- Information from the use of our websites and mobile applications.

### **This Personal Information is collected for the following business purposes:**

- To provide products and services to you or in connection with a transaction involving you;
- To perform a contract between FNF and the Consumer;
- To improve our products and services;
- To comply with legal obligations;
- To protect against fraudulent or illegal activity;
- To communicate with you about FNF or our affiliates;
- To maintain an account with FNF or our affiliates;
- To provide, support, personalize, and develop our websites, products, and services;
- As described to you when collecting your personal information or as otherwise set forth in the California Consumer Privacy Act.

**Disclosures of Personal Information for a business purpose:**

In the preceding twelve (12) months FNF has disclosed, and will continue to disclose, the categories of Personal Information listed above for a business purpose. We may disclose Personal Information for a business purpose to the following categories of third parties:

- FNF affiliates and subsidiaries;
- Businesses in connection with the sale or other disposition of all or part of the FNF business and/or assets;
- Service Providers;
- Law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

**Sale of Personal Information:**

In the preceding twelve (12) months, FNF has not sold Personal Information. FNF does not sell Personal Information.

**Personal Information of minors:**

FNF does not knowingly collect the Personal Information of minors.

**Right to know:**

Consumers have a right to know about Personal Information collected, used, disclosed, or sold. Consumers have the right to request FNF disclose what personal information it collected, used, and disclosed in the past twelve (12) months.

**Right to request deletion:**

Consumers have a right to request the deletion of their personal information.

**Right to non-discrimination:**

Consumers have a right not to be discriminated against by exercising their consumer privacy rights. We will not discriminate against Consumers for exercising any of their California Privacy Rights.

**Right to use an Authorized Agent:**

A Consumer may use an Authorized Agent to submit a request to know or a request to delete his or her information. Should a Consumer utilize an Authorized Agent, FNF will require the Consumer provide the agent written permission to make the request and verify his or her identity with FNF.

**To exercise any of your California Privacy Rights, please follow the link "California Privacy Request" or call Toll Free 888-413-1748.**

Upon making a California Privacy Request, Consumers will be prompted to verify their identity through a third-party ID validation or by utilizing an existing login if applicable.

The above rights are subject to any applicable rights and obligations including both Federal and California exemptions rendering FNF, or Personal Information collected by FNF, exempt from certain CCPA requirements.

**FNF website services for mortgage loans:**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice describing the categories, sources, and uses of your Personal Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Information. FNF does not share Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

**California Privacy Notice - Effective Date:**

This California Privacy Notice was last updated on January 1, 2020.

**Contact for more information:**

For questions or concerns about FNF's California Privacy Notice and privacy practices, or to exercise any of your California Privacy Rights, please follow the link "[California Privacy](#)," call Toll Free 888-413-1748, or by mail to the below address.

We may use your Personal Information for our affiliates (companies owned by FNF) to directly market to you. If you do not want FNF affiliates to directly market to you, you may send an "opt out" request to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

## ATTACHMENT ONE

### CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

#### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

#### EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.  
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or In Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**ATTACHMENT ONE  
(CONTINUED)**

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)  
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE**

**EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
  - a. building;
  - b. zoning;
  - c. land use;
  - d. improvements on the Land;
  - e. land division; and
  - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
  - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
  - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
  - c. that result in no loss to You; or
  - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
  - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
  - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

**LIMITATIONS ON COVERED RISKS**

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$ 25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$ 5,000.00

**ATTACHMENT ONE  
(CONTINUED)**

**2006 ALTA LOAN POLICY (06-17-06)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

[Except as provided in Schedule B - Part II, [t]his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

**[PART I**

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.]

**PART II**

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:]

**ATTACHMENT ONE  
(CONTINUED)**

**2006 ALTA OWNER'S POLICY (06-17-06)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
  - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.]
7. [Variable exceptions such as taxes, easements, CC&R's, etc., shown here.]

**ATTACHMENT ONE  
(CONTINUED)**

**ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY - ASSESSMENTS PRIORITY (04-02-15)**

**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

## Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

### FNF Underwritten Title Companies

CTC - Chicago Title Company  
CLTC - Commonwealth Land Title Company  
FNTC - Fidelity National Title Company of California  
FNTCCA - Fidelity National Title Company of California  
TICOR - Ticor Title Company of California  
LTC - Lawyer's Title Company  
SLTC - ServiceLink Title Company

### Underwritten by FNF Underwriters

CTIC - Chicago Title Insurance Company  
CLTIC - Commonwealth Land Title Insurance Company  
FNTIC - Fidelity National Title Insurance Company  
FNTIC - Fidelity National Title Insurance Company  
CTIC - Chicago Title Insurance Company  
CLTIC - Commonwealth Land Title Insurance Company  
CTIC - Chicago Title Insurance Company

### Available Discounts

#### **DISASTER LOANS (CTIC, CLTIC, FNTIC)**

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

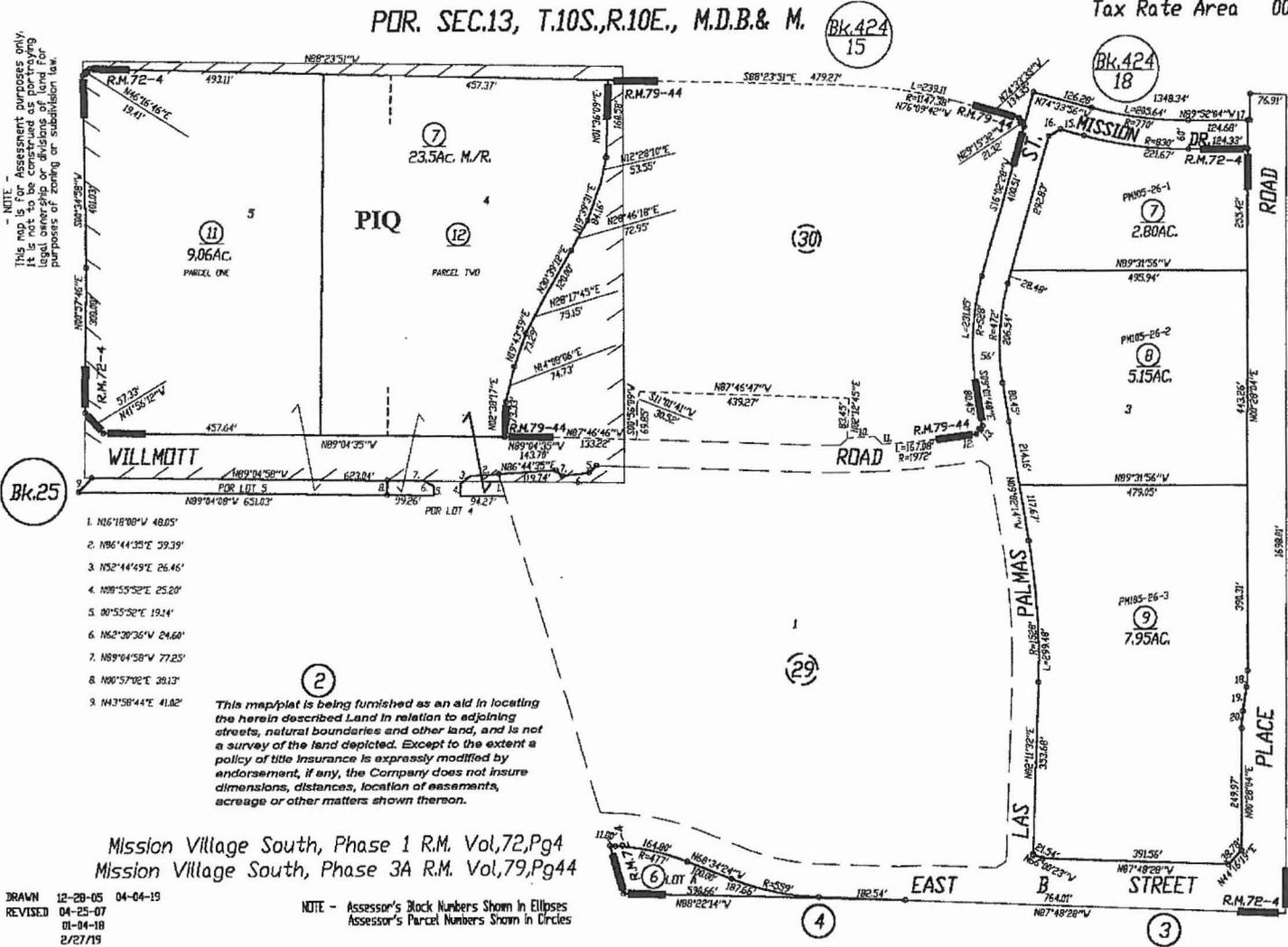
#### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)**

On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be forty percent (40%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

POR. SEC.13, T.10S.,R.10E., M.D.B.& M.

Tax Rate Area 004-001 428-28

NOTE - This map is for Assessment purposes only. It is not to be construed as portraying legal descriptions of parcels for the purposes of zoning or subdivision law.



- 5. N47°12'30"E 21.21'
- 6. N83°16'48"E 36.63'
- 7. N49°51'31"W 18.61'
- 10. S86°47'41"W 56.25'
- 11. N43°11'30"W 22.80'
- 12. S28°33'47"W 33.09'
- 13. S36°45'03"W 21.51'
- 15. N74°33'36"W 51.12'
- 16. N69°44'04"E 28.14'
- 17. N09°29'04"E 23.33'
- 18. R=250.00' L=32.15'
- 19. N89°31'21"E 59.44'
- 20. R=250.00' L=35.15'

Mission Village South, Phase 1 R.M. Vol,72,Pg4  
Mission Village South, Phase 3A R.M. Vol,79,Pg44

DRAWN 12-20-05 04-04-19  
REVISED 04-25-07  
01-04-18  
2/27/19

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Assessor's Map.  
Bk. 428 - Pg28  
County  
of Merced, Calif.  
2005



# VESTING TENTATIVE SUBDIVISION MAP MISSION VILLAGE SOUTH PHASE 5B

## LOS BANOS, CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF PARCEL 2 AS DESCRIBED IN THE GRANT DEED RECORDED 27 FEBRUARY, 2019, AS DOCUMENT NO. 2019005706, MERCED COUNTY RECORDS, LYING IN A PORTION OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA

SCALE 1" = 80'



### INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	HORIZONTAL CONTROL PLAN
3	GRADING PLAN
4	UTILITY PLAN

### OWNER & SUBDIVIDER

STONERFIELD HOME, INC.  
803 PINEWOOD BLVD., SUITE C  
LOS BANOS, CA 93533  
(209) 856-6900 (PHONE)  
(209) 856-6900 (FAX)  
CONTACT: JUAN GRANADOS

### STATEMENT OF SUBDIVIDER

(AS REQUESTED BY CITY OF LOS BANOS MUNICIPAL CODE, ARTICLE 10 & SECTION 9-2.801.3)

- ASSESSORS PARCEL NO. 428-280-012
- EXISTING ZONING: R-2770 (SINGLE-FAMILY WITH PLANNED DEVELOPMENT OVERLAY)
- EROSION CONTROL: PER CITY OF LOS BANOS ORDINANCES AND STANDARDS.
- FRONT YARD DEPTHS AND BUILDING LINES PER PLANNED DEVELOPMENT.
- WATER SUPPLY: BY CITY OF LOS BANOS AS SHOWN ON THIS MAP.
  - ANTICIPATED WATER DEMANDS: (SINGLE FAMILY RESIDENTIAL)  
AVG. DAILY FLOW = 800 GPD / 40 UNITS = 20,000 GPD  
PEAK HOURLY DEMAND = 4 x 24,000 / 1,440 = 66.67 GPM  
MAX. DAILY + FIRE = 2 x 24,000 / 1,440 + 2,000 GPM = 2,033.33 GPM
  - ANTICIPATED WATER DEMANDS: (MULTIFAMILY RESIDENTIAL)  
AVG. DAILY FLOW = 400 GPD / 18 UNITS = 6,400 GPD  
MAX. DAILY + FIRE = 2 x 6,400 / 1,440 + 2,000 GPM = 2,008.89 GPM
- SEWAGE DISPOSAL:
  - ANTICIPATED SEWER DEMANDS: (SINGLE FAMILY RESIDENTIAL)  
AVG. DAILY FLOW = 300 GPD / 40 UNITS = 12,000 GPD  
PEAK FLOW = 12,000 GPD x 3 / 1,440 = 25.00 GPM
  - ANTICIPATED SEWER DEMANDS: (MULTIFAMILY RESIDENTIAL)  
AVG. DAILY FLOW = 200 GPD / 18 UNITS = 3,300 GPD  
PEAK FLOW = 3,300 GPD x 3 / 1,440 = 6.87 GPM
- STORM DRAINAGE: BY CITY OF LOS BANOS AS SHOWN ON THIS MAP.
- 10' PUBLIC UTILITY EASEMENT SHALL BE DEDICATED ALONG ALL STREET FRONTS.
- RESTRICTIVE COVENANTS TO BE SUBMITTED AT THE TIME OF FINAL MAP (IF ANY)
- EXISTING ZONING AND LOCATION SHALL BE DETERMINED BY CITY OF LOS BANOS.
- WATER SUPPLY AND SEWAGE DISPOSAL SHALL BE COMPLIED WITH AS PER ARTICLE 6 OF TITLE 9 OF THE MUNICIPAL CODE.
- ALL IMPROVEMENTS AND PUBLIC FACILITIES SHALL BE INSTALLED OR CONSTRUCTED AT THE TIME OF DEVELOPMENT. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN COMPLIANCE WITH ARTICLES 4 AND 5 OF TITLE 9 OF THE MUNICIPAL CODE, REGULATIONS AND STANDARDS.
- DEVELOPER RESERVES THE RIGHT TO SELL LOTS ONLY.
- THE SUB-DIVIDER HEREBY RESERVES THE RIGHT TO FILE MULTIPLE SUBDIVISION MAPS AS SET FORTH BY THE SUBDIVISION MAP ACT, ARTICLE 4, SECTION 66454.1.
- A FINAL DEVELOPMENT PLAN WILL BE FILED CONCURRENTLY WITH THE FILING OF THIS MAP.

### NOTES

- ALL WELLS AND SEPTIC TANKS TO BE ABANDONED PER MERCED COUNTY HEALTH DEPARTMENT STANDARDS.
- NO AREAS SUBJECT TO PLUNGERING BY THE 1% ANNUAL CHANCE STORM.
- NO STRUCTURES PREVIOUSLY EXIST ON SITE.
- TOTAL AREA OF THIS SUBDIVISION IS 7.8 ACRES, CONTAINING 41 LOTS AND LOT A.
- EXISTING IRRIGATION FACILITIES TO BE ABANDONED, IF NOT REQUIRED, OR RELOCATED IN PRELIEU OF NEW FRONTIERS LINES.

APPROVED BY THE PLANNING DEPARTMENT, CITY OF LOS BANOS, CALIFORNIA.  
BY: STACY SOUZA ELIAS, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR  
REVIEWED BY THE COMMUNITY DEVELOPMENT DIRECTOR FOR CONFORMANCE WITH PLANNING COMMISSION RESOLUTION \_\_\_\_\_ VESTING TENTATIVE TRACT MAP \_\_\_\_\_ DATE: \_\_\_\_\_



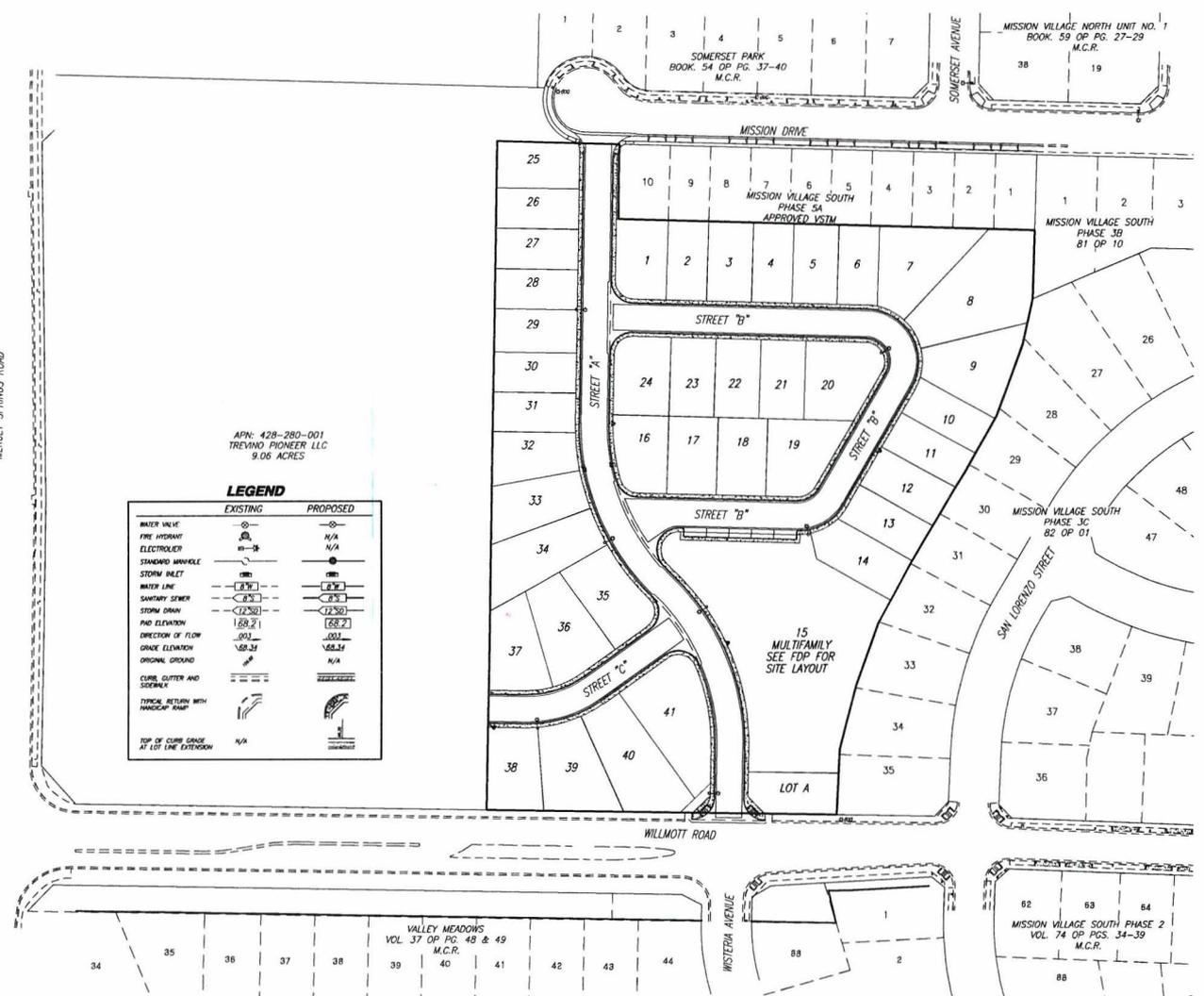
NO.	DESCRIPTIONS	DATE	APPROVED

**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
915 17th STREET • MODESTO, CALIFORNIA • 95354  
(209) 546-9500

COVER SHEET  
VESTING TENTATIVE MAP FOR:  
**MISSION VILLAGE SOUTH PHASE 5B**  
LOS BANOS, CALIFORNIA

JOB NO. 202228  
DATE: 8/31/20  
DN BY: JP  
CK BY: TG  
SCALE: AS SHOWN

SHEET NUMBER  
**1**  
OF 4 SHEETS



APN: 428-280-001  
TREVINO PIONEER LLC  
9.06 ACRES

LEGEND	
EXISTING	PROPOSED
WATER VALVE	N/A
FIRE HYDRANT	N/A
ELECTRODE	N/A
STANDARD MANHOLE	N/A
STORM INLET	N/A
WATER LINE	N/A
SEWER LINE	N/A
STORM DRAIN	N/A
PIPE ELEVATION	N/A
DIRECTION OF FLOW	N/A
GRADE ELEVATION	N/A
ORIGINAL GROUND	N/A
CURB, CLUTTER AND SIGNAGE	N/A
TYPICAL SETBACK WITH HATCHCAP FOOT	N/A
TOP OF CURB GRADE AT LOT LINE EXTENSION	N/A

MERCY SPRINGS ROAD

WESTERN AVENUE

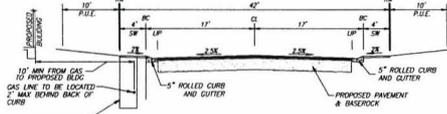
SOMERSET AVENUE

SAN LORENZO STREET

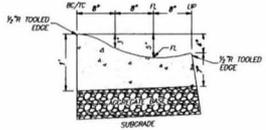
WILLMOTT ROAD

VALLEY MEADOWS  
VOL. 37 OP. PG. 48 & 49  
M.C.R.

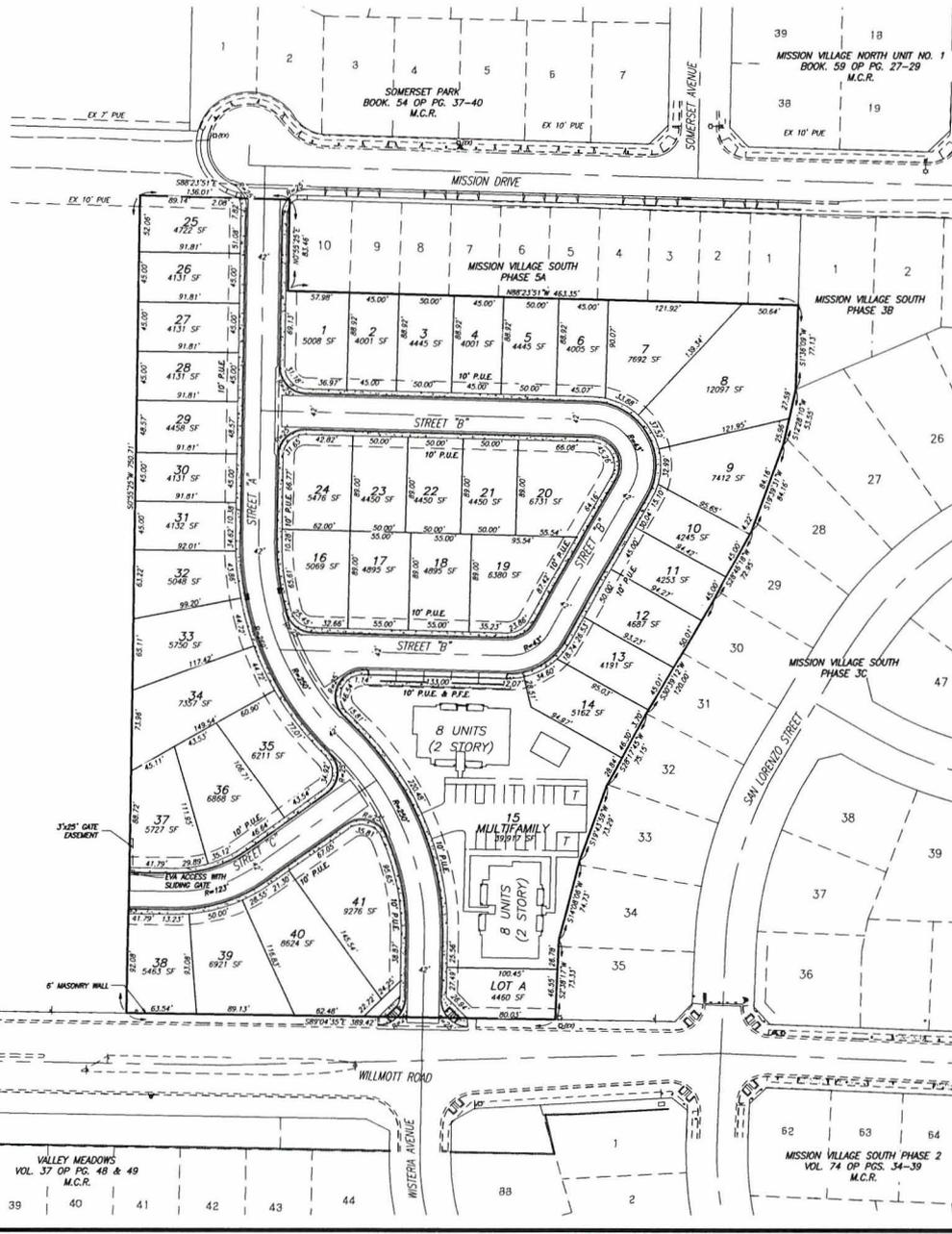
MISSION VILLAGE SOUTH PHASE 2  
VOL. 74 OP. PGS. 34-39  
M.C.R.



**42' TYPICAL STREET SECTION**



**5' ROLLED CURB AND GUTTER**



NO.	DESCRIPTIONS	DATE	APPROVED

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 FAC(209) 566-6605



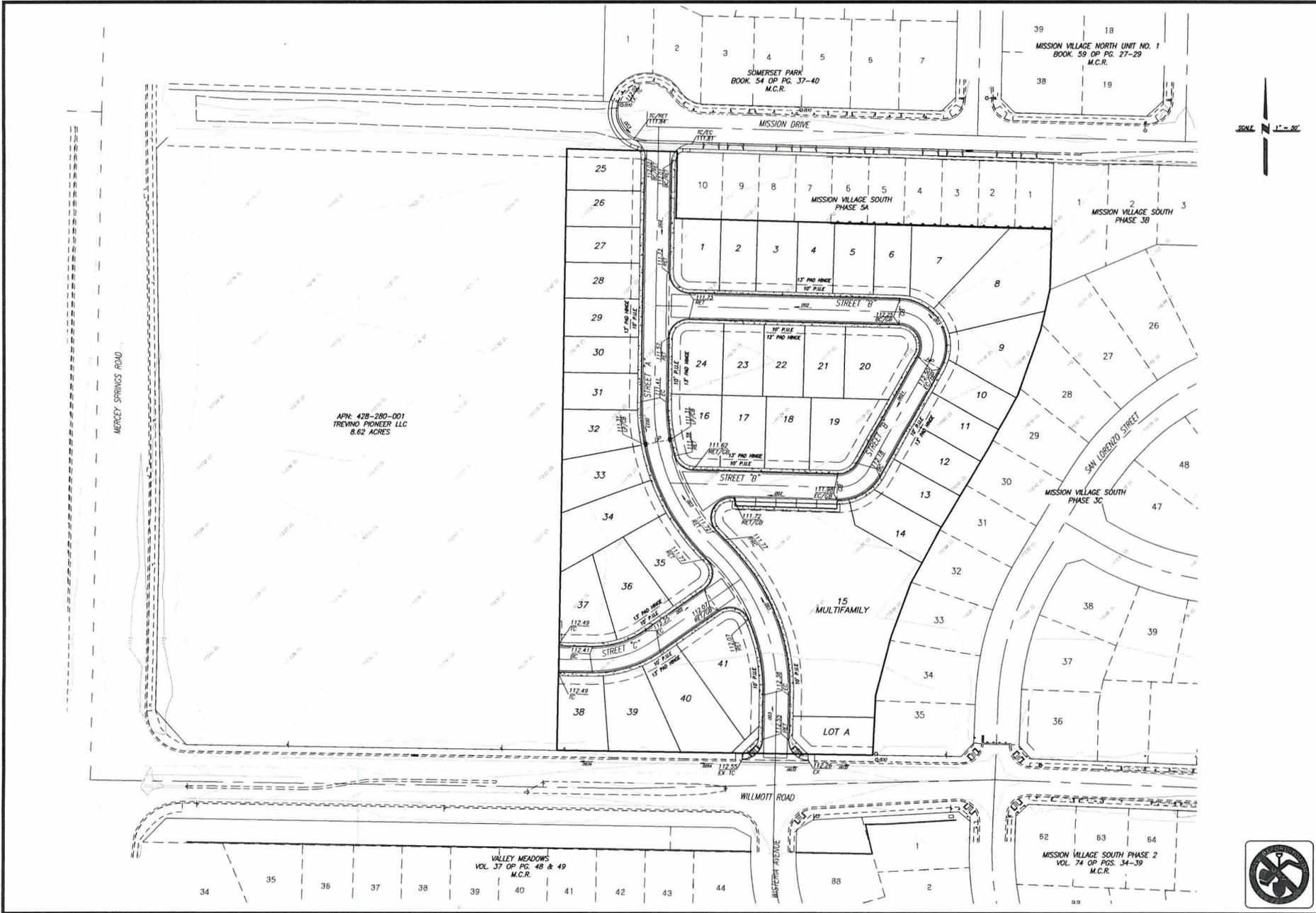
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**MISSION VILLAGE SOUTH PHASE 5B**  
 LOS BANOS, CALIFORNIA

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 DATE 8/21/20  
 DRAWN BY  
 CHECKED BY  
 SCALE AS SHOWN



SHEET NUMBER  
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 OF 4 SHEETS

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NO.	DESCRIPTIONS	DATE	APPROVED

PREPARED UNDER THE SUPERVISION OF  
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 (520) 536-8888

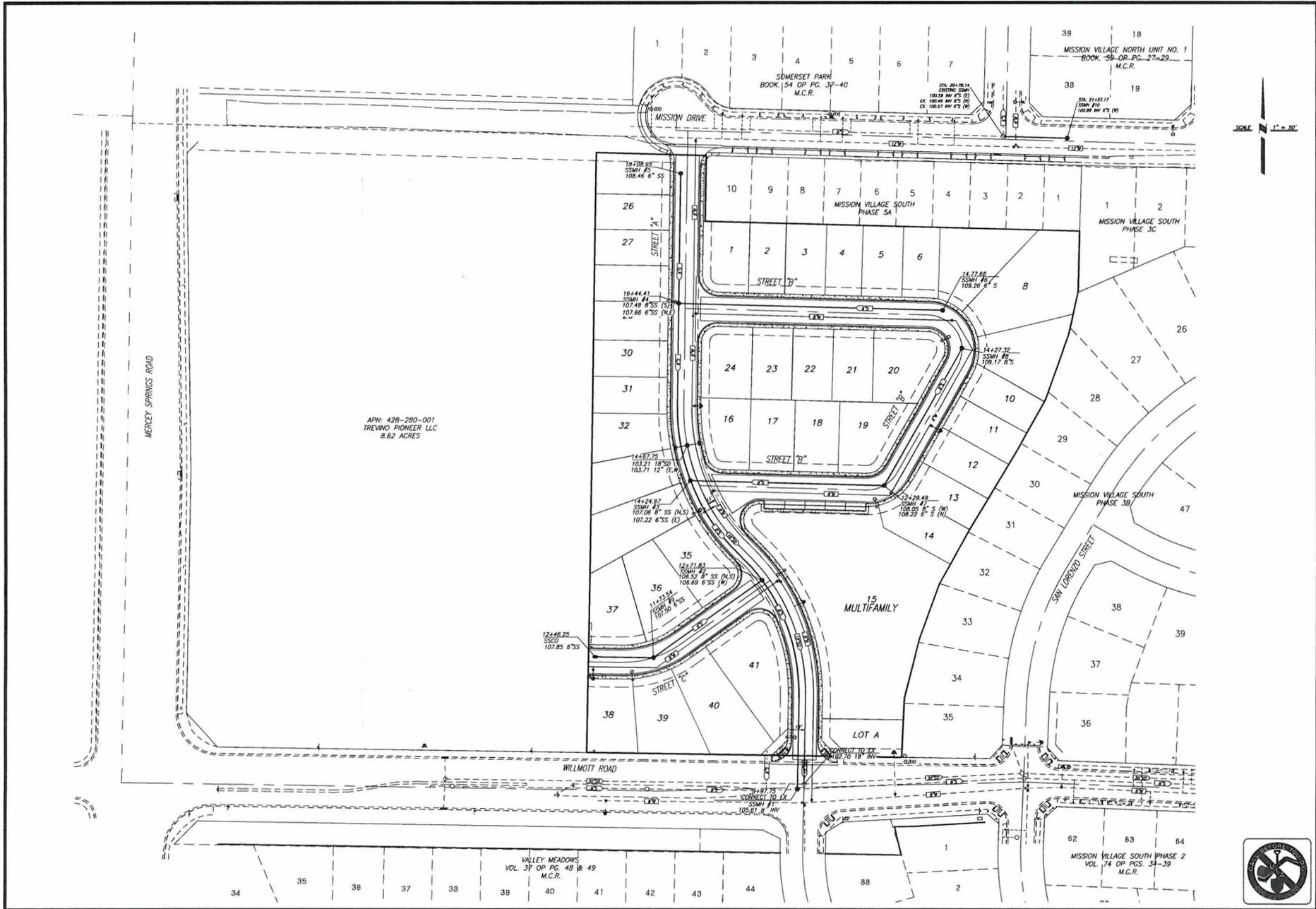
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DATE	DATE	DATE
REVISIONS	DESCRIPTIONS	
NO.		

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 (213) 548-6200 FAX: (213) 548-6200



**UTILITY PLAN**  
 VISITING TENTATIVE MAP FOR  
**MISSION VILLAGE SOUTH PHASE 5B**  
 LOS ANGELES, CALIFORNIA

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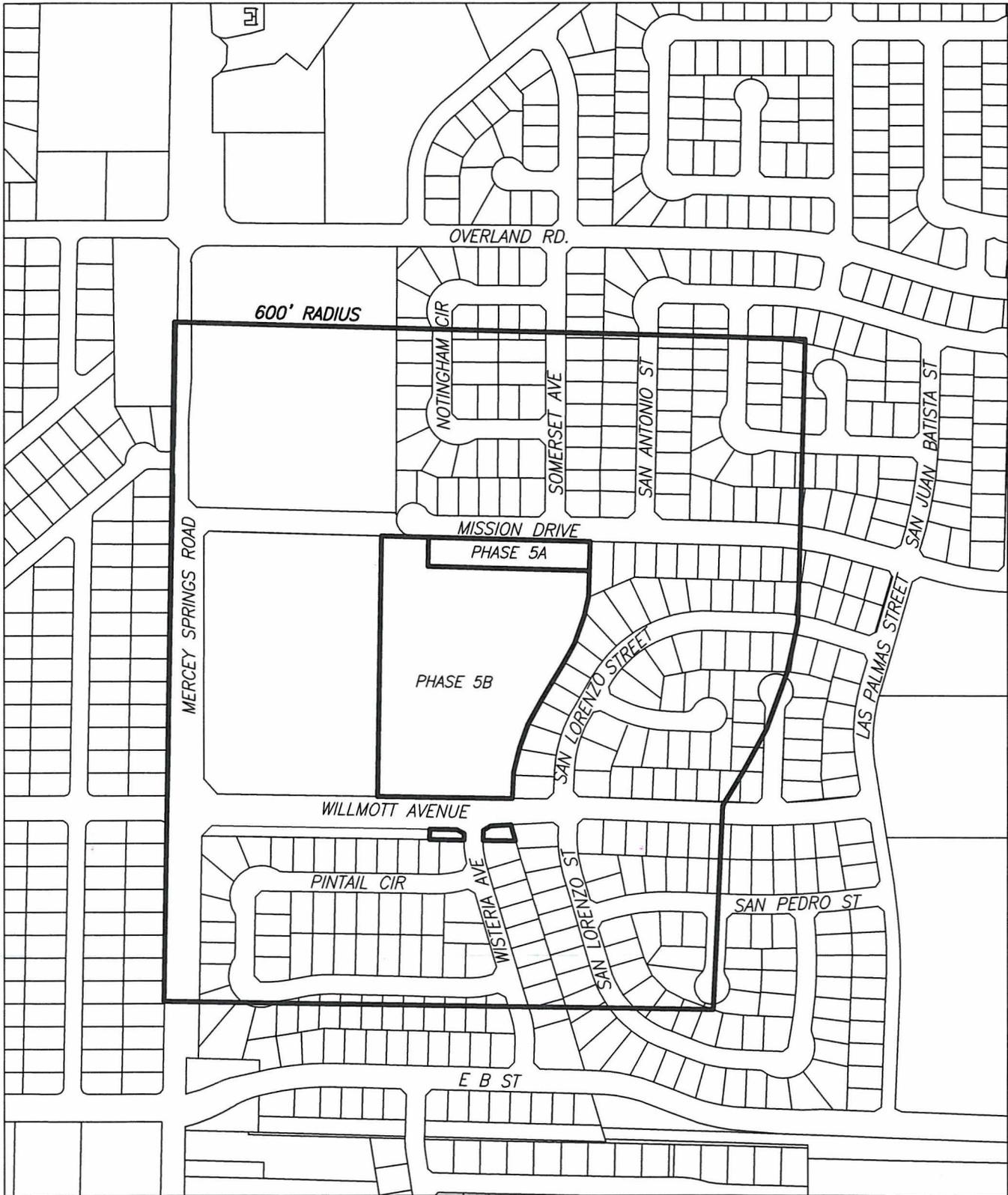
**APPENDICES**

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**Appendix C**

**600' RADIUS MAP**

# MISSION VILLAGE SOUTH PHASE 5 600' RADIUS MAP



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**600' RADIUS MAP**  
**MISSION VILLAGE SOUTH**  
**PHASE 5**  
 LOS BANOS, CALIFORNIA

DRAWN BY:	BB
DATE:	5-14-2020
SHEET:	
JOB:	209239

**APPENDICES**

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**Appendix D**

**TENTATIVE SUBDIVISION MAP – MISSION VILLAGE SOUTH-  
PHASE 5B**

**APPENDICES**

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**Appendix E**

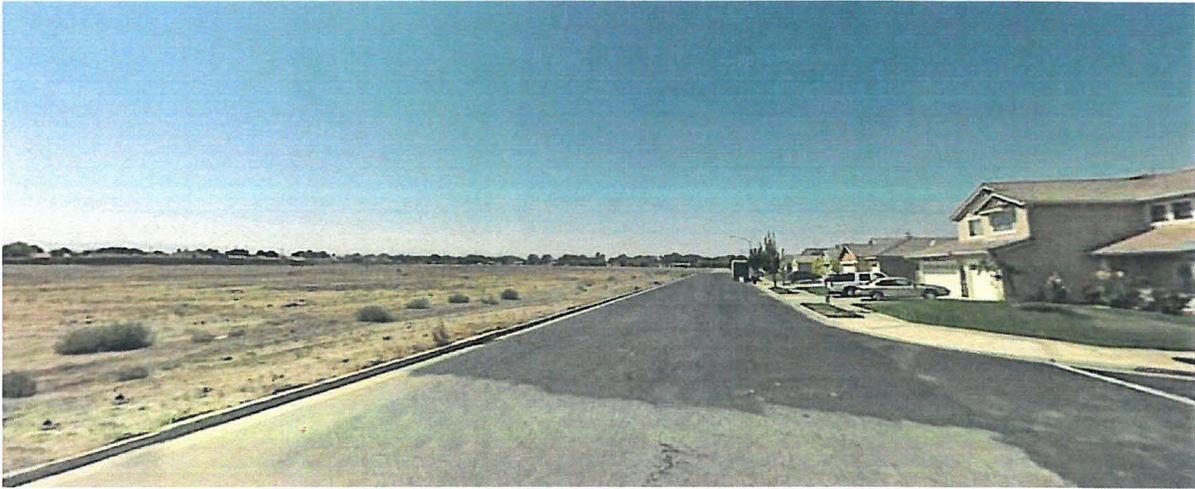
**SITE PHOTOGRAPHS**

**SITE PHOTOGRAPHS -CONTINUED**

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AERIAL VIEW



MISSION DRIVE WEST VIEW

**SITE PHOTOGRAPHS -CONTINUED**

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**MISSION DRIVE EAST VIEW**



**MISSION DRIVE SOUTH VIEW**

**SITE PHOTOGRAPHS -CONTINUED**

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**WILLMOTT RD EAST VIEW**



**WILLMOTT RD WEST VIEW**

**SITE PHOTOGRAPHS -CONTINUED**

---



WILLMOTT RD NORTH VIEW



MISSION VILLAGE SOUTH  
PHASE 5

FINAL DEVELOPMENT PLAN  
ARCHITECTURAL ELEVATIONS  
MARCH 2020

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FINAL DEVELOPMENT PLAN  
ARCHITECTURAL ELEVATIONS

MISSION VILLAGE SOUTH  
PHASE 5



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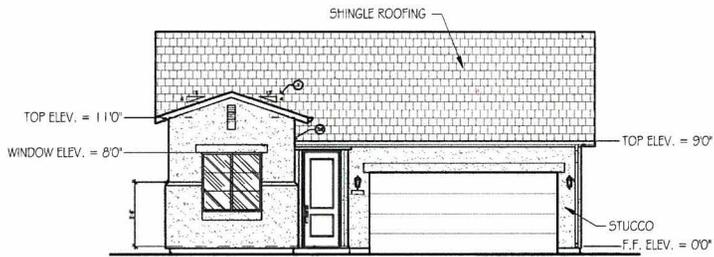


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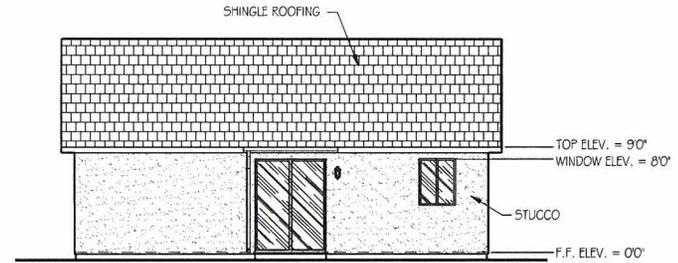
MISSION VILLAGE SOUTH  
PHASE 5



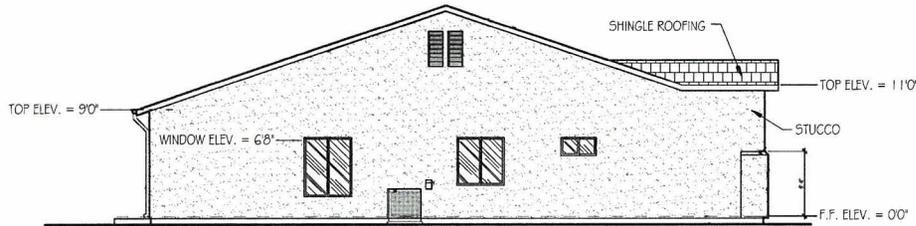
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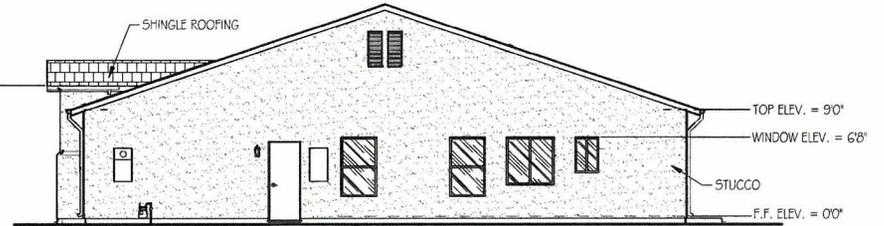
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**LEFT SIDE ELEVATION**  
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**RIGHT SIDE ELEVATION**  
SCALE: 1"=10'



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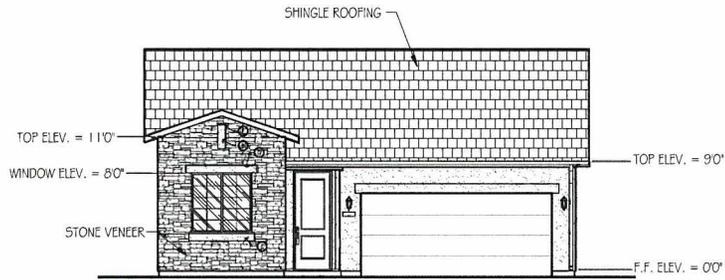


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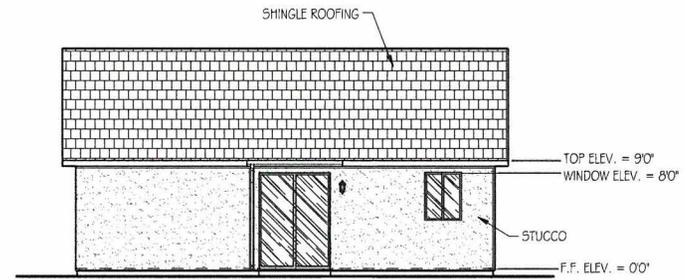
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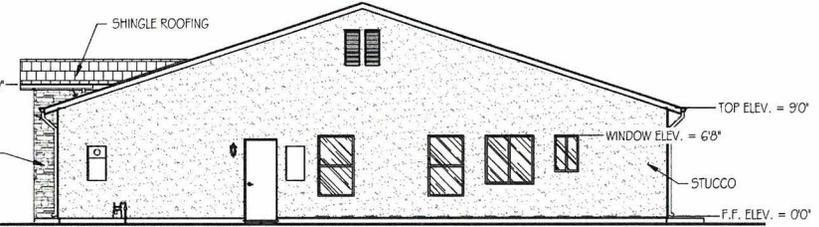
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PHASE 5



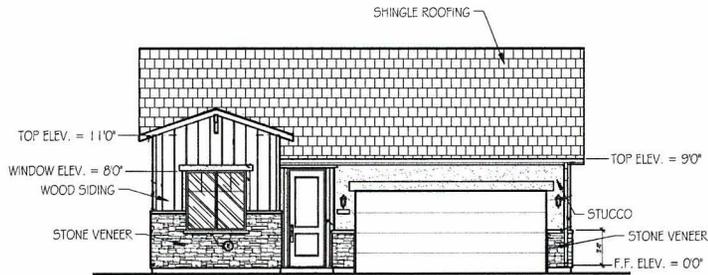
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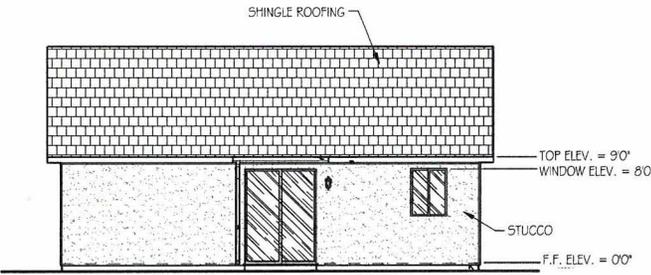
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PHASE 5

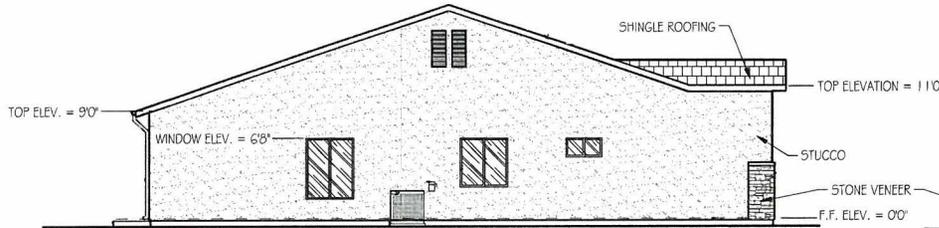
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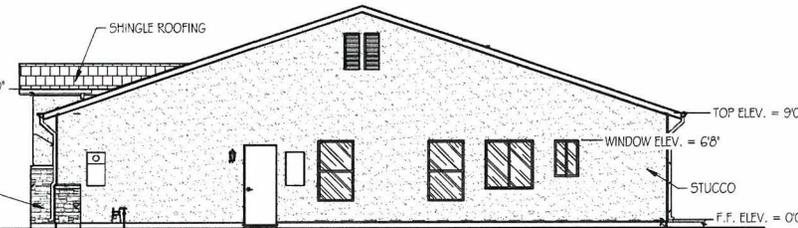
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**RIGHT SIDE ELEVATION**  
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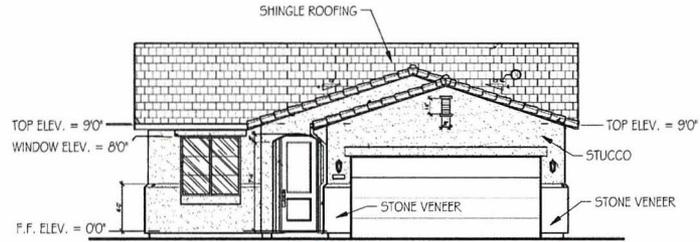


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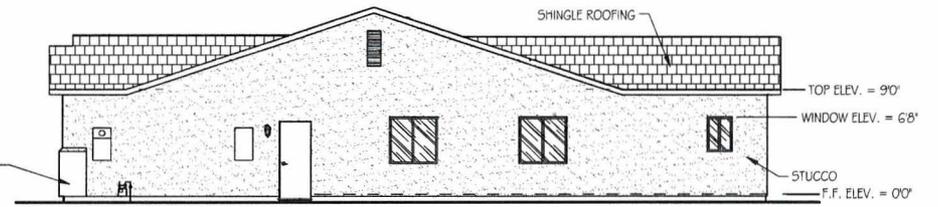
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**RIGHT SIDE ELEVATION**  
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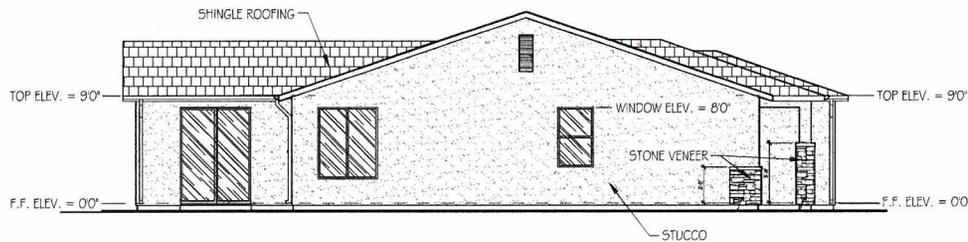
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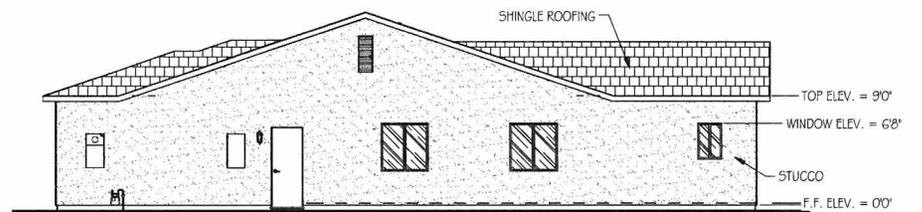
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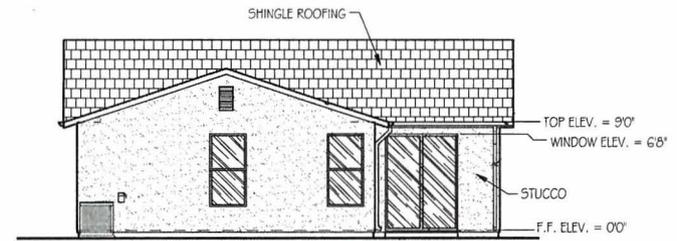
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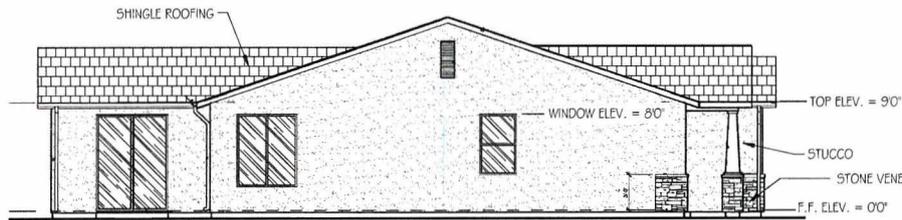
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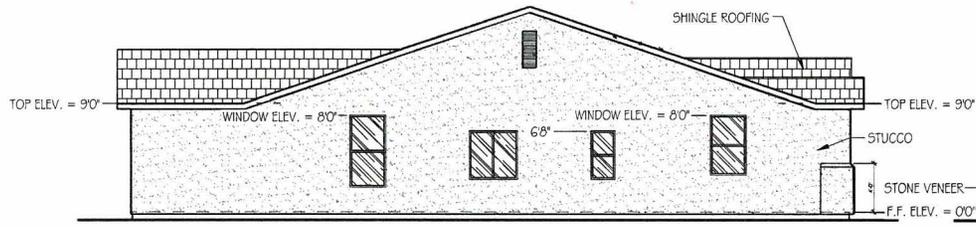
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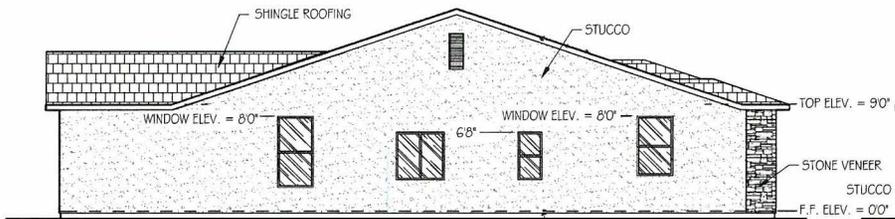
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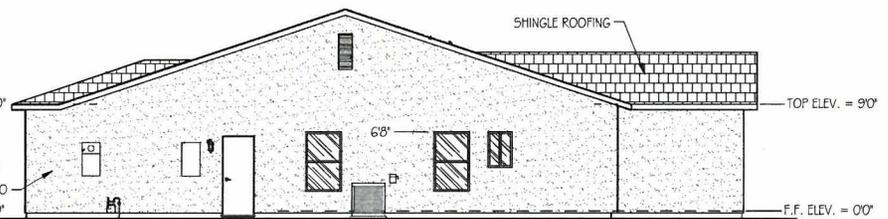
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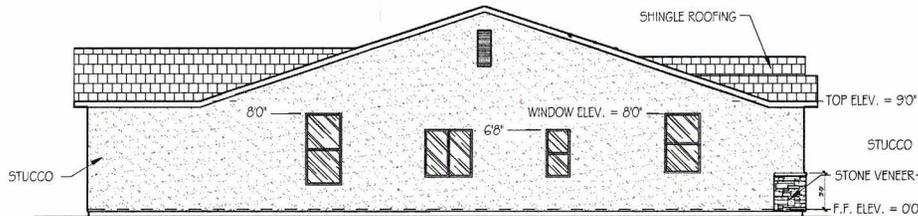
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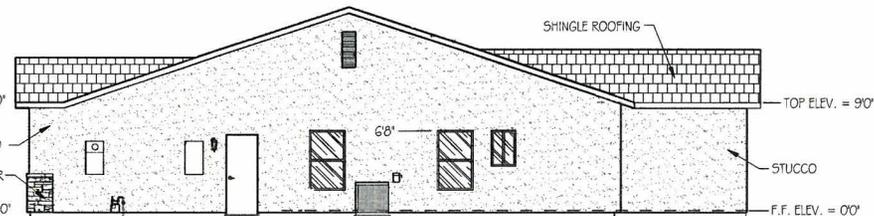
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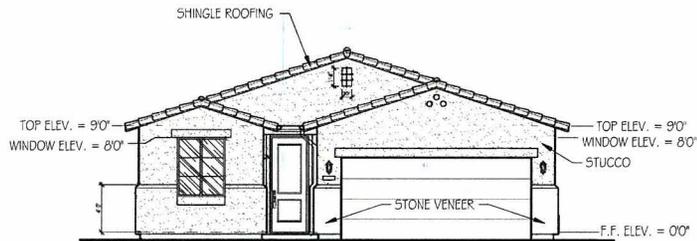
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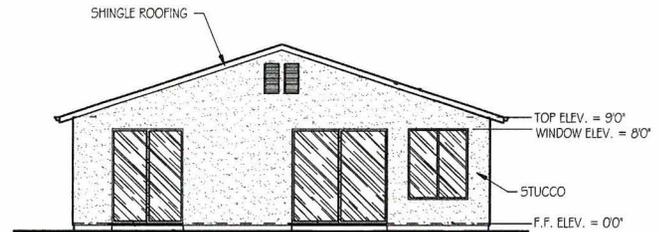
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MISSION VILLAGE SOUTH  
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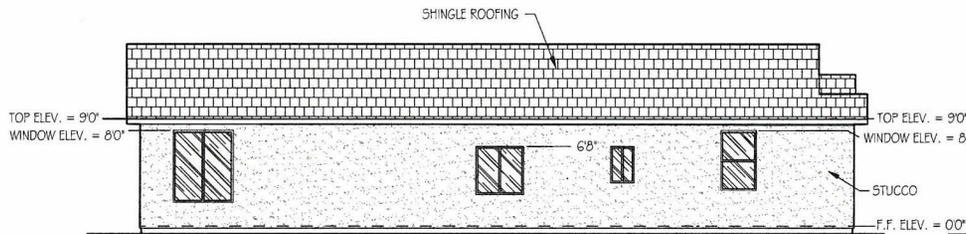
PLANNING ARCHITECTURE  **1617 A**  
 ARCHITECTURE PLUS INC.  
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 MODESTO, CA 95356  
 ph. 209.577.4661  
 fx. 209.577.0213  
 www.apiarc.com



**FRONT ELEVATION**  
SCALE: 1"=10'



**REAR ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
SCALE: 1"=10'



**RIGHT SIDE ELEVATION**  
SCALE: 1"=10'



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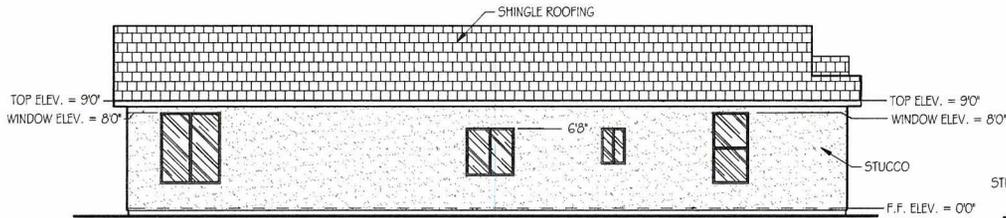
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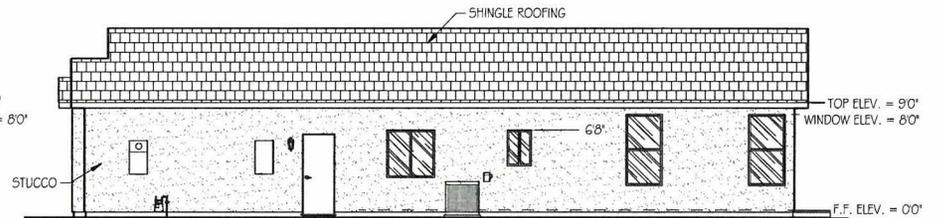
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**REAR ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
SCALE: 1"=10'



**RIGHT SIDE ELEVATION**  
SCALE: 1"=10'



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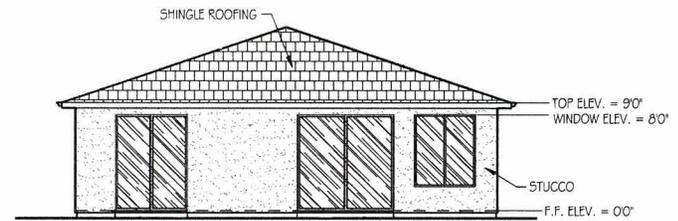
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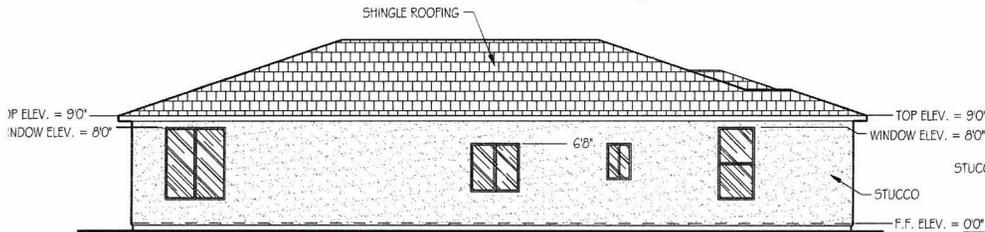
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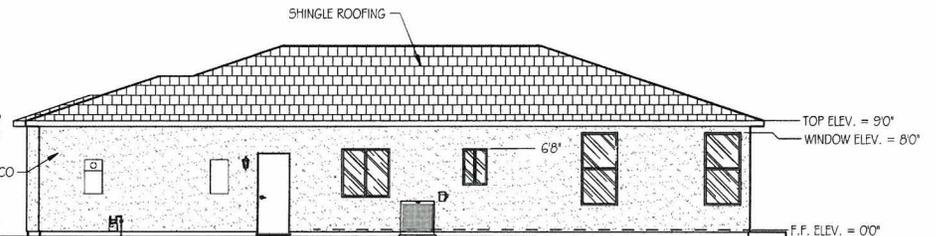
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**REAR ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
SCALE: 1"=10'



**RIGHT SIDE ELEVATION**  
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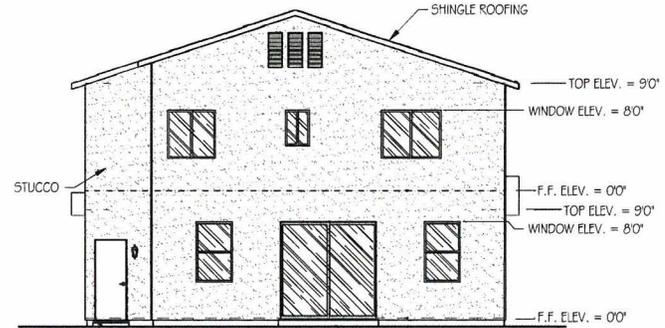
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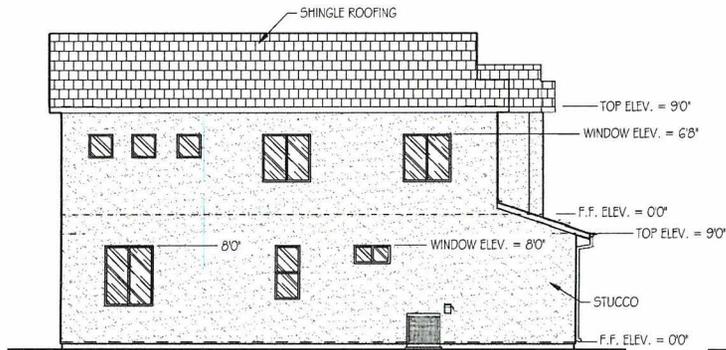
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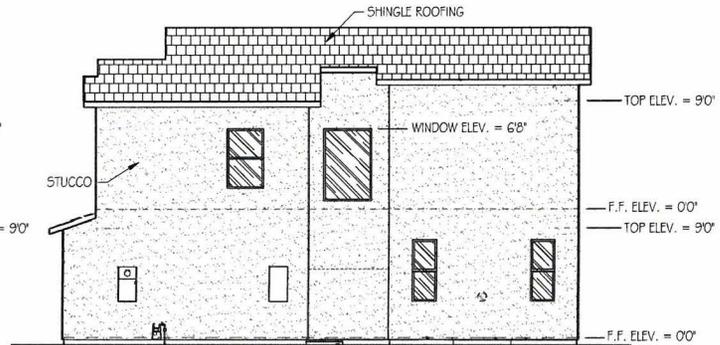
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SCALE: 1"=10'



**REAR ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
SCALE: 1"=10'



**RIGHT SIDE ELEVATION**  
SCALE: 1"=10'



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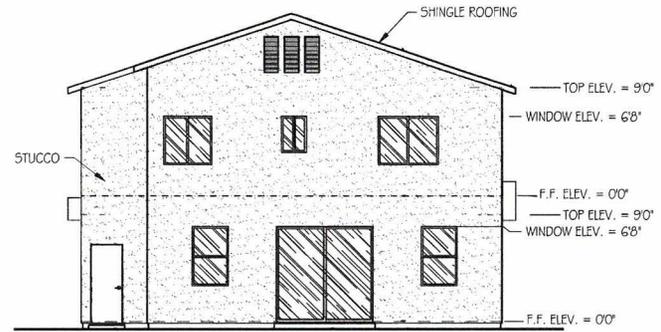
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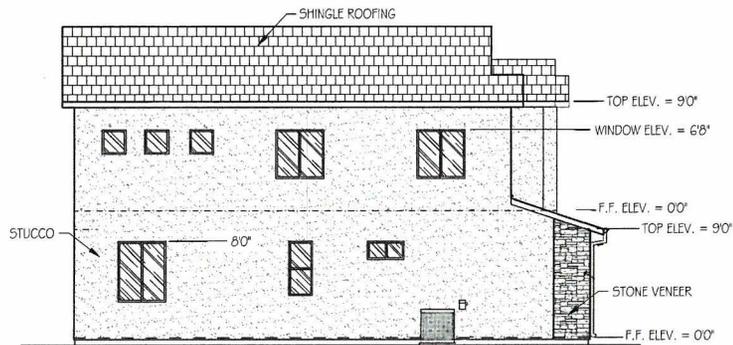
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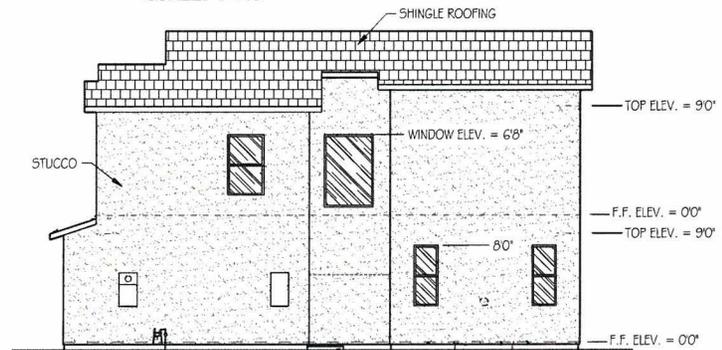
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SCALE: 1"=10'



**LEFT SIDE ELEVATION**

SCALE: 1"=10'



**RIGHT SIDE ELEVATION**

SCALE: 1"=10'



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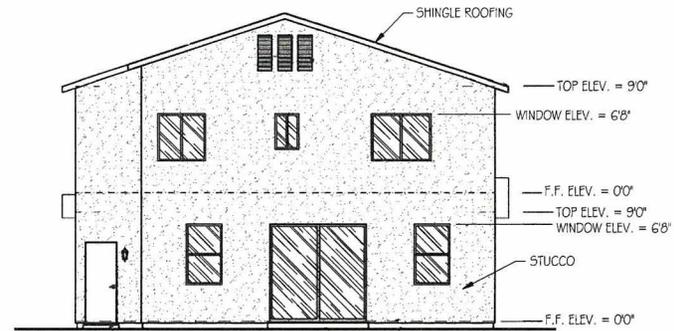
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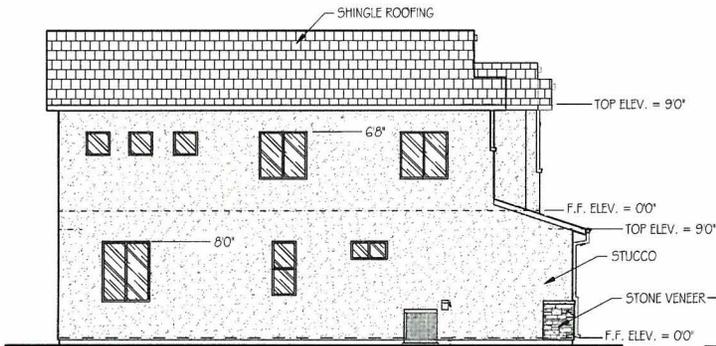
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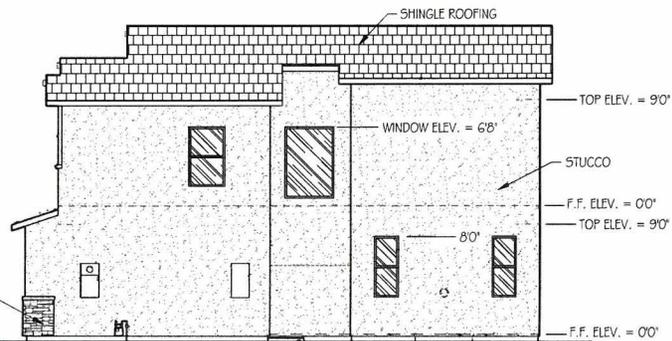
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**LEFT SIDE ELEVATION**  
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**RIGHT SIDE ELEVATION**  
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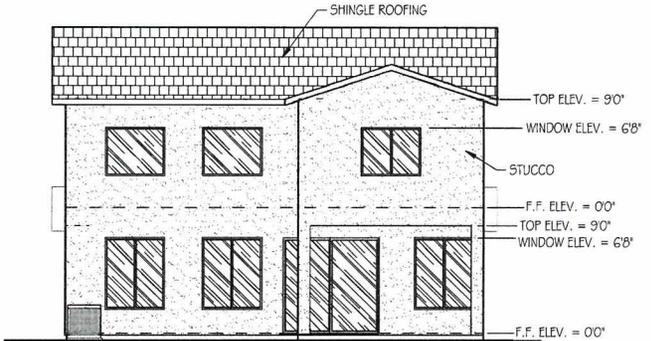
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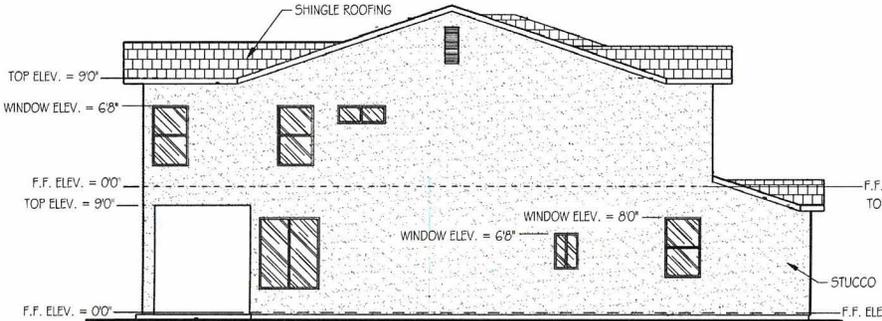
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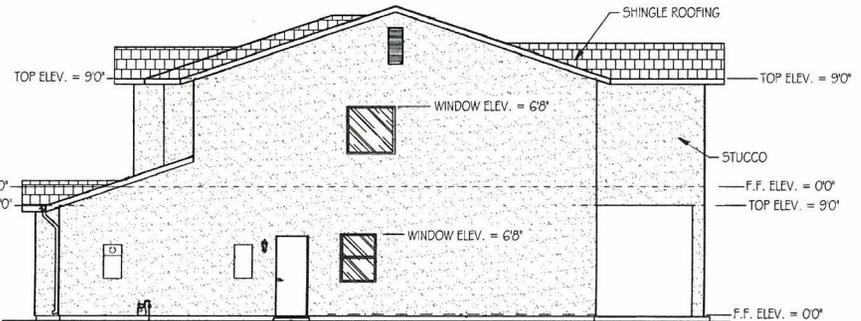
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SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
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**RIGHT SIDE ELEVATION**  
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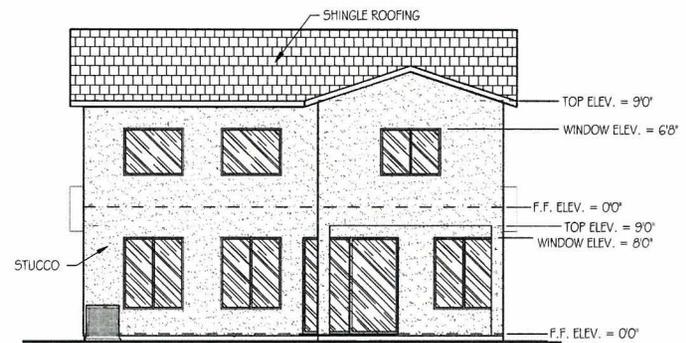
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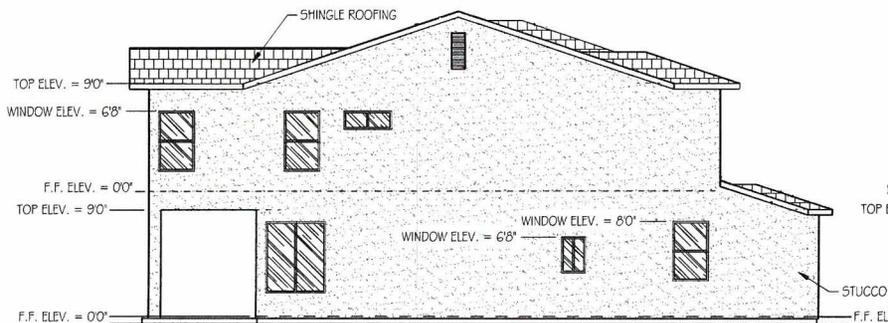
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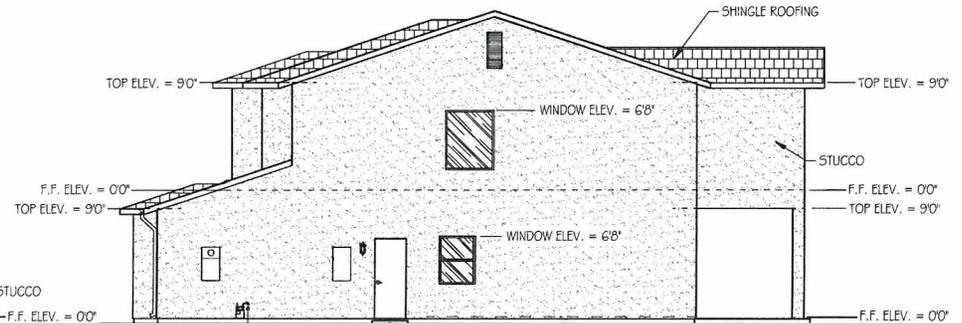
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**LEFT SIDE ELEVATION**  
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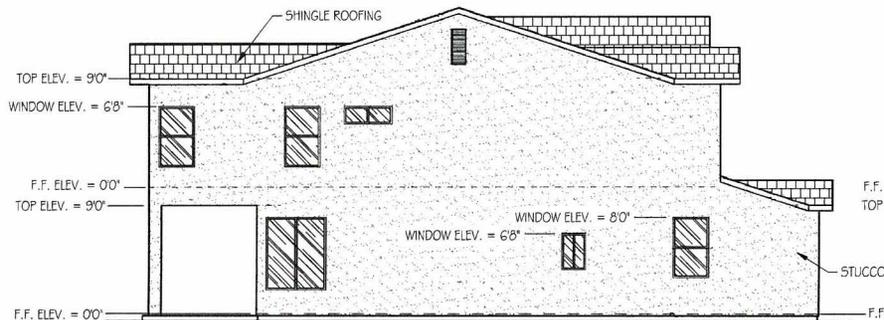
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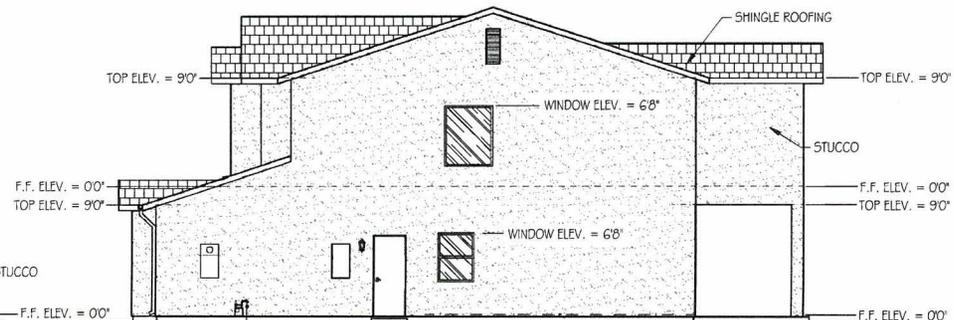
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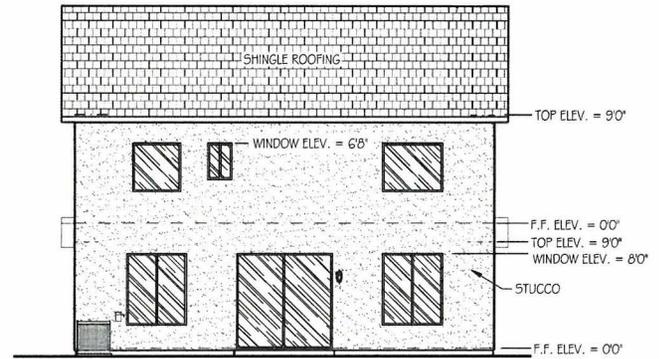
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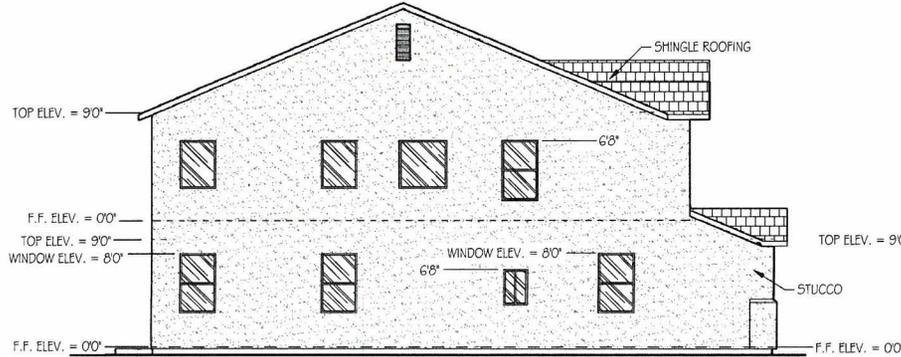
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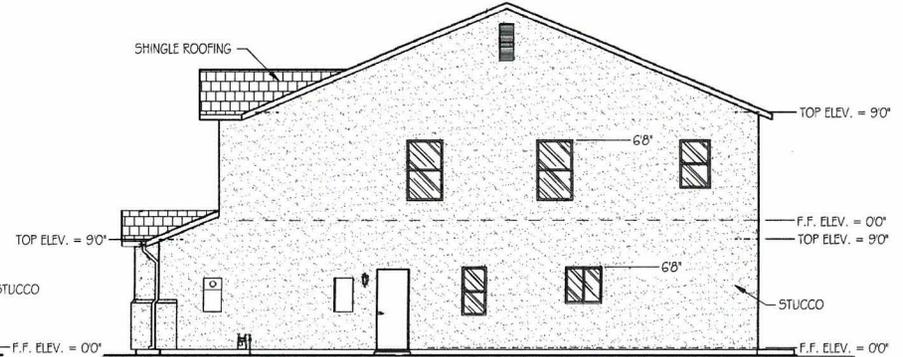
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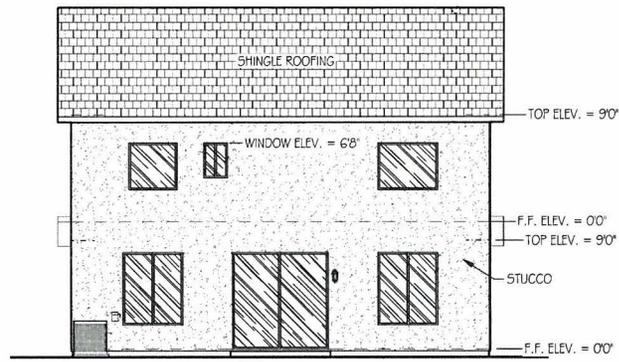
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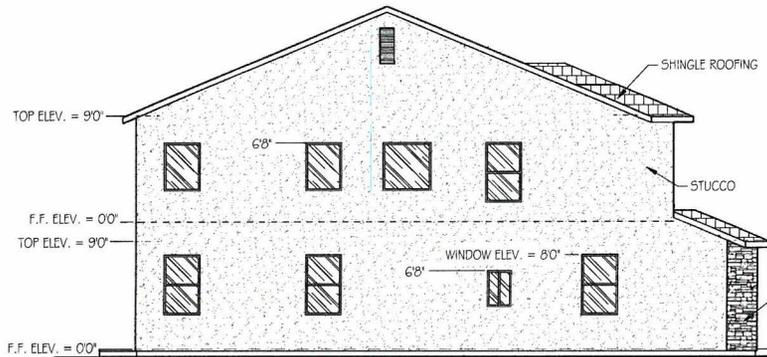
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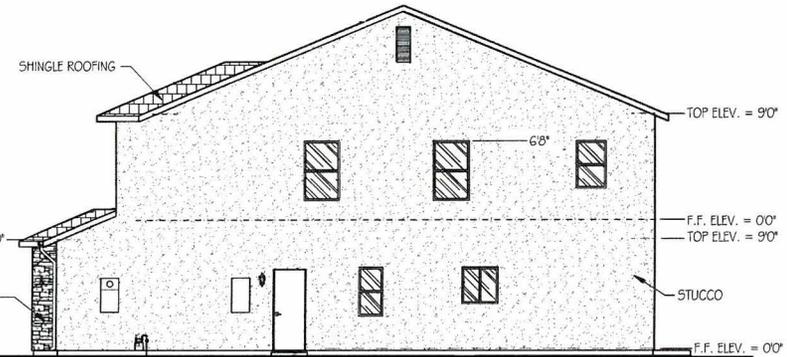
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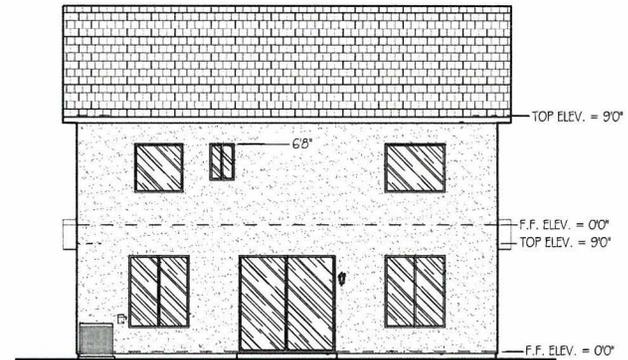
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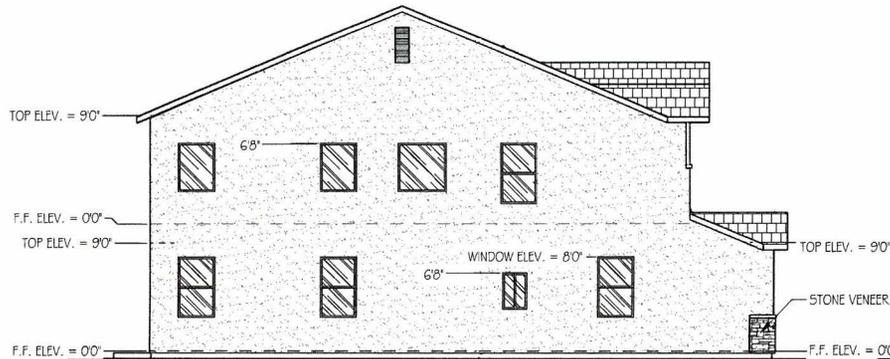




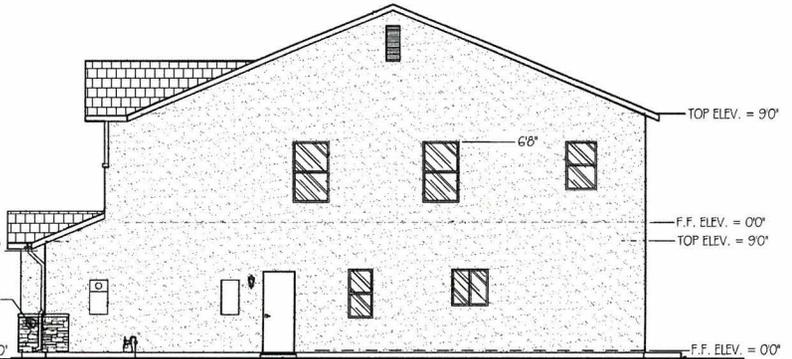
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**REAR ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
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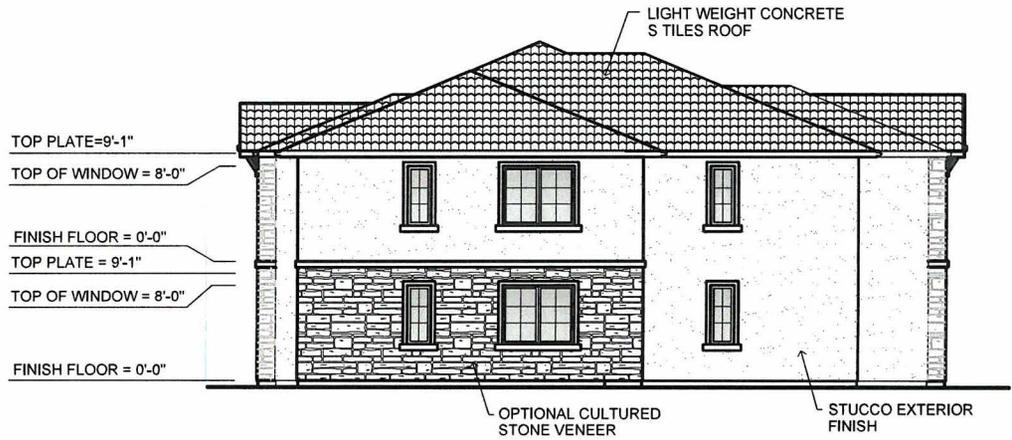
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PHASE 5

**MULTI-FAMILY APARTMENTS**  
**(2) 8 UNIT BUILDINGS**



**FRONT ELEVATION**  
SCALE: 1"=10'



**LEFT SIDE ELEVATION**  
SCALE: 1"=10'



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 (2) 8 UNIT BUILDINGS**



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

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**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

Date: July 24, 2020

Re: Notice of Public Hearing

Proposal: Final Development Plan #2020-01- Mission Village South Phase 5

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider a Final Development Plan #2020-01 for Mission Village South Phases 5A and 5B. The project site is located east of Mercey Springs Road, south of Mission Drive and north of Willmott Avenue; more specifically identified as Assessor's Parcel Numbers: 428-280-012.

The Los Banos Planning Commission held a public hearing on July 8, 2020, for the purpose of considering the mentioned project. At the completion of the public comment, the Planning Commission recommended approval of Final Development Plan #2020-01 to the City of Los Banos Council.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, July 8, 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 Stacy Souza Elms, Community & Economic Development Director at City Hall or at (209) 827-2433.

All persons are invited to be present at the public hearing. Written and oral testimony is invited. Notice is hereby further given that if you challenge the above described 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 City Council 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

Stacy Souza Elms  
Community and Economic Development Director



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

**Agenda Staff Report**

**TO:** Mayor Villalta and City Council Members  
**FROM:** Stacy Souza Elms, Community and Economic Development Director   
**DATE:** September 16, 2020  
**TYPE OF REPORT:** Agenda Item  
**SUBJECT:** Shopping Cart Ordinance Update

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**Recommendation:**

This item is for informational purposes, and no action is to be taken.

**Background:**

On May 20, 2020, the Los Banos City Council adopted an Urgency Ordinance regarding the regulation of shopping carts. This Ordinance became effective immediately and requires the retention and sanitation of shopping carts.

**Discussion:**

The Ordinance requires the following measures:

**Mandatory Retention:**

- Requires signs on shopping carts with the following information:
  - Identity of the business or owner, or both;
  - Notification of the procedure for authorized removal of the shopping cart from the premises;
  - Notice to the public that unauthorized removal of the shopping cart from premises is unlawful; and

- A valid telephone number or address for returning the shopping cart.
- Requires signs on property that say “REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BY LAW.”
- As a condition of the issuance of a business license, every cart owner shall on or before January 1, 2021, install, operate, and maintain an on-site retention system. An on-site retention system means one or more of the following measures:
  - Mechanical disabling devices on all shopping carts, which prevent the cart from being removed from the businesses by locking the wheels automatically.
  - On-site security guard to prevent customers from removing carts from the premises.
  - Bollards and/or other barriers around the business premises to prevent cart removal.
  - Obtaining a security deposit from customers for the use of shopping carts on the business premises.
  - Prohibiting the use of shopping carts outside the building of the business premises unless accompanied by an employee of the business.
  - A contracted retrieval service (**this measure is mandatory**).
  - Any other measure approved by the CED Director as a means of preventing carts from being removed from the business premises.
- Every cart owner shall lock or otherwise secure all shopping carts during hours when the business premises are not open for business; and shall lock or otherwise secure all shopping carts not in service and stored on the premises.

**Mandatory Regular Scheduled Cleaning and Sanitizing of Shopping Carts and Shopping Baskets:**

- Every shopping cart and/or shopping basket owner shall implement measures to clean and sanitize shopping carts and shopping baskets (**effective immediately**).
- Clean and sanitize means one or more of the following measures to be done no less than monthly:
  - Use of onsite cleaning and/or sanitizing systems; or
  - Pressure washing and sanitizing; or
  - Steam cleaning and sanitizing; or
  - Any other measure approved by the CED Director as a means of cleaning, sanitizing, or eliminating exposure to contaminants that may be found on shopping carts and/or baskets.
- Any shopping cart or shopping basket retrieved from off premises shall be cleaned and sanitized prior to the next customer use.
- Every shopping cart and/or shopping basket owner shall provide at each customer entrance with prominent signage a cart handle disinfectant wipe dispenser and hand sanitizer dispenser.
- These requirements shall be a condition of issuance of a business license.

## **Implementation of Shopping Cart Ordinance:**

With the adoption of the Shopping Cart Ordinance, staff provided a letter to all businesses that own shopping carts and/or shopping baskets to notify them of the new Ordinance. Each business was provided a breakdown of the retention measures and mandatory sanitation measures, and a copy of the Ordinance.

Each business that operates with shopping carts and/or shopping baskets is conditioned with their business license renewal to provide mandatory retention measures and mandatory regular scheduled cleaning and sanitizing of shopping carts and/or shopping baskets in accordance with the requirements of the Ordinance.

In addition, the Code Enforcement Division has provided outreach to each business that operates with shopping carts and/or shopping baskets to check for compliance. Each business has been given a form that requires the business owner/representative to provide the following information:

- Confirm implementation of mandatory retention measures.
- List retention measures to prevent the removal of carts from the site.
- Confirm implementation of mandatory regular scheduled cleaning and sanitizing of shopping carts and/or shopping baskets to be completed monthly.
- Provide a list of measures used to provide monthly mandatory sanitization of shopping carts and/or shopping baskets.

The business owner/representative is required to sign the report and provide to the Community and Economic Development Director. The report must be completed to show compliance with the Shopping Cart Ordinance prior to issuance of the business license renewal.

### **Reviewed by:**



Alex Terrazas, City Manager

### **Attachments:**

1. Shopping Cart Ordinance

**ORDINANCE NO. 1184**

**AN UNCODIFIED URGENCY ORDINANCE OF THE  
CITY COUNCIL OF THE CITY OF LOS BANOS  
AMENDING CHAPTER 8 OF TITLE 11 OF THE LOS  
BANOS MUNICIPAL CODE REGULATING  
SHOPPING CARTS**

WHEREAS, the presence of abandoned shopping carts is found to be a public nuisance and contributes to a decline in the quality of life; and

WHEREAS, the abundance of abandoned shopping carts on both private and public property encourages crime, tends to reduce property values, and is a blight on the community; and

WHEREAS, abandoned shopping carts also obstruct pedestrian access, interfere with pedestrian and vehicular traffic, and emergency services; and

WHEREAS, studies have shown that the presence of harmful bacteria is a common occurrence on shopping carts and shopping baskets; and

WHEREAS, the use of unclean and unsanitized shopping carts poses an unnecessary health risk to the public, specifically customers and children using shopping carts furnished by businesses for the convenience of their shoppers; and

WHEREAS, based upon the foregoing there is a need for improved sanitation of shopping carts and shopping baskets by owners to reduce exposure to pathogens and potential transmission of microbial infections among shoppers; and

WHEREAS, the City Council finds the regulations set forth in this ordinance are necessary to protect the public safety and welfare of the residents of the City; and

WHEREAS, California Government Code 36937 empowers cities to adopt, by four-fifths vote, an urgency ordinance which is necessary for the immediate preservation of the public peace, health or safety; and

WHEREAS, the Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA;

NOW, THEREFORE, the City Council of the City of Los Banos does hereby ordain as follows:

Findings: The City Council hereby finds and determines that, based on all the facts described above, the staff report, the documentation attached to the staff report, staff report and public comment received on this urgency ordinance, the adoption of this urgency ordinance is necessary to help preserve the public peace, health or safety.

Section 1. The above recitals and findings are true and correct and incorporated herein by this reference.

Section 2. The title of this Chapter 8 of Title 11 is amended to read as follows:

**Chapter 8**

**SHOPPING CARTS RETENTION AND CLEANING**

Section 3. Section 11-8.01 is amended to read as follows:

**Sec. 11-8.01 Findings and purpose.**

Abandoned shopping carts constitute a nuisance, create potential hazards to the public health and safety and interfere with pedestrian and vehicular traffic within the city. Wrecked, dismantled and/or abandoned shopping carts on public or private property create conditions that reduce property values and promote blight and deterioration within the city's neighborhoods. In addition a program for shopping cart cleaning and sanitizing to protect customers using shopping carts is necessary to protect the public health and safety. The purpose of this chapter is to ensure that measures are taken by shopping cart owners to prevent the removal of shopping carts from store premises and to ensure that measures are put into place for the cleaning and sanitizing of shopping carts. This chapter is based in part on California Business and Professions Code Section 22435 et seq.

Section 4. Section 11-8.02 is amended to add subsection (f) through (l) as follows:

(f) "Shopping basket" means a handheld basket or a similar device generally used in a retail establishment by a customer for carrying goods of any kind.

(g) "Cleaning" means removing visible debris, dirt and dust.

(h) "Sanitizing" means a process to reduce contaminants that could affect health such as bacteria and pathogens from surfaces to make them safe for contact.

(i) "Disinfecting" means a process to destroy/kill germs rather than simply reducing them.

Section 5. Section 11-8.03 is amended to read as follows:

**Sec. 11-8.03 Mandatory retention measures.**

(a) Required Signs on Shopping Carts. Every shopping cart owned or provided by any business establishment in the City shall have a sign permanently affixed to it that contains the following information:

(1) The identity of the owner or business, or both;

(2) Notification of the procedure for authorized removal of the shopping cart from the premises;

(3) Notice to the public that the unauthorized removal of the shopping cart from the premises or parking area of the business establishment, or the unauthorized possession of the shopping cart, is a violation of State law and a violation of City ordinance; and

(4) A valid telephone number or address for returning the shopping cart.

(b) Required Signs on Property. Signs shall be placed and maintained on the premises near all customer exits and throughout the premises, including parking areas that warn customers that shopping cart removal from the premises is prohibited and constitute a violation of state and local law. Said signs shall be not less than eight (8") inches by fourteen (14") inches in size with block lettering containing the following "REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BY LAW. California Business and Professions Code Section 22435.2 and Los Banos Municipal Code Section 11-8.05."

(c) As a condition to the issuance of a business license every cart owner shall on or before January 1, 2021, install, operate and maintain an on-site cart retention system approved by the community and Economic Development Director. On-site cart retention system means one or more of the following measures:

(1) Mechanical disabling devices on all shopping carts, which prevent the cart from being removed from the business premises by locking the wheels automatically or otherwise preventing movement of the carts off of the business premises.

(2) An on-site security guard to prevent customers from removing carts from the business premises.

(3) Bollards and/or other barriers around the business premises to prevent cart removal, subject to approval of the City's Fire Chief.

(4) Obtaining a security deposit from customers for the use of shopping carts on the business premises.

(5) Prohibiting the use of shopping carts outside the building of the business premises unless accompanied by an employee of the business.

(6) A contracted retrieval service approved by the Community and Economic Development Director. This measure shall be mandatory.

(7) Any other measure approved by the Director of Community and Economic Development as a means of preventing carts from being removed from the business premises.

(d) Every cart owner shall lock or otherwise secure all shopping carts during hours when the business premises are not open for business; and shall lock or otherwise secure all shopping carts not in service and stored on the premises.

Section 6. Sections 11.8.04 through 11.8.08 are renumbered as Sections 11.8.05 through 11.8.09 respectively.

Section 7. Section 11.8.04 is added to read as follows:

Sec. 11-8.04 Mandatory Regular Scheduled Cleaning and Sanitizing of Shopping Carts and Shopping Baskets.

(a) Every shopping cart and/or shopping basket owner shall implement measures to maintain clean and sanitized shopping carts and shopping baskets.

(b) Clean and sanitized means one or more of the following measures to be employed no less than monthly:

(1) Use of onsite cleaning and/or sanitizing systems; or

(2) Pressure washing and sanitizing; or

(3) Steam cleaning and sanitizing; or

(4) Any other measure approved by the Community and Economic Development Director as a means of cleaning, sanitizing, or eliminating exposure to contaminants that may be found on shopping carts and/or baskets.

(c) Any shopping cart or shopping basket retrieved from off premises shall be cleaned and sanitized prior to the next customer use.

(d) Every shopping cart and/or shopping basket owner shall provide at each customer entrance with prominent signage a cart handle disinfectant wipe dispenser and hand sanitizer dispenser.

(e) The requirements of this Section shall be a condition of issuance of a business license.

Section 8. Section 11-8.08 is amended to read as follows:

**Sec. 11-8.08 Violation—Enforcement.**

Any person who violates the provisions of this chapter is subject to any enforcement procedures permitted by law, including but not limited to: prosecution of a misdemeanor or an infraction, civil action for injunction, administrative enforcement procedures, and revocation of a business license and/or use permit if applicable.

Section 9. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 10. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 11. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 12. Pursuant to Government Code Section 36937 this Urgency Ordinance shall be effective immediately and shall be in full force and effect upon its adoption and shall expire thirty days after the adoption of Ordinance No. 1185. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced and adopted by Council Member Lewis and seconded by Council Member Jones on the 20th day of May, 2020.

Passed on the 20<sup>th</sup> day of May, 2020 by the following vote:

AYES: Council Members Faria, Johnson-Santos, Jones, Lewis,  
Mayor Villalta  
NOES: None  
ABSENT: None

APPROVED:

  
Michael Villalta, Mayor

ATTEST:

  
Lucille L. Mallonee, City Clerk



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

**TO:** Mayor & City Council Members

**FROM:** Lucy Mallonee, MMC *am*  
City Clerk/Human Resources Director

**DATE:** September 16, 2020

**TYPE OF REPORT:** Agenda Item

**SUBJECT:** Designation of Voting Delegate and Alternate(s) for 2020 League of California Cities (LCC) Annual Conference

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**Recommendation:**

That the City Council designate Council Member Johnson-Santos as the voting delegate and City Manager Terrazas as the alternate voting delegate.

**Discussion:**

League of California Cities (LCC) procedures require the City Council to designate the voting delegate and alternate(s) for the LCC Annual Conference being held "virtually" October 7-9, 2020. The following are registered to attend the conference: Council Member Johnson-Santos and City Manager Terrazas.

For additional information, attached is a memorandum from the LCC.

**Reviewed by:**

Alex Terrazas, City Manager

**Attachment:**

LCC Memorandum



Council Action Advised by August 31, 2020

June 30, 2020

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: \_\_\_\_\_

2020 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST:** I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: \_\_\_\_\_

Email \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_

Date \_\_\_\_\_ Phone \_\_\_\_\_

(circle one)

(signature)

**Please complete and return by Wednesday, September 30, 2020**

League of California Cities  
**ATTN: Darla Yacub**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [dyacub@cacities.org](mailto:dyacub@cacities.org)  
(916) 658-8254



## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



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

**Agenda Staff Report**

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

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

**DATE:** September 16, 2020

**TYPE OF REPORT:** Agenda Item

**SUBJECT:** Community Choice Aggregation Technical Study Briefing and Potential Next Steps for City of Los Banos

---

**Recommendation:**

1. Receive results of Community Choice Aggregation (CCA) technical study conducted by MRW & Associates.
2. Direct staff to proceed with next steps related to membership with Peninsula Clean Energy (PCE).

**Background:**

CCA, authorized by Assembly Bill 117, is a state law that allows cities, counties and other authorized entities to aggregate electricity demand within their jurisdictions to purchase and/or generate electric power for residents and businesses within their jurisdiction. As a shared-service model, CCAs partner with the existing utility, Pacific Gas & Electric Company, which continues to provide power transmission, distribution, grid maintenance and billing services.

CCAs are typically formed to offer customers an energy choice, cheaper electric rates and a higher percentage of renewable energy than is otherwise provided by PG&E. CCAs serve as economic development drivers, creating jobs in program administration, local

energy projects and renewable power development. Finally, CCAs spur energy innovation and lower costs by opening the market to choice and competition.

After the groundbreaking of the 200 MW Wright Solar Project in October 2018, the Los Banos City Council invited the leadership of Peninsula Clean Energy, the project's sponsor, to provide a project update and CCA presentation with an eye toward studying the potential for CCA in Los Banos. At its September 19, 2019 Council meeting, the City Council directed staff to investigate and study CCAs for the City of Los Banos.

City staff reached out to Peninsula Clean Energy and other CCAs in California to learn more about how CCA works and to assess the City's options with respect to governance, management, potential rate savings, greenhouse gas (GHG) reduction impacts and other considerations. In Spring 2020, Peninsula Clean Energy invited the City to participate in a technical study that would consider Los Banos load and rate impacts and whether CCA in some form would be advantageous to Los Banos electric customers.

On June 3, 2020, City Council directed staff to proceed with participation in a technical feasibility study to examine the potential for CCA in Los Banos and potential membership with Peninsula Clean Energy.

## **Discussion and Analysis**

Since the Council's June 3, 2020 direction, further CCA research and evaluation has been done in three key areas:

- 1) Assessment of Los Banos' CCA goals, governance and management options;
- 2) Completion of the CCA Technical Feasibility Study; and,
- 3) Development of a timeline/roadmap for potential program launch in 2022.

### **1. CCA Goals, Governance and Management Options**

A primary driver for pursuing CCA in Los Banos is the ability to access some of the power output from the 200 megawatt Wright Solar Project located in Los Banos, a solar field which currently powers approximately 100,000 homes in PCE's service territory. Additional goals include customer rate savings, achievement of local and regional GHG reduction targets, and the economic development benefits conferred by additional clean power projects in Los Banos and the Merced County region. The City's goals potentially align well with PCE's goals which are to expand CCA service in the central valley, further reduce GHG emissions in the State, consider sponsorship of additional clean power projects in the Merced area, and match complementary winter (San Mateo Co.) and summer (Los Banos) peaking loads to help manage capacity and costs.

In terms of governance and management, three options were considered in the context of overall costs, benefits, risks and achievement of stated goals. These include:

- 1) Membership (full or partial) with an existing CCA such as Peninsula Clean Energy.
- 2) Outsource/contract for services from an operational CCA or other service provider.

- 3) Form a new Joint Powers Authority (JPA) to offer CCA service within Merced County<sup>1</sup>

**Option 1 - Membership with PCE.** Upon studying the various membership options, Los Banos and PCE staff and Board are recommending fully integrated membership as the option that provides the greatest long-term benefits and the least administrative burden for both parties. The addition of new member communities is the most common means of expansion among operational CCAs including MCE Clean Energy, Monterey Bay Community Power, East Bay Community Energy and others. In this case, Los Banos would join PCE as a full member as per the terms of an amended JPA Agreement which is currently under review by the City Attorney. PCE would absorb the costs of implementation and operations and Los Banos customers would receive the benefits that existing PCE customers receive. In addition, PCE would consider hiring a staff person based in Los Banos to provide a local presence and assist with the implementation of local programs.

PCE staff also considered a partial membership model wherein accounting, programs, and certain other functions could be separated from PCE. This option was investigated because of a stated desire to avoid subsidization to/from either party as a result of new load. However, no other CCA has provided membership under these terms and having done further research, the reasons have become clearer. The primary issues centered around additional administrative burden for both Los Banos and PCE, accurate allocation of direct vs. indirect costs, and the uneven application of certain governance provisions. For these reasons, full membership is the offer that PCE is extending to the City of Los Banos should it decide to move forward.

**Option 2 – Outsource/Contract for Services.** The outsourced model whereby the City of Los Banos would receive CCA service from an operational provider such as Cal-Choice was deemed less desirable than PCE membership for three reasons: 1) the CCA program would be embedded as an Enterprise Fund of the City which obligates the City to cover costs of implementation and certain on-going administrative functions, 2) upfront costs of program implementation and the credit required for long-term power contracts would be the responsibility of the City, and 3) Los Banos would not be able to access any of the power from the Wright Solar Project.

## **2. CCA Technical Feasibility Study**

Attachment 1 of this staff report is the Los Banos CCA Technical Study which was done by MRW & Associates, an energy consulting firm based in Oakland, CA. MRW has done many similar studies and has conducted load forecasts and rate analysis for many California cities, investor-owned and public utilities.

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<sup>1</sup> It should be noted that option 3 did not advance due mainly to the cost of JPA start-up (estimated at \$2M-\$3M) and the absence of another Merced County community with which to partner in forming a new JPA.

The general conclusions of the study, excerpted from the Executive Summary, are as follows:

1. Los Banos' load is about 5% of that of PCE. As such, the impact of adding Los Banos on PCE's finances and operations would be modest.
2. The analysis performed finds that adding Los Banos to PCE would be financially beneficial to Los Banos. PCE could likely continue to offer its customers, including Los Banos's businesses and residents, a five percent reduction off of their PG&E generation rate. This translates to about a 2.5% savings off overall electricity bills.
3. Over the longer term, PCE would benefit by adding Los Banos as a new member. However, the benefits are not immediate. There would be net costs to PCE over the first few years before the benefits of adding Los Banos materialize.
4. There are risks to Los Banos to joining PCE, in addition to potential benefits. If, for whatever reason, PCE could not offer lower rates than PG&E, customers would experience increased cost due to higher electric bills. Furthermore, if Los Banos chose to leave PCE after it began serving the City, Los Banos could still be financially liable for some administrative costs and any long-term power agreements executed by PCE after the City's load had been added.
5. Los Banos' two primary options for pursuing CCA are forming a City-only enterprise fund or joining with an existing Joint Powers Authority (JPA) such as PCE. The primary benefits of forming a Los Banos-only CCA are more local control over procurement practices and budgets and services better tailored to Los Banos. However, forming a stand-alone CCA would be likely more expensive, expose the City to greater risk, and would require significant staff resources. The primary benefits of joining an existing CCA are the security and reduced risk of joining an already-operating entity, lower costs because of economies of scale, and reduced cost and administrative burden on City staff, both in CCA formation and in ongoing management.
6. Joining PCE is the quicker and simpler route to CCA service for the City. Given the economies of scale gained by joining PCE, it would also likely result in lower power rates for the City, its businesses, and local residents. While joining another operating CCA may be feasible, it could likely not occur until 2023 given required timelines.
7. Joining PCE would allow the City to receive power from the Wright Solar Park, located in Los Banos.

The entire study is attached to the staff report (Attachment 1) for review with particular focus on the Executive Summary where the key results are summarized. A representative from MRW & Associates will be present to provide a briefing of study results and answer questions.

### 3. Timeline and Next Steps for 2022 Launch

Pursuant to the California Public Utility Commission’s Rule E-4907, communities wishing to join or form a CCA must pass an ordinance and submit an implementation plan by January 1 of any given year in order to commence service at least one year later. Understanding Los Banos’ interest in serving customers in 2022, the timeline for the remainder of 2020 is as follows:

<b>2020</b>	<b>Action</b>
June 3, 2020	Council directs staff to participate in CCA technical study; PG&E load data requested
July	Load data received; Technical study commences
Late August/Early September	CCA Study complete; PCE Board subcommittee directs staff to share proposed JPA amendments and offer membership to Los Banos
September 16	Los Banos Council receives study presentation and briefing; potential vote to move ahead with next steps toward PCE membership
October 7 or 21	Los Banos Council final go/no-go vote to join PCE by adopting a CCA ordinance and resolution to sign on to the JPA Agreement
October 22	PCE Board adopts resolution approving Los Banos as new members
November 19	Los Banos representative seated as a new Board member of PCE
December 17	PCE Board adopts amended Implementation Plan and sends to CPUC for certification.
<b>2021</b>	
Jan-December	Steps for new CCA formation or membership integration with PCE
<b>2022</b>	
Q1	Los Banos residents and businesses begin receiving power from CCA

As outlined in the timeline above, the City would need to provide direction soon if it wants to consider membership with Peninsula Clean Energy for CCA service in 2022. PCE staff and a representative from MRW will be on-hand at the September 16 Council meeting to address any questions.

#### **Fiscal Impact:**

None at this time. Some staff work associated with next steps if the Council decides to move forward with membership.

**Reviewed by:**



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Alex Terrazas, City Manager

**Attachments:**

1. Los Banos CCA Technical Study

# Feasibility Study: Community Choice Aggregation for the City of Los Banos

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Prepared by:



MRW & Associates, LLC  
1736 Franklin Street, Ste 700  
Oakland, CA 94612

September 9, 2020

## **About MRW**

This report was prepared by MRW & Associates LLC, led by Principal Mark Fulmer. MRW has provided energy consulting and rate forecasting services to California and other Western state agencies, cities, counties, businesses, trade organizations and consumer advocates since 1986. MRW has been working on Community Choice Aggregation (CCA) issues since they were authorized by the California State Legislature in 2002. MRW has prepared CCA Feasibility Studies for a coalition of Southern California Cities (2008), Alameda County (2015), Contra Costa County (2016), the City of Corona (2018) and the City of Long Beach (2019). MRW also prepared the Business Plan (2018) and Implementation Plan (2019) for what has become San Diego Community Power. MRW has also prepared peer reviews of CCA Feasibility Studies (such as this one) and Risk Assessments for over a dozen jurisdictions considering forming or joining a CCA.

MRW staff, including Mr. Fulmer, were key witnesses at the California Public Utilities Commission in the proceeding that set the rules of conduct that govern the relationships between CCAs and their host utility. In addition, Mr. Fulmer has served as an expert witness before the Public Utilities Commission in every proceeding that has addressed the Power Charge Indifference Adjustment (PCIA) rate as well those that set the CCA financial security requirement and the fees that Pacific Gas & Electric can charge to CCAs for metering and billing services.

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### List of Acronyms

AB	Assembly Bill
BNI	Binding Notice of Intent
CAISO	California Independent System Operator
CalCCA	California Community Choice Association
CAM	Cost Allocation Mechanism
CARB	California Air Resources Board
CCA	Community Choice Aggregator/Aggregation
CCEA	California Choice Energy Authority
CEC	California Energy Commission
CPE	Central Procurement Entity
CPM	Capacity Procurement Mechanism
CPUC	California Public Utilities Commission
DA	Direct Access
DEG	Distributed Energy Generation
DOE	Department of Energy
DR	Demand Response
ESP	Energy Service Provider
EV	Electric Vehicle
FERC	Federal Energy Regulatory Commission
GHG	Greenhouse Gas
GTSR	Green Tariff Shared Renewable
GTSR-GR	Green Tariff Shared Renewable - Green Rate
GWh	Gigawatt Hour
IOU	Investor Owned Utility
JPA	Joint Powers Authority
kWh	Kilowatt Hour
LSE	Load Serving Entity
MCE	Marin Clean Energy
MW	Megawatt
MWh	Megawatt Hour
NEM	Net Energy Metering
PCE	Peninsula Clean Energy
PCIA	Power Charge Indifference Adjustment
PG&E	Pacific Gas & Electric
POLR	Provider of Last Resort
PPA	Power Purchase Agreement
PV	Photovoltaic
RA	Resource Adequacy
REC	Renewable Energy Credit
RFP	Request for Proposal
RPS	Renewable Portfolio Standard
SB	Senate Bill
SC	Scheduling Coordinator



## Executive Summary

Based on the scope of work and input from Los Banos and Peninsula Clean Energy (PCE), this study:

- Quantifies Los Banos's electric loads
- Compares the rates that could be offered to Los Banos customers by Peninsula Clean Energy relative to PG&E's rates
- Quantifies the financial impact on PCE of adding Los Banos' load
- Discusses, and where possible, quantifies, the risks to Los Banos and its residents and businesses of joining or forming a CCA
- Compares the benefits and risks of forming a city-only CCA versus joining PCE

## Main Findings

The general conclusions of this study are as follows:

1. Los Banos's load is about 5% of that of PCE. As such, the impact of adding Los Banos on PCE's finances and operations would be modest.
2. The analysis performed here finds that adding Los Banos to PCE would be financially beneficial to Los Banos. PCE could likely continue to offer its customers, including Los Banos's businesses and residents, a five percent reduction off of their PG&E generation rate. This translates to about a 2.5% savings off of their overall electricity bills.
3. Over the longer term, PCE would also benefit by adding Los Banos. However, the benefits are not immediate. There would be net costs to PCE over the first few years before the benefits of adding Los Banos materialize.
4. There are risks to Los Banos to joining PCE, in addition to potential benefits. If, for whatever reason, PCE could not offer lower rates than PG&E, customers would experience increased cost due to higher electric bills. Furthermore, if Los Banos chose to leave PCE after it began serving the City, Los Banos could be still be financially liable for some administrative costs and any long-term power agreements executed by PCE after the City's load had been added.
5. Los Banos's two primary options for CCA are forming a City-only enterprise or joining with an existing Joint Powers Authority (JPA) such as PCE. The primary benefits of forming a Los Banos-only CCA are more local control over procurement practices and budgets and services better tailored to Los Banos. However, forming a stand-alone CCA would be likely more expensive, expose the city to greater risk, and would require significant staff for and resources. The primary benefits of joining an existing CCA are the security and reduced risk of joining an already-operating entity, likely lower costs because of economies of scale and reduced cost and administrative burden on City Staff, both in CCA formation and in ongoing management.

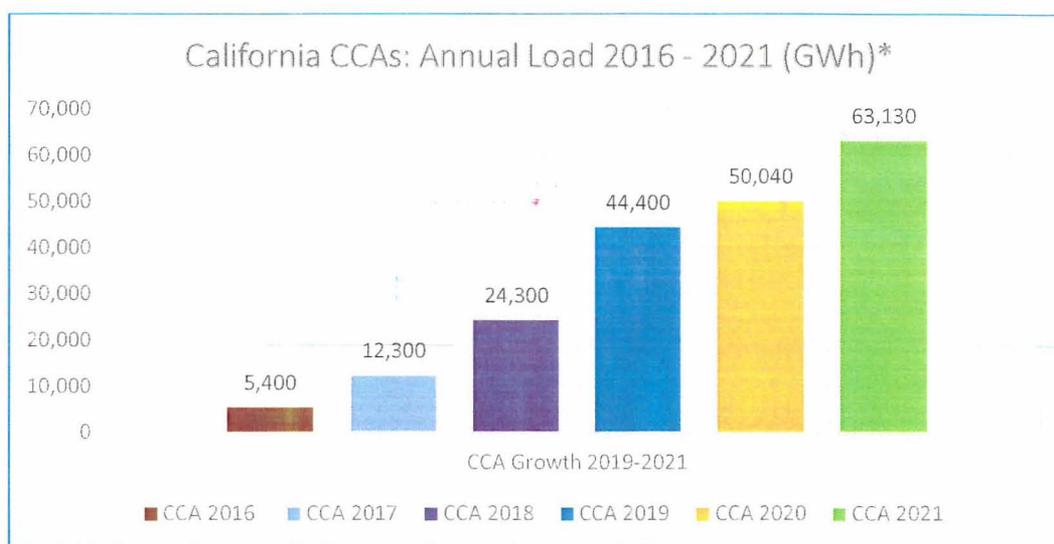
6. Joining PCE is the quicker and simpler route to CCA service for the City. Given the economies of scale gained by joining PCE, it would also likely result in lower power rates for the City, its businesses, and local residents. While joining another operating CCA may be feasible, it could likely not occur until 2023.
7. Joining PCE would also allow the City to receive power from the Wright Solar Park, located in Los Banos.

## CCA Background

California Assembly Bill 117, passed in 2002, established Community Choice Aggregation in California, for the purpose of providing the opportunity for local governments or special jurisdictions to procure and provide electric power for their residents and businesses. Under existing rules administered by the California Public Utilities Commission (CPUC), an investor-owned utility (IOU), such as Pacific Gas & Electric (PG&E), must use its transmission and distribution system to deliver the electricity supplied by a CCA in a non-discriminatory manner. That is, it must provide these delivery services at the same price and at the same level of reliability to customers taking their power from a CCA as it does for its own full-service customers.

CCAs are now quite common in California. There are currently 21 CCAs providing power in the State, with at least another half-dozen planning on doing so in the next two years. As shown in Figure ES-1, by 2021, CCAs are expected to serve over 63,000 GWhs in the State, with some projecting that by the mid-2020s, between 50 to 80 percent of the load in the three main IOU service territories will be served by non-utility entities (CCAs and Direct Access providers).

**Figure ES-1. California CCA Load Growth<sup>1</sup>**



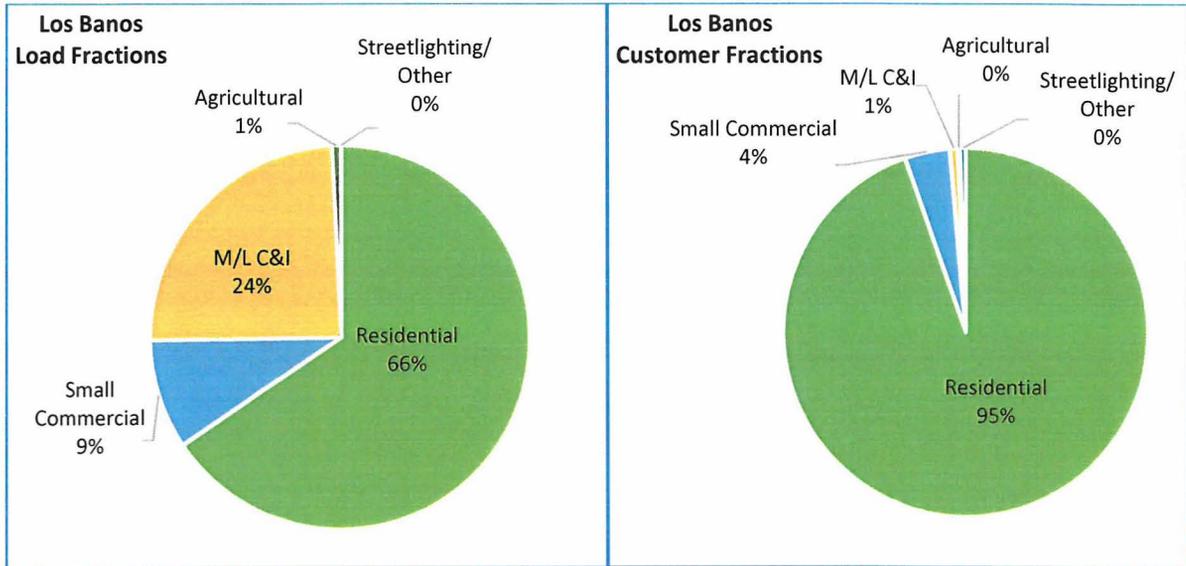
\*Figures for 2021 are projections based on expected launches

<sup>1</sup> Figure courtesy of Cal-CCA.

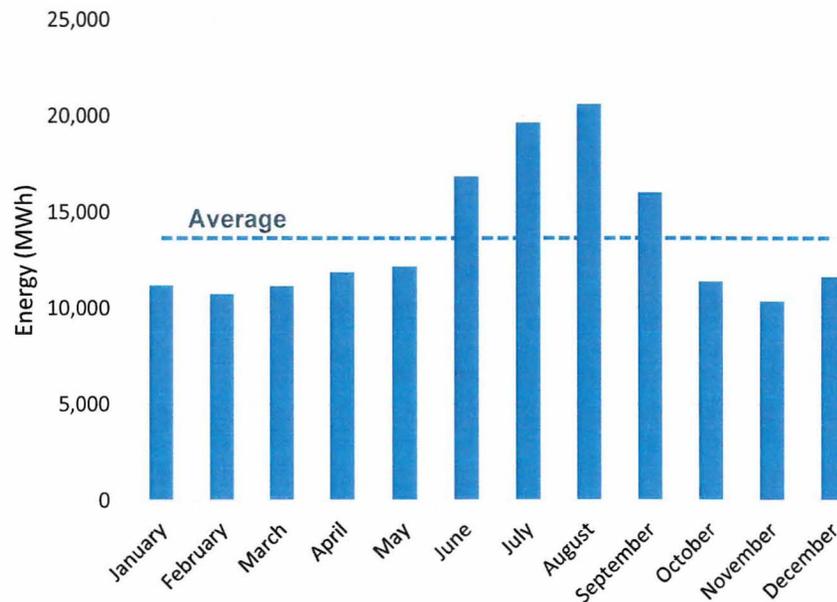
## Loads and Forecast

Based on PG&E’s data and MRW’s predictions, Los Banos will use over 170 GWh in 2020. Most of this consumption, about 66%, comes from residential customers. The remaining ~34% comes from medium and large commercial and industrial customers, with a few percent from small commercial, streetlighting and agriculture/pumping.

**Figure ES-2. Los Banos Loads and Customer Breakdowns**



Because Los Banos is in the hot Central Valley, its electrical loads are highest during the summer months, driven for the most part by air conditioning. Figure ES-3 shows Los Banos’s monthly energy use. The usage in August is nearly 45% higher than the monthly average use and nearly double that of February, the lowest use month.

**Figure ES-3. Los Banos Monthly Load (2020)**

PCE's load is much larger than Los Banos's load; Los Banos would add about 5% to PCE's load (Table ES-1).<sup>2</sup> Both Los Banos and PCE customers have residential and small commercial as their largest customer segments. Although Los Banos experiences its highest loads in the summer (as opposed to PCE, whose highest loads are in the winter), and has a more variable load profile, PCE and Los Banos together will still have a winter peaking load, which is advantageous for purchasing energy.

**Table ES-1: PCE and Los Banos Load and Customer Comparison**

Customer Class	Annual Load, MWh		Number of Customers	
	PCE	Los Banos <sup>2</sup>	PCE	Los Banos <sup>2</sup>
<b>Residential</b>	1,488,186	107,311	266,835	13,996
<b>Small Commercial</b>	362,473	15,185	22,639	594
<b>M/L C&amp;I</b>	1,363,818	39,939	3,995	103
<b>Agricultural</b>	24,522	1,235	239	28
<b>Streeting/ Other</b>	20,111	73	1,693	77
<b>Total</b>	3,259,110	163,742	295,401	14,797

<sup>2</sup> This assumes that 5% of Los Banos's load chooses to "opt out" and not be served by PCE.

## Results

This study evaluates the costs and benefits of adding Los Banos to PCE by comparing PCE's total average cost to serve its customers (cents per kWh or dollar per MWh) to PG&E generation rates.

Figure ES-4 shows the forecast of PCE's average cost of service and PG&E's generation rates. The bars in the chart show the forecasts of the major cost components of CCA operation, while the single line shows the forecast of PG&E's retail generation rate. When the bars are below the line, PCE's average operating costs are lower than PG&E's generation rate, meaning that it can offer power to customers at a rate lower than PG&E. As the figure shows, but for the first year (2022), PCE's forecasted cost of service is below our forecast of PG&E's generation rate.

The bottom-most blue segment represents the cost of power to the CCA. This is the largest single cost and represent the cost to the CCA of all of its power purchases. The next segment up, orange, is the cost to acquire the capacity needed to comply with the state's resource adequacy (RA) program. That is, the cost that PCE must incur to demonstrate that it has enough generating capacity (in megawatts) to ensure that it can serve all its load, even if the "intermittent" renewable resources are not generating at their optimal rate (e.g., solar on rainy days). The more intermittent renewables—solar and wind—that are added to the CCA's generating mix, the more back-up capacity is needed to ensure reliability.

The next segment, gray, is for costs that PCE must pay to the grid operator.

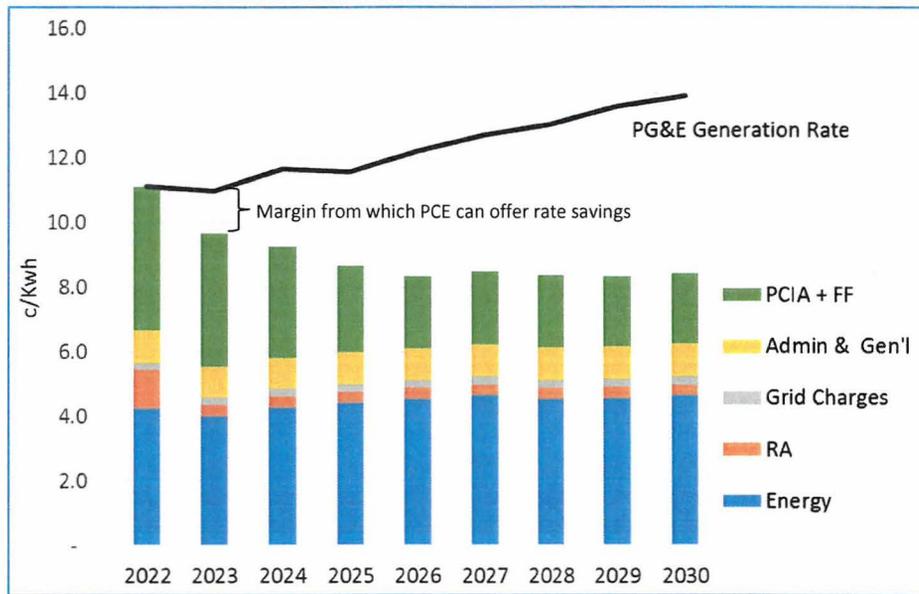
The next segment, yellow, is PCE's administrative and general costs. This includes all the costs PCE requires to operate (staff, rent, equipment, professional services) as well as the costs of PCE's community energy programs for its members.

The top-most green segment is for the Power Charge Indifference Adjustment (PCIA) and the Franchise Fee. The PCIA is a fee paid to PG&E to ensure that the operation of the CCA does not strand PG&E's remaining bundled customers with costs associated with power purchased on behalf of customers who have shifted to the CCA. The PCIA is not paid directly by the CCA, but by the individual customers taking CCA service. Thus, it does not appear explicitly on the CCA's books, however it must be accounted for in any CCA cost analysis. While both CCA customers and customers that choose to remain in PG&E bundled service pay this fee, it appears as a separate line item for CCA customers and is embedded in the energy generation costs of PG&E bundled customers.

Franchise fees are those collected by PG&E and paid to the City for the right to operate the electric monopoly franchise in the city. It is paid as a percent of each customer's total bill and is automatically built into PG&E's rates. The Franchise fee is very modest—less than 0.1¢/kWh.

The black line represents PG&E's average generation rate. The difference between the PG&E generation rates and the PCE cost plus PCIA columns is the amount that is available for rate discounts, contributions to cash reserves or funding additional programs. In 2022, because the sum of the costs approximately equals the PG&E generation rate, PCE will need to dip into its cash reserves to maintain its commitment to offer a 5% discount.

**Figure ES-4. Forecast of PCE’s Cost of Service (Without Los Banos) Versus PG&E’s Generation Rate**



**Impact on PCE.** MRW quantified the financial impact on PCE of adding Los Banos by comparing the changes in its cost of service and revenues. As shown in Table ES-2, over the nine-year study period, adding Los Banos increases PCE’s costs by ~\$111 million while increasing its revenues by ~\$135 million. This results in a net benefit of about \$24 million, or 1%. However, the impact is not equal in each year. In the earlier years, PCE incurs a net cost to serve Los Banos, with a break-even year of 2025.

**Table ES-2. Change in PCE's Costs and Revenues from Adding Los Banos (millions \$)**

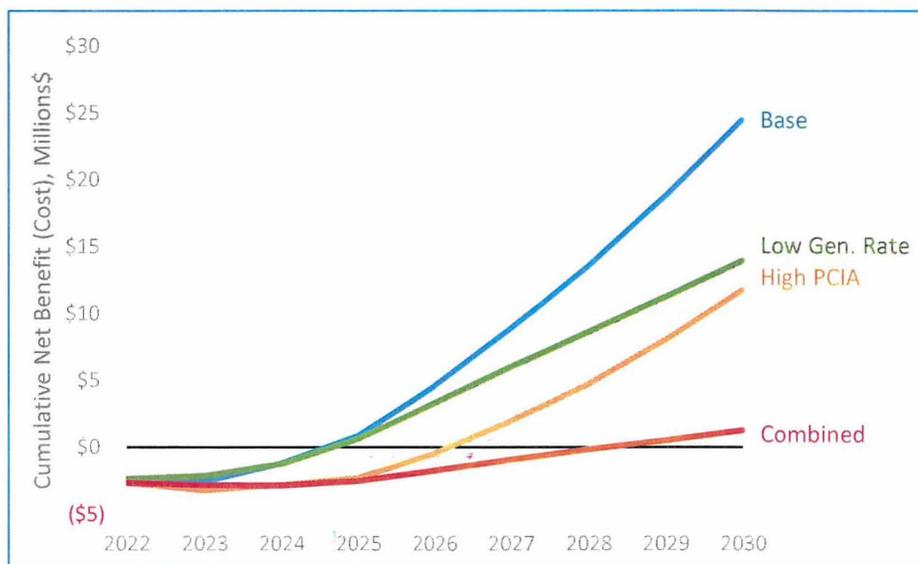
Year	Change in Costs	Change in Revenues	Net Benefit (Cost)	Net Benefit as % of Costs	Cumulative Net Benefit
2022	\$13.0	\$10.6	(\$2.4)	-1.1%	(\$2.4)
2023	\$10.9	\$10.7	(\$0.2)	-0.1%	(\$2.6)
2024	\$11.5	\$12.9	\$1.4	0.7%	(\$1.2)
2025	\$11.9	\$14.0	\$2.1	1.0%	\$0.9
2026	\$12.3	\$15.9	\$3.7	1.7%	\$4.5
2027	\$12.4	\$16.7	\$4.3	1.9%	\$8.9
2028	\$12.6	\$17.3	\$4.6	2.1%	\$13.5
2029	\$13.0	\$18.3	\$5.3	2.3%	\$18.8
2030	\$13.1	\$18.7	\$5.7	2.4%	\$24.4
<b>Total</b>	<b>\$110.7</b>	<b>\$135.1</b>	<b>\$24.4</b>	<b>1.2%</b>	<b>\$24.4</b>

**Alternative PG&E Rate Scenarios.** The results shown above reflect expected market conditions and outcomes. However, it is unlikely that the conditions assumed in these Scenarios will occur exactly as assumed. In order to evaluate the robustness of the analysis, three additional cases were investigated: a higher PCIA forecast, a lower PG&E generation rate forecast, and a higher PCIA and lower generation rate forecast together. Raising the PCIA, lowering the PG&E generation rate, or both, lower the rate that PCE charges, as its rates are tied to PG&E's. Thus, in these sensitivities, the rate that PCE can charge is decreased while its costs remain the same.

Figure ES-5 shows the cumulative net financial benefit to PCE for the Base Case and the three sensitivity cases. Up until the line reaches zero, PCE is experiencing net costs by adding Los Banos. Once the line is above zero, then net benefits are accruing.

In the base case and all three sensitivity cases there is a net cost to PCE of adding Los Banos for the first few years. PCE's negative "investment" in Los Banos breaks even within the first five years (i.e., cumulative net benefits become positive) in all scenarios but the combined high PCIA/low generation rate sensitivity. For that case, the net benefits remain negative through 2028.

**Figure ES-5. Fiscal Impact of Los Banos Joining PCE (sensitivity cases)**



From Los Banos's point of view, as long as PCE is committed to keeping its customers' net generation rates at 5% less than PG&E's, the length of time it takes PCE to recoup the first years' costs is immaterial. Furthermore, given the very modest overall financial impact of adding Los Banos to PCE, MRW finds it unlikely that adding Los Banos would change PCE's rate setting policy.

From PCE's perspective, its Board must weigh the initial negative financial impacts, albeit modest, of adding Los Banos against the long-term benefits of the expansion.

## Risks to Los Banos

While there are potential benefits to CCA formation, there are also risks. The major risks Los Banos should consider before committing to any CCA program are:

**Financial Risk to City.** Like all other CCA JPA agreements that MRW has seen, the PCE JPA agreement explicitly isolates its finances and liabilities from those of its members. In the event of a PCE failure or default, its member jurisdictions could not be held liable for the JPA's debts or obligations. Nor do any PCE JPA obligations appear on the City's books or impact its credit rating.

If PCE was having financial difficulties and had to charge rates that exceeded PG&E's, then the city, as a JPA member, might feel obligated to remain with PCE service at a higher cost rather than revert back PG&E. While this is possible and might occur in an isolated year, MRW believes that PCE can, over the long run, meet or beat PG&E's rates.

The primary financial risk to the Los Banos would be if it joined PCE but subsequently left after the JPA had entered into power contracts to serve the City's load. In that circumstance, the JPA agreement allows the JPA to impose fees to compensate it for any excess costs caused by the City's departure.

The City will not lose any revenue associated with franchise fees.<sup>3</sup> PG&E's Electric Rule 23, Section B.16 explicitly states that "CCA customers shall continue to be responsible to pay all applicable fees, surcharges and taxes as authorized by law. PG&E shall bill customers for franchise fees as set forth in Public Utilities Code Sections 6350 to 6354."

**Rate and PCIA Uncertainty.** A primary objective is to offer power to Los Banos residents and businesses at a competitive price relative to PG&E. In this circumstance, competitiveness is tied to the rates offered by PG&E. A number of factors can cause PCE's net power costs to exceed those of PG&E. PCE has in place risk management plans and options to both mitigate these risks by lowering rates passed on to customers back down to a competitive rate as well as to address unexpected risks. This includes a reserve fund that it can use to preserve, over a year or two, its 5% rate savings.

**Direct Access and Competitive Retail Services.** A possible important risk to PCE (and all CCAs) is the expansion of Direct Access (DA) eligibility.<sup>4</sup> The State currently limits the amount of load that may take this DA service. Currently, about 15% of the load in PG&E's territory is served through Direct Access, with an additional 3% in late 2020 due to the limited expansion of the DA program provided for in Senate Bill 237. In addition to modestly expanding the availability of DA service, SB 237 also directed the CPUC to report to the Legislature on how to

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<sup>3</sup> Franchise fees are payments that a public utility makes to a city or county government for the nonexclusive right to install and maintain equipment on the government's right of ways. Franchise fees are generally calculated as a fraction of retail sales, typically on the order of a few percent.

<sup>4</sup> Direct Access (DA) service is retail electric service where non-residential customers purchase electricity from a competitive provider called an Electric Service Provider (ESP), instead of from a regulated electric utility or CCE provider.

open DA completely for all non-residential customers. The CPUC's report on how to fully open DA service is still pending, but the legislation's direction addresses mainly how to fully open DA service, not if it should. A fully opened DA market would allow any commercial or industrial customer served by PCE to switch its provider to a third-party, potentially reducing PCE's revenue and creating a mismatch between its wholesale power portfolio and its load. PCE management must follow this issue closely and take appropriate steps, such as altering its procurement mix and strategies, when the Legislature and CPUC act.

**Energy Risk Management.** Alls CCAs the financial risk of procuring energy, capacity, Renewable Energy Credits (RECs) and carbon-free energy (if needed) at a cost that exceeds the revenue that it receives from its retail customers. The other risks that are faced by a CCA roll up into the overarching risk of buying products and operating the CCA at a cost that exceeds revenue. To mitigate risk, a CCA must establish a sound risk management program that forms the structure for measuring, monitoring, and managing risk. PCE's Risk Management plan in can be found on their website.<sup>5</sup>

**Legislative and Regulatory Risks** Any CCA must meet various procurement requirements established by the State and implemented by the CPUC or other agencies. Regulatory risk, which changes the rules under which CCAs operate, affects the CCA's ability to maintain stable procurement activities, manage costs to its customers, and compete with the local incumbent utility and direct access providers.

Regulatory and legislative risk can only be managed though close monitoring of both relevant proceedings at the CPUC and legislation in Sacramento and intervening where needed to advocate for the CCA. The primary vehicle for regulatory intervention and legislative advocacy is to team up with other CCAs, such as through the state-wide CCA advocacy group, Cal-CCA.

**Political Risk.** Any major decision made by the city Council carries with it political risk. If the CCA goes well, it could go unnoticed by most residents and businesses. If things go upside down, the blame and accountability could be directed at the elected officials. Fortunately, to date, we have not seen this occur.

## Governance and Implementation Options

If Los Banos decides to pursue CCA, it will have to decide between two primary governance options for the CCA: a city-only CCA or joining an existing JPA such as PCE.

In a city-only approach, Los Banos maintains full flexibility—and responsibility—for developing policies and procedures. This means that it can be tailored to and responsive to the City's stakeholders and constituents and based on the City's own specific objectives. Los Banos would be responsible for setting policy priorities in general and making specific decisions about power generation, staffing policies, local economic development activities and strategies, and the formulation of financial and debt policies. Along with greater autonomy, however, the City would assume all risk, liability, and costs associated with operating the CCA, including

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<sup>5</sup> [https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/Policy-7-Revised\\_Adopted-022317.pdf](https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/Policy-7-Revised_Adopted-022317.pdf)

\$500,000-\$1,000,000 of initial startup costs. In this case, the likely path would be for the City to establish the CCA as an enterprise fund, and work with appropriate legal counsel to explore options for controls and structural safeguards to insulate it and minimize risk to the City's general fund.

On the JPA side, Los Banos may become a member of PCE, the CCA that serves San Mateo County. PCE is governed by a board of directors with one voting member per each municipal jurisdiction and two directors representing San Mateo County. Except for extraordinary circumstances votes are tallied on an equal basis, one vote per director. If Los Banos were to join, it would be the 22nd municipal jurisdiction and have one out of 23 board members (Unincorporated San Mateo County has 2 voting board seats).

A JPA structure also reduces the risks of CCA participation by immunizing the financial assets of the City and the other member agencies participating in the CCA. The CCA's debts are its own, and creditors cannot come to the City for any recourse.

Los Banos should keep in mind that its priorities and objectives may differ from that of any JPA-organized CCA. This could manifest when setting priorities for local generation, economic development activities, and the importance of support programs. In the case of PCE, Los Banos should consider how PCE's priorities match its own. For example, PCE is committed to 100% renewable power by 2025; where it to pursue a less climate-aggressive goal, it might be able to offer lower rates.

## Chapter 1. Introduction

### What is a CCA?

California Assembly Bill 117, passed in 2002, established Community Choice Aggregation in California, for the purpose of providing the opportunity for local governments or special jurisdictions to procure and provide electric power for their residents and businesses.

Under existing rules administered by the California Public Utilities Commission, an investor-owned utility (IOU) must use its transmission and distribution system to deliver the electricity supplied by a CCA in a non-discriminatory manner. That is, it must provide these delivery services at the same price and at the same level of reliability to customers taking their power from a CCA as it does for its own full-service customers. By state law, an IOU also must provide all metering and billing services, its customers receiving a single electric bill each month from the IOU, which would differentiate the charges for generation services provided by the CCA as well as charges for IOU delivery services. Money collected by the IOU on behalf of the CCA is remitted in a timely fashion (e.g., within 3 business days).

As a power provider, the CCA must abide by the rules and regulations placed on it by the state and its regulating agencies, such as maintaining demonstrably reliable supplies and fully cooperating with the State's power grid operator. However, the State has no rate-setting authority over the CCA; the CCA's governing board has the authority to set rates as it sees fit so as to best serve its constituent customers.

Per California law, when a CCA is formed all residential electric customers within its boundaries will be placed, by default, onto CCA service. (the CCA may elect to serve non-residential customers but is only obligated by law to do so). However, customers retain the right to return to PG&E service at will, subject to whatever administrative fees the CCA may choose to impose—typically \$5 for a residential customer and \$25 for a non-residential customer.

### Understanding CCA's Objectives

- The feasibility of a CCA program is a function of that program's ability to meet the sponsoring City's or JPA's goals and objectives. This section lays out the typical CCA goals and objectives, how they might apply to Los Banos, and how they overlap with PCE's goals.

### *Rate Competitiveness and Financial Stability*

By joining PCE or forming its own CCA, Los Banos would expect to experience rates that are competitive with those offered by the incumbent electric utility, Pacific Gas & Electric (PG&E). "Competitive" here means that the CCA, over the long run, could offer rates that are equal to or less than those offered by PG&E. It does not mean that in each and every year a specific rate savings is offered. In fact, some CCAs rates are slightly higher than their host utility. PCE, on the other hand, has offered its customers a 5% discount off their PG&E generation rate since its inception. This transplants into a bill savings of around 2½%. PCE's Board has the authority to set rates as it sees fit to manage the overall business and financial health of the CCA. While PCE

cannot guarantee a rate savings relative to PG&E, MRW's review of its power portfolio and ongoing budget plans suggests that it should be able to do so.

### ***Contribute to Climate Action Objectives***

Many cities in California are making explicit goals of reducing their carbon emissions. Forming or joining a CCA is one common way that these cities can reduce their carbon footprints. This is because the CCA can procure their power from more renewable and non-emitting energy sources than their incumbent utility.

It must be noted that California is also moving towards a similar carbon-free electricity policy. Senate Bill 100, which was signed into law by Governor Brown on September 17, 2018, increases the renewable power content requirement of all retail power providers, including utilities and CCAs, from 50% to 60% by 2030. The bill also says "that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045," and that all state agencies regulating electricity build this goal into their planning. This effectively means that the difference between the electricity carbon content of a CCA and PG&E service may not be significant.

PCE has made climate protection a cornerstone policy. PCE aims to be 100% greenhouse gas free by 2021 and by 2025, it plans to deliver 100% renewable energy 24/7.<sup>6</sup> They currently offer at least 50% renewable, 95% carbon-free energy to all their customers according to the California renewable portfolio definitions. They also offer a 100% renewable "opt-up" option to their customers.

### ***Additional Objectives***

While maintaining rate competitiveness and financial stability are likely non-negotiable objectives, a CCA can also serve as a vehicle to pursue other objectives that benefit Los Banos, its residents, and businesses. Examples of additional objectives could include the following.

**Local energy programs.** Many CCAs are prioritizing programs they can provide to benefit their constituents. PCE currently spends about 25% of their non-power-related operating budget on community programs. For example, PCE has a \$6.1 million program to help decarbonize existing buildings through clean appliance incentives, building upgrades, and workforce development.<sup>7</sup> It is investing \$10 million in resiliency programs to provide clean backup power for medically vulnerable residents and essential community services during grid outages and other natural disasters. PCE also is providing rebates for free or low-cost battery back-up power.<sup>8</sup> Additionally, in 2020, to address the impacts of COVID-19, they provided an additional \$3.6 million in bill credits to low-income customers.<sup>9</sup>

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<sup>6</sup> <https://www.peninsulacleanenergy.com/background/>

<sup>7</sup> PCE Strategic Plan 2020-2025, p. 4

<sup>8</sup> <https://www.peninsulacleanenergy.com/pop/>

<sup>9</sup> PCE Strategic Plan 2020-2025, p. 4

PCE also supports electric vehicles (EVs). Through their EV incentive programs, they have provided over \$500,000 in vehicle rebates as of May 2020.<sup>10</sup> They also committed \$16 million for EV charging infrastructure.<sup>11</sup> PCE plans to install 3,500 EV charging ports between 2021 and 2024.<sup>12</sup> PCE is also supporting pilots for an EV charging application program and an awareness program with Lyft.

**Economic development.** A CCA can potentially contribute to local economic development in two ways. First, if the CCA offers reduced electricity rates, additional dollars can flow into the local economy as households and businesses spend their incomes on items and services other than electricity. Second, the CCA can offer programs that allow households and businesses to reduce the power consumption, such as energy efficiency and distributed energy resources.

**Local jobs and employment.** Beyond the potential jobs that could result from the economic stimulus of possibly lower rates, the CCA can more directly incentivize and support local job creation. This includes employing residents in CCA administration and using local contractors for energy efficiency programs and distributed energy generation (e.g., rooftop solar installers and maintainers). The CCA can also partner with local community colleges and/or trades apprenticeship programs to support quality local job opportunities.

**Prioritization of renewable power development.** Beyond support of locally sited distributed energy generation (“DEG,” e.g., rooftop solar), a CCA may prioritize siting larger, grid-connected DEG and utility-scale renewable project locally.

An example of a jobs-creating renewable power project is PCE’s Wright Solar Park. The solar park can produce 200 MW and is providing 400 union jobs.<sup>13</sup>

**Local citizen input and participation.** A primary purpose of a CCA is to better reflect its community’s interests and values than an investor-owned utility like PG&E can. A CCA may commit to providing opportunities for citizens to contribute input into its programs and policies, such as having a citizens’ advisory board or having a non-voting at-large community seat on the CCA’s board of directors.

**Figure 1. Wright Solar Park**



<sup>10</sup> PCE Strategic Plan 2020-2025, p. 4

<sup>11</sup> PCE Strategic Plan 2020-2025, p. 5

<sup>12</sup> PCE Strategic Plan 2020-2025, p. 4

<sup>13</sup> Community Impact Report, p. 7

## Assessing CCA Feasibility

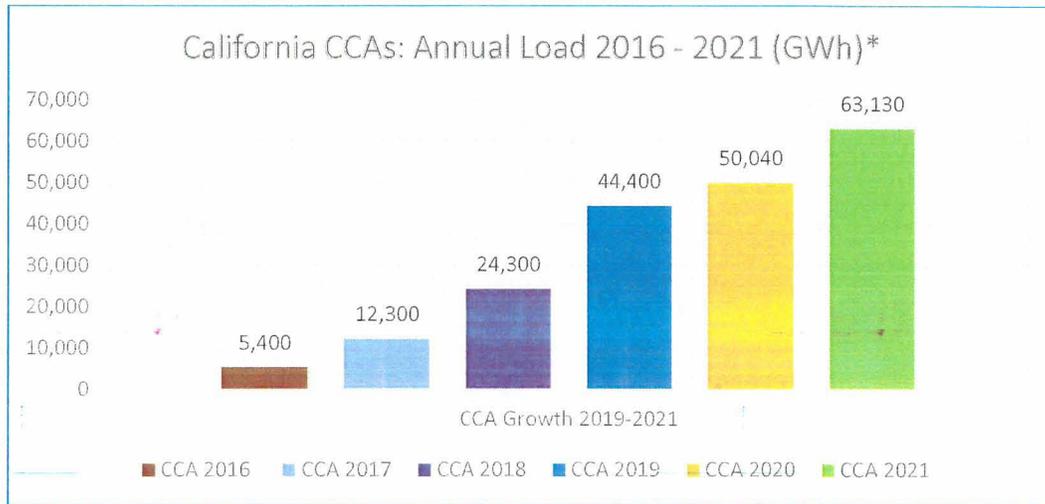
In order to assess whether adding Los Banos to PCE is “feasible” for Los Banos, the local objectives must be laid out and understood. Based on the specifications provided, this study:

- Quantifies the electric loads that a Los Banos CCA would have to serve.
- Estimates the start-up costs to add Los Banos to PCE.
- Compares the rates that could be offered by PCE to Los Banos to PG&E’s rates.
- Quantitatively explores the financial impact to PCE of adding Los Banos.
- Discusses, and where possible, quantifies the risks to the City and its residents and businesses of CCA formation.

## Status of CCAs in California

Even though the enabling legislation was enacted in 2002, the first CCA to provide power, Marin Clean Energy (MCE), did not enroll customers until 2010. For the next five years, others investigated CCA formation, with a few early adopters stepping up in 2014 through 2016. As shown in Figure 2, once these early adopters showed that CCAs could work, the flood gates opened in 2017. By the end of 2021, CCAs are expected to serve over 63,000 GWhs, with some projecting that by the mid-2020s, between 50 to 80 percent of the load in the three main IOU service territories will be served by non-utility entities (CCAs and Direct Access providers).

**Figure 2. California CCA Load Growth<sup>14</sup>**



\*Figures for 2020/2021 are projections based on expected launches

Table 1 lists the active CCAs in California, including those which have announced intended launches in 2020 and 2021, along with their location and governance structure. As the table shows, most of the current CCAs are in PG&E’s service area, but the growth in 2020 will come from new CCAs in SCE’s territory. Currently there is only one small CCA in SDG&E’s

<sup>14</sup> Figure courtesy of Cal-CCA.

territory, Solana Energy Alliance, but a large JPA in the San Diego region is intending to begin service in 2021.

The table also shows that the majority of CCAs are organized as joint powers authorities (JPAs). There are also many smaller cities in Southern California Edison’s service area that use the “JPA Light” model, in which the CCA is technically a city enterprise that relies upon the California Choice Energy Authority (CCEA) to provide the technical operations. There are also four stand-alone city CCA enterprises: San Francisco, San Jose, Solana Beach, and King City. The latter two would be similar to the size of a stand-alone Los Banos CCA.

**Table 1. CCAs in California**

CCA	IOU	Type	Formed	Load, GWh <sup>15</sup>
<b>CCEs delivering power in California</b>				
Clean Power San Francisco	PG&E	City	May 2016	3,135
East Bay Community Energy	PG&E	JPA	Jan. 2018	6,200
King City Community Power	PG&E	City	July 2018	35
Marin Clean Energy	PG&E	JPA	May 2010	5,275
Monterey Bay Community Power	PG&E	JPA	March 2018	3,202
Peninsula Clean Energy	PG&E	JPA	Oct. 2016	3,600
Pioneer Community Energy	PG&E	JPA	2018	NA
Redwood Coast Energy Authority	PG&E	JPA	May 2017	699
San Jose Clean Energy	PG&E	City	Sept. 2018	3,286
Silicon Valley Clean Energy	PG&E	JPA	April 2017	3,898
Sonoma Clean Power	PG&E	JPA	May 2014	2,502
Valley Clean Energy Alliance	PG&E	JPA	Dec. 2016	682
Clean Power Alliance	SCE	JPA	Feb. 2018	10,295
Apple Valley Choice Energy	SCE	City; CCEA <sup>16</sup>	April 2017	260
Lancaster Choice Energy	SCE	City; CCEA	May 2015	600
Pico Rivera Innovative Muni'l Energy	SCE	City; CCEA	Sept. 2017	220
Rancho Mirage Energy Authority	SCE	City; CCEA	May 2018	300
San Jacinto Power	SCE	City; CCEA	April 2018	170
Desert Community Energy	SCE	JPA	April 2020	1,668
Western Community Energy	SCE	JPA	2020	1,575
Solana Energy Alliance	SDG&E	City	June 2018	37
<b>Planned Launch</b>				
Baldwin Park	SCE	City; CCEA	2020	255

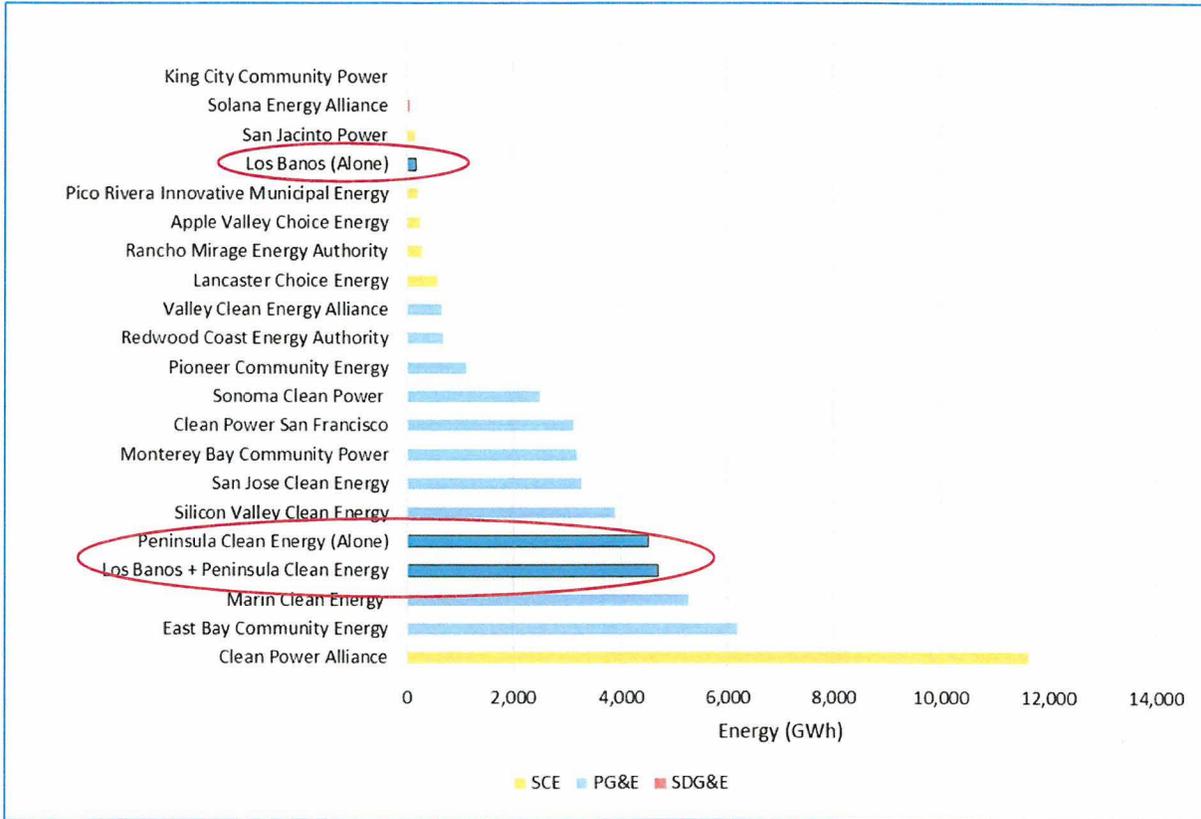
<sup>15</sup> 2019 Load (GWh) reported by CalCCA: <https://cal-cca.org/cca-impact/>

<sup>16</sup> CCEA = CalChoice Energy Authority, the JPA-Light serving small communities in SCE’s territory.

CCA	IOU	Type	Formed	Load, GWh <sup>15</sup>
Pomona	SCE	City; CCEA	2020	655
Palmdale (on hold)	SCE	City; CCEA	TBD	655
Hanford (on hold)	SCE	City; CCEA	TBD	285
Commerce	SCE	City; CCEA	2021	460
San Diego Regional CCA Authority	SDG&E	JPA	2021	6,800
Butte County (on hold)	PG&E	JPA	TBD	1,080
<b><i>Expansions of Existing CCEs</i></b>				
Westlake Village	SCE	JPA (CPA)	2020	
Santa Barbara (City)	SCE	City (CCEA)	2021	
Del Rey Oaks	PG&E	JPA (MBCP)	2021	
Arroyo Grande	PG&E	JPA (MBCP)	2021	
Grover Beach	PG&E	JPA (MBCP)	2021	
Paso Robles	PG&E	JPA (MBCP)	2021	
Pismo Beach	PG&E	JPA (MBCP)	2021	
Carpinteria	SCE	JPA (MBCP)	2021	
Goleta	SCE	JPA (MBCP)	2021	
Guadalupe	PG&E	JPA (MBCP)	2021	
Santa Maria	PG&E	JPA (MBCP)	2021	
County of Santa Barbara	PG&E, SCE	JPA (MBCP)	2021	
San Luis Obispo (City)	PG&E	JPA (MBCP)	2021	
Morro Bay	PG&E	JPA (MBCP)	2021	
<b><i>Drafted ordinances for implementation as soon as 2022</i></b>				
North San Diego County CCA	SDG&E	JPA	2022	2,750

Figure 3 shows the 2019 annual loads of the operating CCAs in California. The figure shows that were Los Banos to pursue a stand-alone CCA, it would be one of the smallest in the California, with only 3 CCAs that are smaller. Adding Los Banos to PCE would modestly increase PCE's load, but not change its overall rank of the 4<sup>th</sup> largest CCA in the state.

Figure 3. California CCA Load by Utility (2019)



### CCA Evolution

Over the first years of operation, many California CCAs have evolved from a simple commodity procurement entity—providing power, albeit greener, at a competitive rate. After a few years, many CCAs have expanded into providing targeted and specialized customer programs that while customized for their communities, are variations of services provided by their host IOU or are generally proven in the industry. Examples of this include CCAs like MCE, which has exercised its right to apply for energy efficiency (EE) program funding from the CPUC.<sup>17</sup> To do so, it must file various plans explicitly detailing what they intend to do in the EE program along with reporting requirements and protocols to verify that the energy savings that is projected will occur. If approved, then the CCA will receive money that is collected in IOU rates through the Public Purpose Program rate element. Another example of this second phase of CCA evolution is offering rooftop solar programs and feed-in-tariffs for local renewable generation projects that

<sup>17</sup> Note that customers taking commodity service from a CCA are still eligible to participate in EE programs administered by their host IOU, regardless of whether or not the CCA is administering their own PPP-funded EE programs or not.

connect “in front of” the customer meter. A third example is installing additional EV charging stations and encouraging EV purchasing and leasing.

The third phase in evolution observed with California CCAs is moving into innovative and less common power-related programs and services. These are programs that are not common in California or elsewhere and may be more in the “demonstration” part of the program/technology lifecycle. Examples of these programs include Sonoma Clean Power’s efforts to electrify the areas that were destroyed in wildfires (i.e., work with PG&E to perhaps not provide gas service to these areas) or the microgrid programs being pursued by Redwood Coast Energy Authority and Monterey Bay Community Power.

Table 2 shows a range of the programs being pursued by some California CCAs. These non-commodity program offerings are becoming the focus of CCAs in the state. At the Business of Local Energy Symposium, a large CCA-oriented conference held in June 2019 in Irvine, the speakers, panels and presentations overwhelmingly focused on innovation that CCAs can do and are doing.<sup>18</sup> None addressed power procurement or cost competitiveness.

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<sup>18</sup> <https://theclimatecenter.org/the-business-of-local-energy-symposium-2019-presentations/>

**Table 2. Sample CCA Programs (source: CalCCA)**

	Apple Valley Choice Energy	CleanPowerSF	Clean Power Alliance	East Bay Community Energy	King City Community Power	Lancaster Choice Energy	MCE	Monterey Bay Community Power	Peninsula Clean Energy	Pioneer	PRIME	Rancho Mirage Energy Authority	Redwood Coast Energy Authority	San Jacinto Power	San Jose Clean Energy	Silicon Valley Clean Energy	Solana Energy Alliance	Sonoma Clean Power	Valley Clean Energy	
Budget Billing		<i>In dev.</i>				✓														
Battery Storage Rate		<i>In dev.</i>		✓ (prior)			✓									✓ (Same as PG&E)		<i>In dev.</i>		
Demand Response		✓	✓				<i>In dev.</i>	✓	<i>In dev.</i>							<i>In dev.</i>		✓	✓	
EV Rate		✓	✓	✓ (Same as PG&E)		✓	✓	✓	✓		✓		✓		✓ (Same as PG&E)	✓ (Same as PG&E)	✓	✓	✓	✓ (Same as PG&E)
EV Bus Program		✓				✓			✓									✓		
EV Incentives (vehicles and/or charging)						✓	✓	✓	✓				✓		<i>In dev.</i>	✓		✓	<i>In dev.</i>	
EV Load Shifting			✓				✓									✓ (prior)		✓		
Energy Efficiency						✓	✓				<i>In dev.</i>		✓			<i>In dev.</i>		✓	<i>In dev.</i>	
Energy Efficiency Data Sharing				✓																
Low-Income & Multifamily EE							✓		<i>In dev.</i>		✓		✓							
Feed-In Tariff		<i>In dev.</i>					✓	<i>In dev.</i>					✓					✓		
Fuel Switching (Electrification)				<i>In dev.</i>			✓	<i>In dev.</i>	<i>In dev.</i>				✓			✓		✓	<i>In dev.</i>	
Solar Incentives												✓	✓							
Low-Income Solar Incentives		✓	<i>In dev.</i>	✓			✓	✓	<i>In dev.</i>		✓									

	Apple Valley Choice Energy	CleanPowerSF	Clean Power Alliance	East Bay Community Energy	King City Community Power	Lancaster Choice Energy	MCE	Monterey Bay Community Power	Penninsula Clean Energy	Pioneer	PRIME	Rancho Mirage Energy Authority	Redwood Coast Energy Authority	San Jacinto Power	San Jose Clean Energy	Silicon Valley Clean Energy	Solana Energy Alliance	Sonoma Clean Power	Valley Clean Energy	
On-Bill Repayment		In dev.					✓		✓									In dev.		
Education, Outreach, and/or Innovation Grants			✓	✓					✓	In dev.						✓		✓		
Customer Load Shifting		✓					✓									In dev.		✓		
Microgrid Development						✓		✓					✓							
Citizen Sourcing						✓							✓							
Energy Education in Local Schools		In dev.							✓						✓			✓		
Dividend Program																				✓
Solar Referral Service																				
Solar+Storage on Critical Facilities			In dev.				✓		✓									✓		
Advancing Reach Codes								✓	✓									✓		
Advanced Energy Rebuild																		✓		
TOU Rates		✓					✓		✓						✓			✓		✓ Same as PG&E
Customer C&I Clean Power Offerings																		✓ Same as PG&E		
Emissions Inventory Support for Member Agencies																				✓

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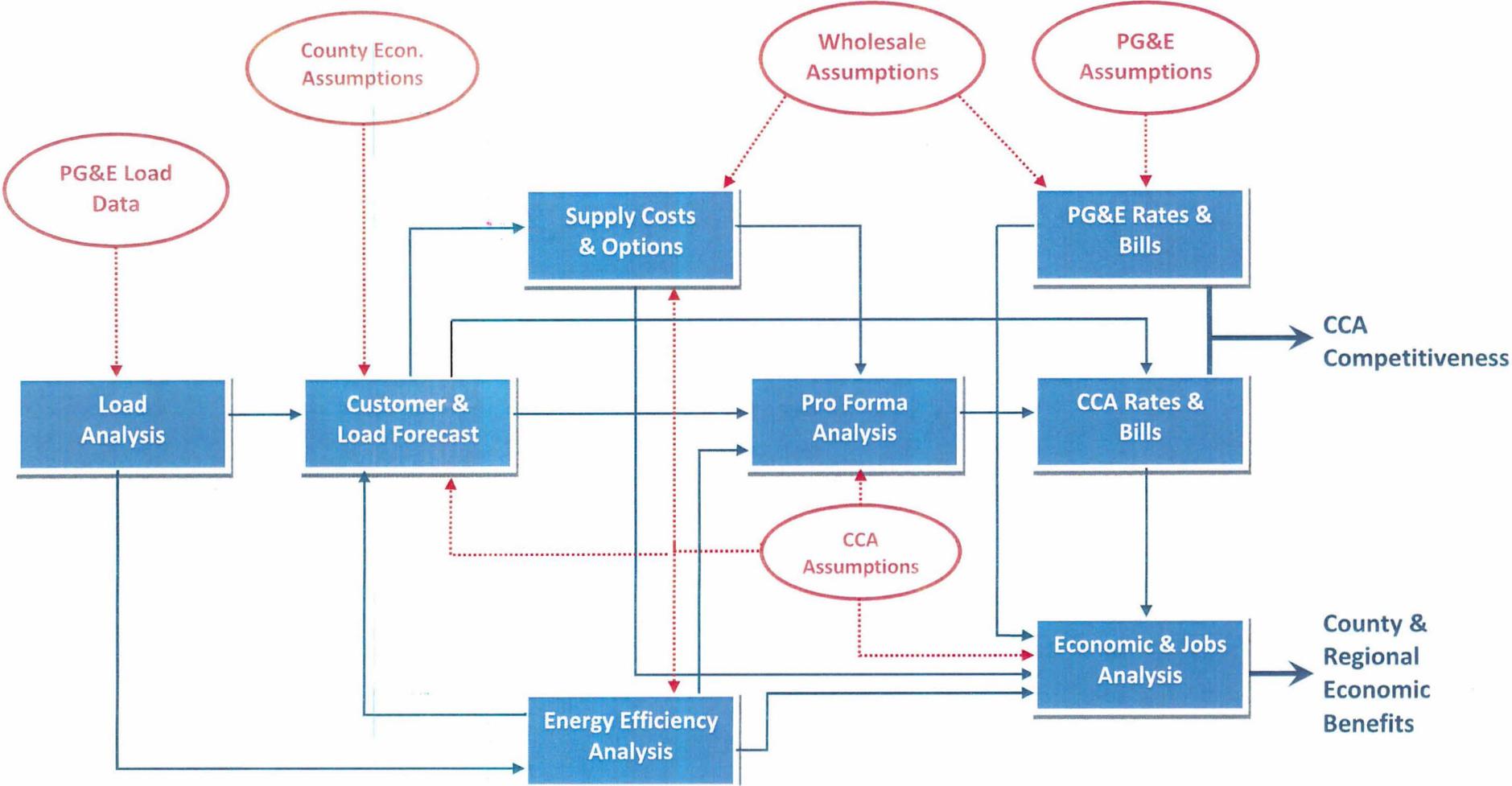
## Chapter 2. Economic Study Methodology and Key Inputs

This chapter summarizes the key inputs and methodologies used to evaluate the cost-effectiveness to PCE of adding Los Banos, relative to PG&E.

Understanding the interrelationships of all the tasks and using consistent and coherent assumptions throughout are critical to developing a meaningful analysis. Figure 4 shows the analysis elements (blue boxes) and major assumptions (red ovals) and how they relate to each other. As the figure illustrates, there are numerous interrelationships between the tasks.

An important point is highlighted in this figure, it is critical that wholesale power market assumptions are consistent between the CCA and PG&E. While there are reasons that one might have lower or higher costs than the other for a particular product (e.g., CCAs can use tax-free debt to finance generation projects while PG&E cannot), both will participate in the wider Western U.S. gas and power markets and therefore will be subject to the same underlying market forces. Applying different power cost assumptions to the CCA than to PG&E, such as simply escalating PG&E rates while deriving the CCA rates using a bottom-up approach, would produce erroneous results.

**Figure 4. General CCA Analysis**



## Los Banos and PCE Loads and Load Forecasts

### *Los Banos Load*

**Table 3: 2020 Los Banos Load Summary**

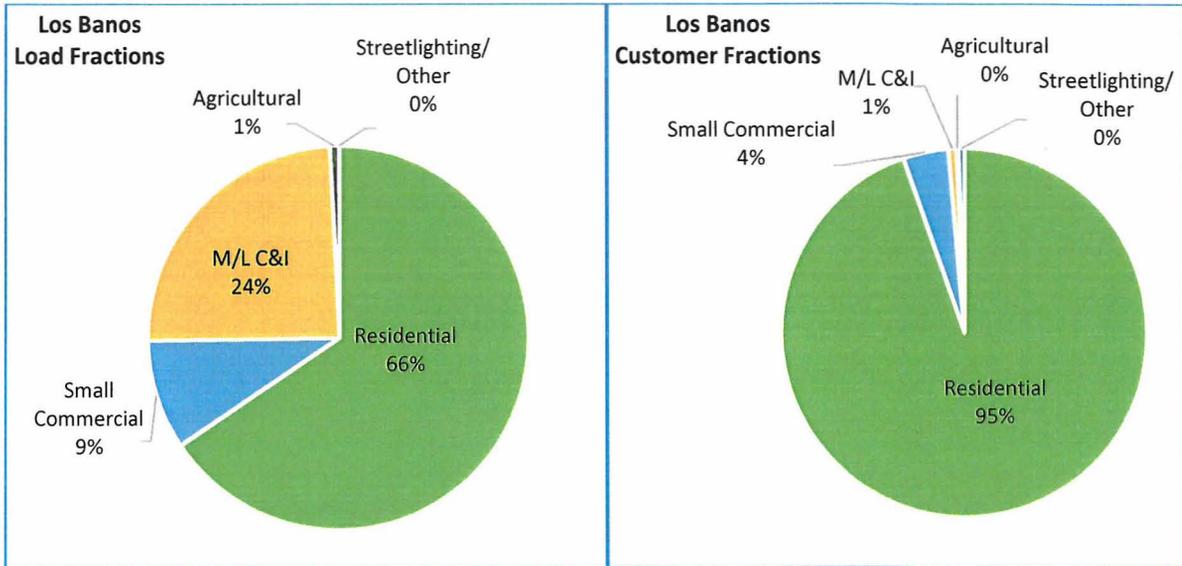
Customer Class	Number of Customers	Annual Load (MWh)
Residential	14,733	112,959
Small Commercial	625	15,984
Medium and Large Commercial & Industrial	108	42,041
Agricultural	29	1,300
Streetlighting/ Other	81	77
<b>Total</b>	<b>15,576</b>	<b>172,360</b>

and **Error! Reference source not found.** summarize Los Banos’s load. As the table and figure show, residential usage accounts for a majority of the city’s load (66%) and a vast majority of the customers (95%). Medium and large commercial/industrial customers make up about 24% of the load and 1% of the customers, while small commercial, streetlighting, agriculture and pumping loads make up the rest. This profile differs significantly from PG&E as whole, which on a load basis is roughly 1/3 residential and 2/3 commercial and industrial.

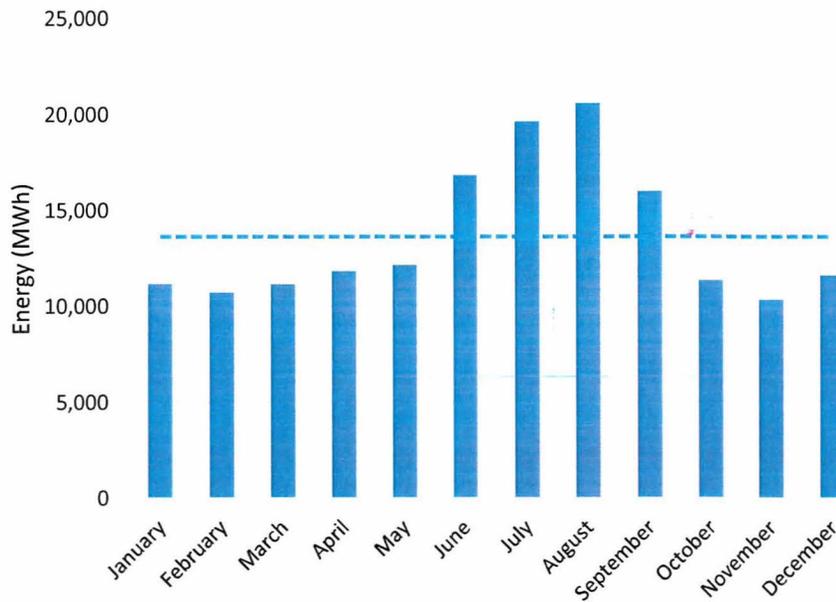
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Agricultural *	29	1,300*
Streetlighting/ Other	81	77
<b>Total</b>	<b>15,576</b>	<b>172,360</b>

**Figure 5. 2020 Los Banos Loads and Customer Breakdowns**

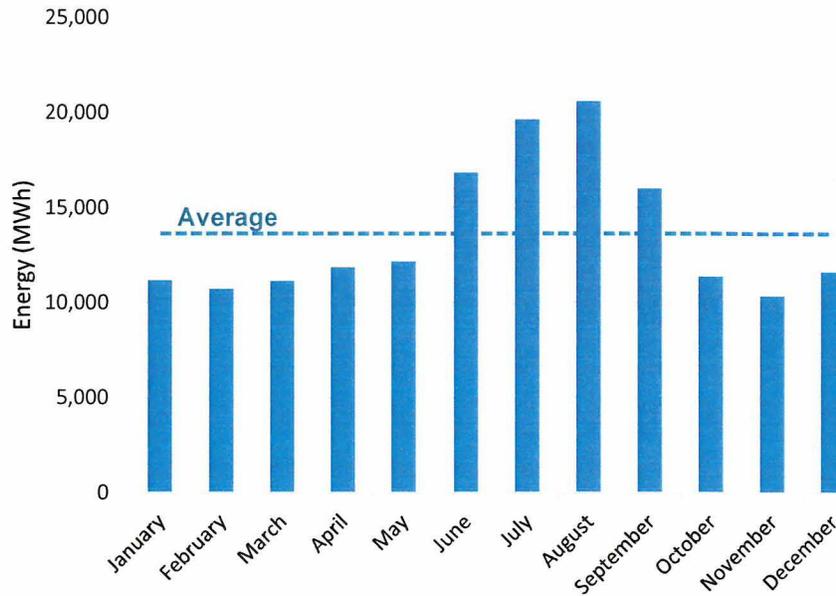


**Because Los Banos is in the hot Central Valley, its electrical loads are highest during the summer months, driven for the most part by air conditioning. Figure 6. Los Banos Monthly Load (2020)**

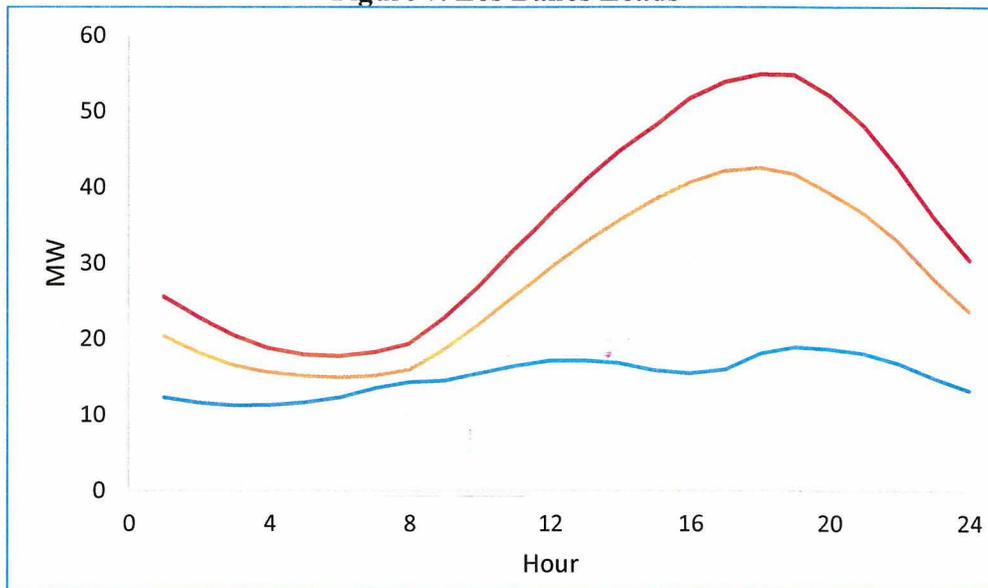


shows Los Banos’s monthly energy use. The usage in August is nearly 45% higher than the monthly average use and nearly double that of February, the lowest usage month.

**Figure 6. Los Banos Monthly Load (2020)**



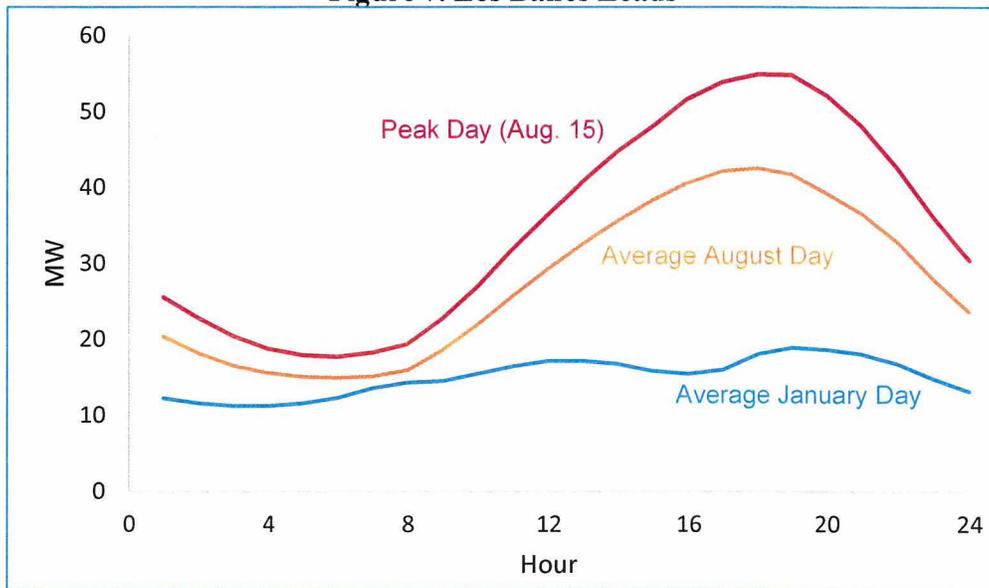
**Figure 7. Los Banos Loads**



shows Los Banos’s estimated hourly 2020 usage for three different times: the average hourly use in January, the hourly average use in August, and the day with the highest use in all of 2020, August 15. During the winter months like January, Los Banos’s load is relatively flat with very shallow peaks around noon and 6:00 pm. In the summer, the load fluctuates widely. On a typical August day, the load varies from below 20 MW to above 40 MW with peak hours being from 5:00 to 8:00 pm. On its highest peak day, Los Banos’s load reached 55 MW at 6 pm.

This usage profile with much higher demands in the summer has implications for a CCA serving the City’s load. Wholesale power costs in the late summer afternoons and evenings—when Los Banos has its highest loads—tend to be the highest. In addition, a CCA serving the city would also have to ensure that it has enough generation resources on contract to meet the peak load (55 MW). This, too, can be costly. (See the section Capacity Costs for more detail on how CCAs must meet their peak day obligations.)

**Figure 7. Los Banos Loads**



### *Los Banos In Context With PCE*

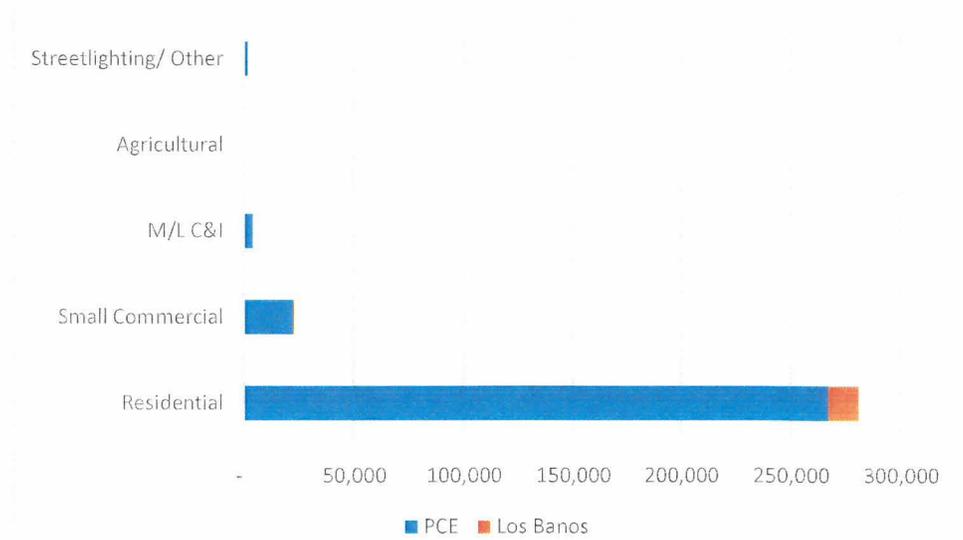
As noted earlier, PCE’s load is much larger than Los Banos’s load; Los Banos on average adds an extra 5% to PCE’s load.<sup>19</sup> (See Table 4: 2020 PCE and Los Banos Load and Customer Comparison)

Customer Class	Annual Load, MWh		Number of Customers	
	PCE	Los Banos <sup>19</sup>	PCE	Los Banos <sup>19</sup>
Residential	1,488,186	107,311	266,835	13,996
Small Commercial	362,473	15,185	22,639	594
Med. & Large C&I	1,363,818	39,939	3,995	103
Agricultural	24,522	1,235	239	28
Streetlighting/ Other	20,111	73	1,693	77

<sup>19</sup> This assumes that 5% of Los Banos’s load chooses to “opt out” and not be served by PCE.

<b>Total</b>	<b>3,259,110</b>	<b>163,742</b>	<b>295,401</b>	<b>14,797</b>
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**and Figure 8. 2020 Annual Load for Los Banos and PCE**

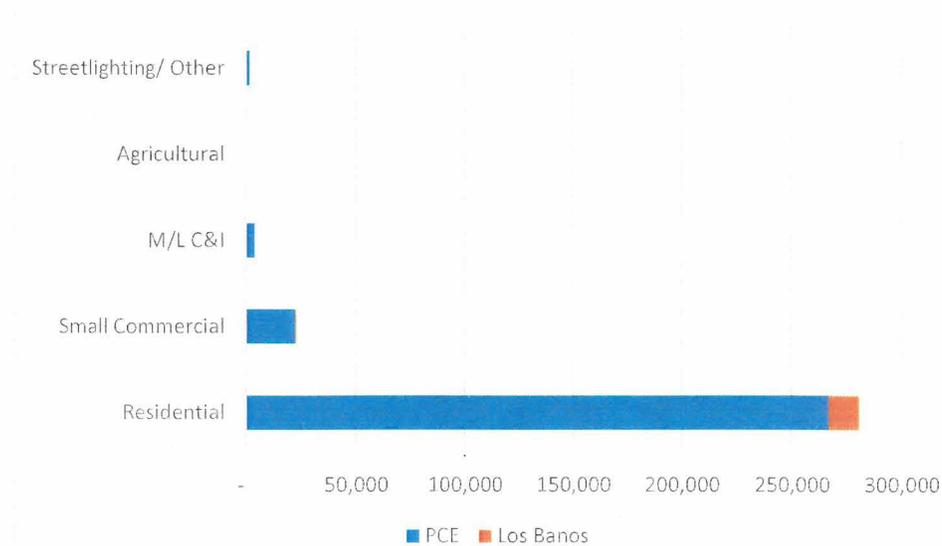


.) Both Los Banos and PCE customers have residential and medium commercial as their largest segments. Again, PCE is much larger than Los Banos. With respect to accounts, including Los Banos would add 5%, or about 15,000 more customers to PCE.

**Table 4: 2020 PCE and Los Banos Load and Customer Comparison**

Customer Class	Annual Load, MWh		Number of Customers	
	PCE	Los Banos <sup>19</sup>	PCE	Los Banos <sup>19</sup>
<b>Residential</b>	1,488,186	107,311	266,835	13,996
<b>Small Commercial</b>	362,473	15,185	22,639	594
<b>Med. &amp; Large C&amp;I</b>	1,363,818	39,939	3,995	103
<b>Agricultural</b>	24,522	1,235	239	28
<b>Streetlighting/ Other</b>	20,111	73	1,693	77
<b>Total</b>	<b>3,259,110</b>	<b>163,742</b>	<b>295,401</b>	<b>14,797</b>

**Figure 8. 2020 Annual Load for Los Banos and PCE**



Compared to Los Banos, PCE’s load profiles are less variable. During the winter, PCE uses 16% more energy than it does in the summer. This is the opposite of Los Banos, which uses more energy in the summer. PCE has a winter peaking load because of the very modest air conditioning load in San Mateo county (reducing summer loads) coupled with higher lighting and electric heating in the winter.

As PCE is so much bigger than Los Banos, its load profile would not change much with the addition of Los Banos. As shown in Figure 9. 2020 Monthly Energy for Los Banos and PCE

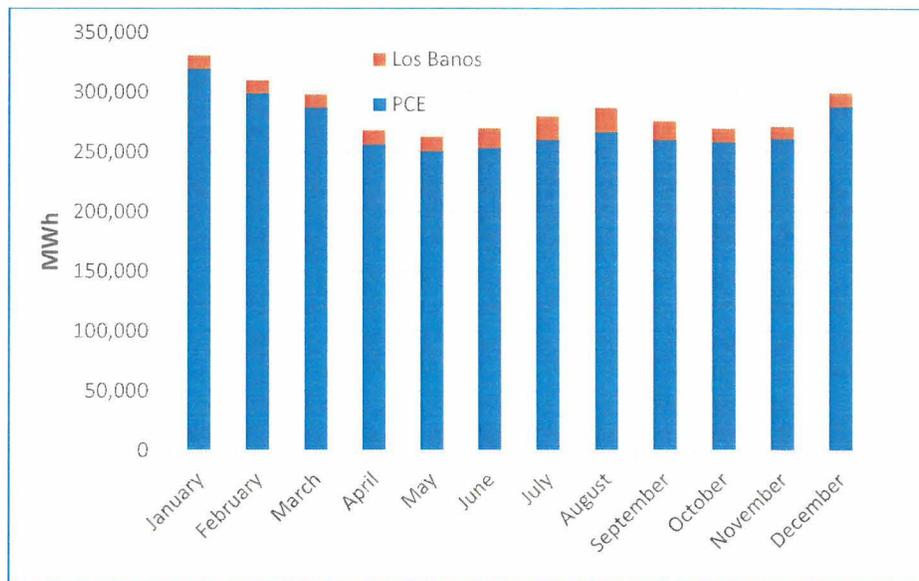
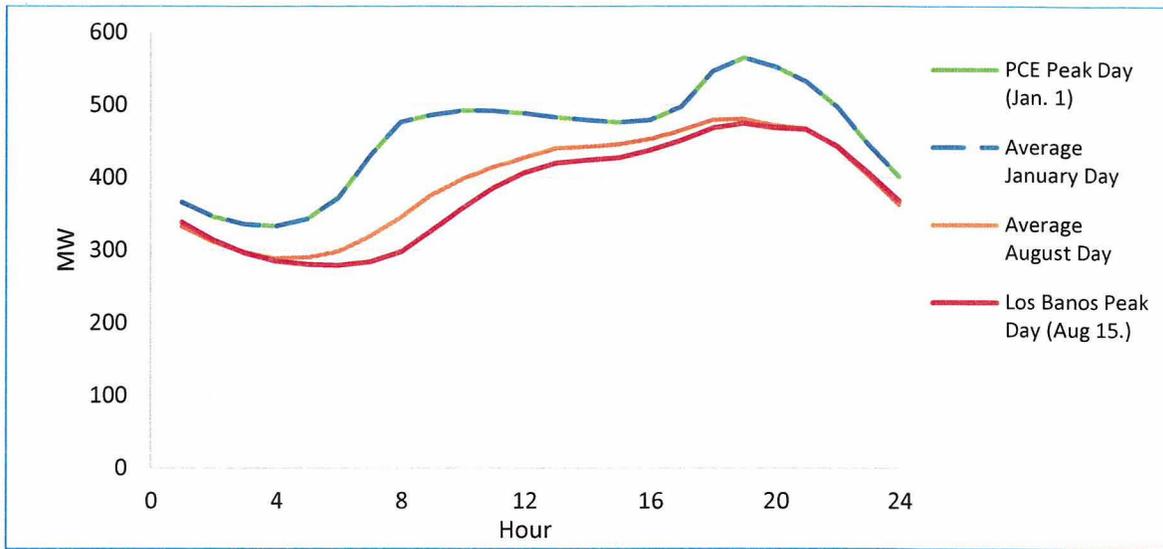


Figure 10 shows the daily profile for the combined Los Banos and PCE load in 2020. Similar to Figure 7, the figure shows the average hourly use in January, the hourly average use in August, and the day with Los Banos highest use in all of 2020, August 15. In addition to those profiles, it also has the day with PCE's highest usage, January 1. Although Los Banos peaks in the summer and has a more variable load profile, adding in Los Banos does not materially impact PCE.

Instead, the addition of PCE to Los Banos makes the summer load shape much flatter compared to Figure 7 and the peak season for the combined loads is in the winter.

**Figure 10. Combined Los Banos and PCE Loads (2020)**



, the most notable, albeit still small, change is in the summer months when Los Banos’s usage is highest. However, even with the additional summer load from Los Banos, the combination of PCE and Los Banos still uses the most energy during the winter.

**Figure 9. 2020 Monthly Energy for Los Banos and PCE**

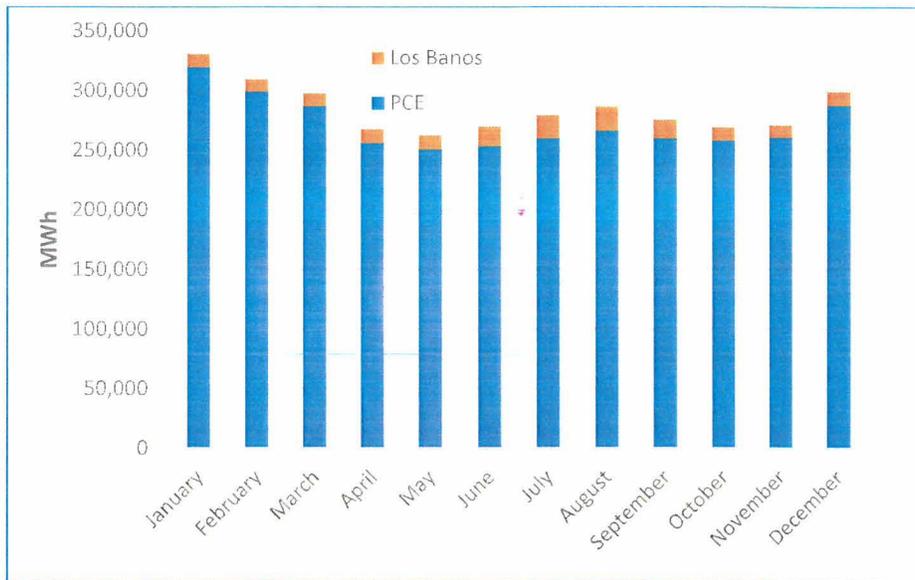
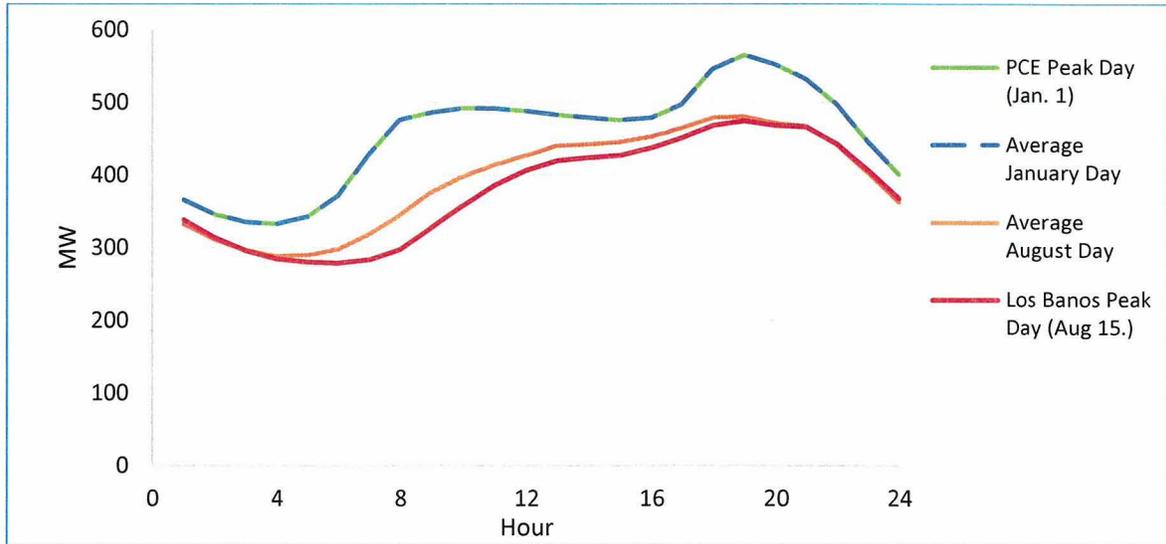


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also has the day with PCE’s highest usage, January 1. Although Los Banos peaks in the summer and has a more variable load profile, adding in Los Banos does not materially impact PCE. Instead, the addition of PCE to Los Banos makes the summer load shape much flatter compared to Figure 7 and the peak season for the combined loads is in the winter.

**Figure 10. Combined Los Banos and PCE Loads (2020)**

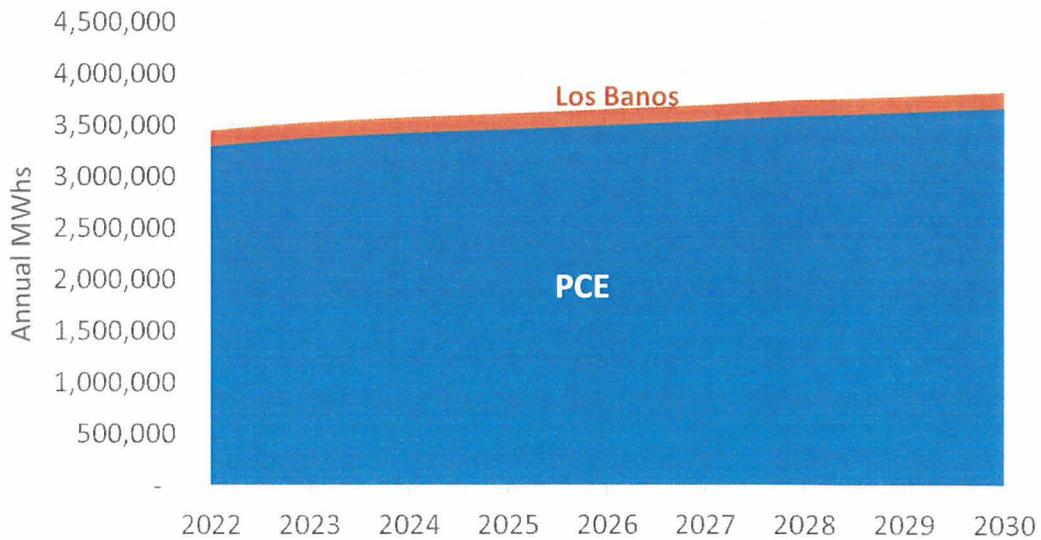


Combining the two loads is beneficial for both PCE and Los Banos. PCE can simply incorporate the extra load and operate business-as-usual as Los Banos will not affect the types of resources PCE will need to purchase. Los Banos will be able to use its energy resources more efficiently because of PCE’s more even energy usage and load profile. Furthermore, PCE and Los Banos together will still have a winter peaking load which is advantageous for purchasing energy.

### ***PCE and Los Banos Load Forecasts***

The loads discussed so far are from 2020 using PCE’s internal load forecast, PG&E data and MRW’s own assumptions. For 2022 and beyond, MRW continued to rely upon PCE’s internal load forecast and assumed that Los Banos’s load would increase at the same rate as PCE’s. This is shown in Figure 11.

**Figure 11. Load Forecast (MWh)**



Note that PCE's load forecast accounts for estimated impacts of COVID-19. PCE and other LSEs have found that the load associated with commercial and industrial accounts have dropped significantly, while residential loads have modestly increased. PCE assumed that its loads would return to their current levels by 2023. Given that this study begins in 2022, COVID-19 does not have a material impact.

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## PCE Power Supplies

### *Regulatory Procurement Requirements*

California places a number of important power-procurement requirements on all “load serving entities” (LSEs) in California (e.g., utilities like PG&E and CCAs). These requirements apply to all LSEs and thus can limit the options that a CCA can pursue to lower costs or implement lower-GHG emitting power portfolios.

**Renewable Power.** One of these requirements is the renewable portfolio standard (RPS). This requirement has been in place since 2002 with passage of Senate Bill (SB) 1078, which set a requirement that 20% of retail electricity sales be served by renewable resources by 2017. Since then, the RPS requirement has been accelerated and expanded by subsequent legislation, most recently by SB 100 passed in 2018. SB 100 requires all LSEs to procure 50% of their power from renewable resources by 2026 and 60% by 2030.<sup>20</sup> SB 100 also sets a state-wide policy goal of having 100% of the electric power met by renewable or carbon-free resources (e.g., including large hydroelectric dams) by 2045.

PCE is pursuing a plan to have 100% of its load served by renewable resources by 2025—nearly 20 years ahead of the state mandate. This PCE policy is reflected in the analysis.

**Energy Storage.** Assembly Bill (AB) 2514 requires LSEs to procure energy storage capacity. The storage mandate was implemented by the CPUC through a requirement that CCAs procure energy storage equal to one percent of their forecasted 2020 peak load. Some energy storage technologies, especially lithium-ion batteries, have fallen steeply in cost in recent years, though they are still relatively

### POWER PRIMER

The California Independent System Operator (CAISO) manages the balance between electricity load and supply on its system. Each utility, CCA or energy service provider (ESP) on the CAISO system provides, each day, a forecast of its load and the resources it will be using to meet that load. These load serving entities’ (LSEs) forecasts are updated throughout the day by the LSE’s “scheduling coordinator.” The CAISO also maintains markets for power plants to be standing by to meet unexpected load, or to back off production if load is lower than forecast.

For LSE planning and procurement purposes, electricity supply consists of two components: energy in kilowatt hours (kWh), and capacity or demand in kilowatts (kW). Using an analogy of a railroad car: the size of the car represents capacity; and the goods inside the car represent energy. A CCA must purchase both energy (kWh) to meet its customer’s consumption needs and capacity to account for customer demand. The CCA must always purchase both the correct amount of energy (kWh) and an adequate amount of capacity to meet its customers’ energy requirements. As such, the CCA must appropriately forecast both energy usage (kWh) and peak demand (kW) requirements of its customers.

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<sup>20</sup> In practice, the utility code establishes multi-year compliance periods ending in 2020, 2024, 2027 and 2030, with the average renewable energy supply as a percentage of retail sales for each compliance period required to be 33%, 44%, 52%, and 60%, respectively.

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expensive compared to supply resources and demand response. Battery costs are expected to continue to fall, suggesting there is a benefit to deferring procurement until required by the mandate.

PCE already has plans for a large storage project, which will be attached to the Wright Solar project in Los Banos, and other additional storage in the next few years. This PCE policy is reflected in the analysis.

**Resource Adequacy.** Since 2006, all LSEs that serve load on the California grid managed by the CAISO are responsible for complying with Resource Adequacy (RA) obligations. There are three components to the RA compliance program:

- 1) **System** capacity requirements to meet expected peak loads within the entire CAISO system.
- 2) **Local** capacity requirements to meet contingency needs in locally constrained areas; and
- 3) **Flexible** capacity requirements to meet the largest continuous three-hour load increase (“ramp”) in each month.

Specifically, to meet the System RA requirement, load serving entities must contract for 115% of their projected monthly peak demand as determined by the CPUC in consultation with the California Energy Commission load forecasts.

The Local RA requirement must be met by LSEs with customers in 10 local reliability areas identified by the CAISO. The Local RA requirements are set three years ahead and updated each year. LSEs are required in their annual filings to show that they meet 100% of local requirements for the next two years and 50% of the third-year requirement.<sup>21</sup> In early 2020, the CPUC approved a “Central Procurement Entity” (CPE) to take over the procurement of Local RA. The applicable CPE for PCE is PG&E. Starting in 2023, PCE, along with the other CCAs in PG&E’s territory, will no longer have to acquire—and pay for—Local RA. Instead, PG&E will acquire local RA for its territory and pass on the costs directly to the customers via a new nonbypassable rate.

The CAISO also determines the required Flexible RA needs and operating criteria. LSEs must demonstrate purchase of 90% of their flexible RA requirement in their annual RA filing, and 100% of the requirement in their monthly RA filings.<sup>22</sup>

There is a bilateral market for RA capacity, with standardized products for system, local, and flexible RA capacity.

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<sup>21</sup> Note that Local RA capacity is a substitute for System RA capacity. However, the converse is not always true, meaning that System RA capacity might not help an LSE meet its Local RA requirements.

<sup>22</sup> Flexible RA can substitute for System RA and possibly for Local RA but the converse is not always true: System and Local RA resources might not help an LSE meet its Flexible RA obligations.

PCE receives modest RA credit from its existing power purchase agreements but must enter into additional contracts for its RA-compliant capacity.

### ***Power Supply Portfolio and Cost Assumptions***

Because this analysis considers the costs and benefits of adding Los Banos to PCE, we start with PCE loads and resources and consider the incremental additions that would be required to serve the additional load that Los Banos would add. This requires the consideration of the power resources that PCE already has under contract as well as the one that its longer-term plans suggest it will add over the next ten years. Once those resources are accounted for, we then consider the additional resources that PCE would need to acquire to serve Los Banos.

### ***Existing Contracts***

PCE has eight power purchase contracts in place that will provide energy during the forecast period, plus two that are currently in negotiation. Except for one 38 MW wind contract whose last delivery year is 2022, these contracts are summarized in Table 5. Highlighted is the Wright Solar + Storage project, located in Los Banos, which provides over ½ million MWhs per year to PCE—about 1/7<sup>th</sup> of PCE’s total energy needs.

**Table 5. Existing PCE Supply Contracts Providing Power in 2023-2030**

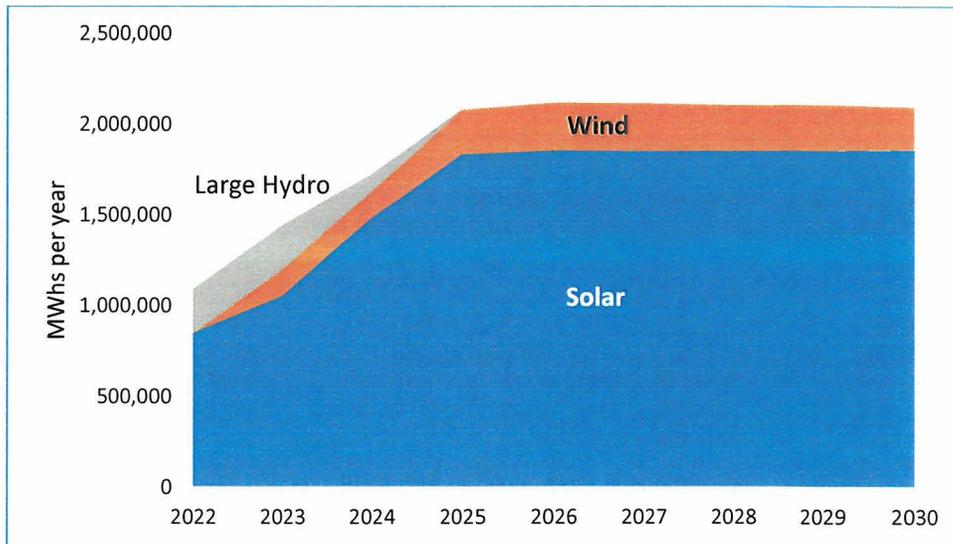
Status	Provider	Technology	Capacity (MW)	Annual Energy (MWhs)
Signed	Bidwell	Small Hydro	2	11,000
Signed	Hatchet	Small Hydro	7.5	17,000
Signed	Roaring	Small Hydro	2	6,000
Signed	Clover	Small Hydro	1	4,000
Signed	Mustang	Solar	100	294,000
<b>Signed</b>	<b>Wright</b>	<b>Solar</b>	<b>200</b>	<b>542,000</b>
Signed	Shiloh	Wind	150	418,000
In negotiation	Existing Wind	Wind	32.5	108,000
In negotiation	New Solar	Solar	100	293,000
In negotiation	New Storage	Storage	147	n/a
<b>Total Small Hydro</b>			<b>12</b>	<b>38,000</b>
<b>Total Solar</b>			<b>400</b>	<b>1,129,000</b>
<b>Total Wind</b>			<b>183</b>	<b>526,000</b>
<b>Total Storage</b>			<b>147</b>	

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### ***Projected New Resources***

Every other year, every LSE that is regulated by the CPUC must file an Integrated Resource Plan (IRP). These plans show how each LSE intends to serve its load such that in total all the LSEs combined meet the State’s greenhouse gas reduction goals. PCE’s recent IRP shows that it plans to acquire from 800,000 to 1,800,000 MWhs from new solar facilities, 150,000 to 250,000 MWhs from wind resources and up to 240,000 MWh from large hydroelectric dams. (see Figure 12.)

**Figure 12. PCE’s Planned Additions per IRP**



### ***Wholesale Market Sales and Purchases***

Even though PCE has contracts in place to meet most of its needs, it still buys and sells power into the wholesale market run by the power grid operator (CAISO). In some hours, PCE must sell excess power into this market. This occurs most typically on spring afternoons, when PCE’s solar projects are generating more power than PCE’s customers can consume. Similarly, there are hours in the evening and at night when PCE must purchase power from the wholesale market.

The prices in this market change from month to month and from hour to hour. MRW relied upon a wholesale power price forecast provided by PCE. This the same forecast that PCE relies upon for its planning and budgeting.

### ***Incremental Resources to Serve Los Banos***

PCE’s Integrated Resource Plan does not include Los Banos. Therefore, MRW had to make assumptions about what it would cost PCE to serve the larger load it would have with the City.<sup>23</sup>

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<sup>23</sup> Even though PCE would have to add additional power resources if Los Banos joins the JPA, Los Banos, as a PCE member, would still receive a share of the output of the Wright Solar Project.

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This study assumes that PCE would purchase power using renewables priced at the wholesale market price plus an adder to reflect the cost of a bundled Renewable Energy Credit (“Bucket 1” REC).<sup>24</sup> These contracts typically have an adder of about \$17/MWh (1.7¢/kWh). In practice, once Los Banos is included in the PCE load, PCE would enter into additional long-term contracts to cover the additional load at prices that would likely be less than the market plus REC price. As such, MRW sees this purchasing assumption as conservative.

### ***Grid Charges***

The CAISO, which operates the power grid that connects PCE’s loads to its resources, charges the LSEs that move power on the grid in order to cover its costs of management and operation. These costs are assumed to be 5.5% of PCE’s energy.

### ***Capacity Costs***

As noted above, CCAs are also responsible for complying with Resource Adequacy (RA) obligations. These products are typically contracted on a short-term basis (e.g., year-ahead). Up until 2019, there was an excess supply of both system and flexible capacity in the market, leading to depressed prices for these products. This changed dramatically in 2019, when RA prices doubled.

MRW used PCE’s proprietary forecast of RA costs for this study.

### ***Modeling***

MRW’s models look at each hour in the study period, and lines up the load that must be met (be it PCE alone or including Los Banos) and the power available to PCE from its existing contracts. If the load exceeds the power provided by the PCE contracts, then the incremental amount is met at the wholesale market price. In hours where the power production from PCE’s contracts exceed PCE’s load, the model sells the excess output to the wholesale market at that hour’s price. If the annual output of PCE’s contracts equal in total the load it services (which is the goal), then the amount of excess power sold into the wholesale market will equal the amount that is purchased from the wholesale market.

## **Pro Forma Elements and CCA Costs of Service**

This section outlines the main elements of the pro forma analysis, the assumptions underlying the elements and the output results. The analysis involves a comparison between the generation-related costs that would be paid by Los Banos CCA customers and the generation-related costs that would be paid by PG&E bundled service customers. Costs paid by CCA customers include all CCA-related costs (*i.e.*, supply portfolio costs and administrative and general costs) and exit fee payments that CCA customers will be required to make to PG&E.

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<sup>24</sup> Renewable Energy Credits are the property rights to the non-power attributes (typically environmental or social attributes) of renewable electric generation. These certificates are issued for every MWh of electricity that is generated by a renewable energy resource and delivered to the electric grid.

As discussed in previous sections, supply portfolio costs are informed and affected by CCA loads, by the requirements the CCA will need to meet (or will choose to meet) such as with respect to renewable procurement, and by CCA participation levels. Administrative and general costs are discussed further below.

### ***Startup costs***

Startup costs are the costs PCE will incur before beginning to serve Los Banos. Table 6 shows these estimated startup costs. They are based on the experience of existing CCAs as well as information from other CCA technical and feasibility assessments.

**Table 6. Estimated Start-Up Costs**

<b>Item</b>	<b>Cost</b>
<b>Organizational/Administration</b>	
Professional Services/Consulting	\$50,000
Staffing	\$40,000
G&A costs (office rent, deposits, equipment, software, insurance, etc.)	\$15,000
<b>Total:</b>	<b>\$105,000</b>
<b>Communications/Customer Enrollment</b>	
PR/Advertising Campaign -- print, social, paid and earned media	\$15,000
Materials for tabling and events (design/print)	\$5,000
Customer Notifications (4 x 17k @ \$ 0.85 each) *	\$57,800
Community Sponsorships, etc.	\$5,000
<b>Total:</b>	<b>\$82,800</b>
<b>GRAND TOTAL:</b>	<b>\$187,800</b>

### ***Administrative and General Cost Inputs***

Administrative and general costs cover the everyday operations of the CCA, including costs for billing, data management, customer service, employee salaries, contractor payments, and fees paid to PG&E. Table 7, below summarizes PCE’s projected ongoing administrative and general costs through 2025 and are assumed to trend with inflation from 2026 onward (about 2% per year).

**Table 7. PCE’s Forecast Administrative and General Costs (\$ Thousands)**

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
<b>Staff compensation</b>	\$6,237	\$6,787	\$7,119	\$7,468	\$7,834	\$8,007	\$8,183	\$8,363	\$8,547
<b>Data Manager</b>	\$3,420	\$3,454	\$3,489	\$3,524	\$3,559	\$3,637	\$3,717	\$3,799	\$3,883
<b>Service Fees - PG&amp;E</b>	\$1,260	\$1,273	\$1,285	\$1,298	\$1,311	\$1,340	\$1,369	\$1,400	\$1,430
<b>Consultants &amp; Professional Services</b>	\$3,068	\$4,176	\$2,898	\$2,442	\$2,422	\$2,476	\$2,530	\$2,586	\$2,643
<b>Legal</b>	\$1,708	\$1,706	\$1,753	\$1,798	\$1,854	\$1,895	\$1,937	\$1,980	\$2,023
<b>Communications and Noticing</b>	\$2,873	\$2,966	\$2,228	\$2,335	\$2,448	\$2,502	\$2,557	\$2,613	\$2,671
<b>General and Administrative</b>	\$1,947	\$2,071	\$2,588	\$2,658	\$2,732	\$2,792	\$2,853	\$2,916	\$2,980
<b>Community Programs</b>	\$7,550	\$10,435	\$10,870	\$10,950	\$11,000	\$11,242	\$11,489	\$11,742	\$12,000
<b>Depreciation</b>	\$133	\$169	\$205	\$241	\$277	\$283	\$290	\$296	\$302
<b>Total Operating Expenses</b>	<b>\$28,197</b>	<b>\$33,038</b>	<b>\$32,436</b>	<b>\$32,714</b>	<b>\$33,438</b>	<b>\$34,174</b>	<b>\$34,926</b>	<b>\$35,694</b>	<b>\$36,479</b>

The analysis assumed that PCE’s administrative and general costs would increase by 5% if Los Banos is added. This is likely conservative; not all costs (e.g., consulting and legal) would necessarily increase with the addition of Los Banos.

Note also that approximately 1/4<sup>th</sup> of PCE’s administrative and general costs go towards community programs.

## **PG&E Rate and PCIA Forecasts**

### ***PG&E Generation Rates***

Forecasts of PG&E’s generation rates and exit fees are necessary to compare the projected rates that customers would pay as Los Banos CCA customers to the projected rates and fees they would pay as bundled PG&E customers.

To ensure a consistent and reliable financial analysis, a 10-year bottom-up forecast of PG&E rates was developed using market prices that are consistent with those used in the forecast of PCE’s supply costs. The forecasted costs include the cost of PG&E’s existing resource portfolio, adding in market purchases only when necessary to meet projected demand.

To develop this forecast, the key cost drivers of each of PG&E’s generation rate components were examined, separately evaluating costs for renewable and non-renewable energy purchases, for PG&E-owned generation facilities, and for capacity purchases. The study assumed that near-

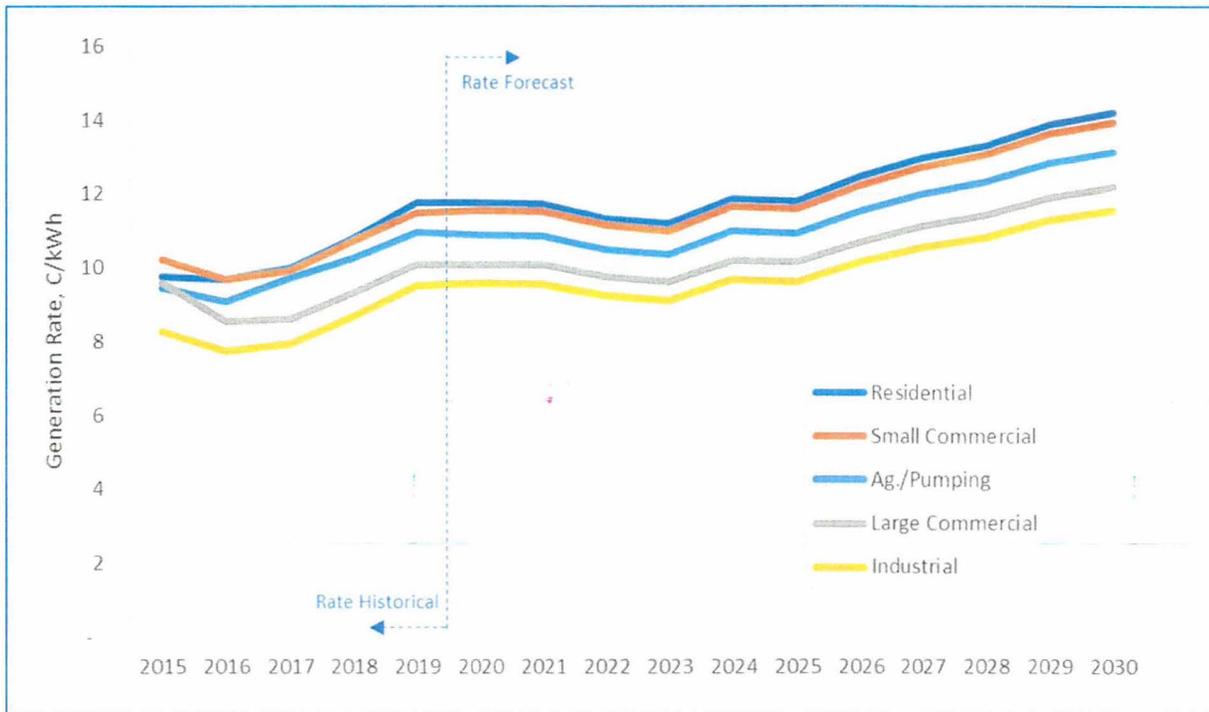
term changes to PG&E’s generation portfolio would be driven primarily by modest increases in underlying gas market prices and changes to its power purchase portfolio (e.g., the retirement of the Diablo Canyon Nuclear Power Plant in 2024-2026).

The forecast further assumes that PG&E is compliant with the renewable and carbon-free requirements recently ordered in Senate Bill 100: a minimum of 60% renewable content in 2030 and a trajectory that would, when extrapolated, result in carbon-free power in 2045. In fact, given the current PG&E renewable portfolio and the loss of load from the many CCAs being formed in northern California, PG&E could be nearly carbon free in the next few years.

The forecast for PG&E’s generation resources are based on publicly available data and forecasts. As with the CCA cost forecast, we relied on the market price forecast provided by PCE to estimate the cost of market purchases. However, since PG&E protects data that would reveal its detailed power procurement activities (e.g., hedging), we were unable to perform the hourly analysis completed for PCE and instead relied on average market prices to develop estimates of the cost of PG&E market purchases.

Over the 10-year period, the study forecasts that PG&E’s generation rates will escalate by an average of 2.8% per year. This forecast, along with historical rates, is show in Figure 13, below.

**Figure 13. Historical and Forecasted PG&E Average Generation Rates**



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### ***Power Charge Indifference Amount (PCIA)***

The Power Charge Indifference Adjustment (PCIA) is a fee charged by PG&E intended to prevent customers that remain with PG&E bundled service from paying for energy generation procured on behalf of customers that have since switched to CCA service. More specifically, it pays for the above-market costs of PG&E generation resources that were acquired, or which PG&E committed to acquire, prior to the customer's departure to CCA.

The total cost of these resources is compared to a market-based price benchmark to calculate the "stranded costs" associated with these resources, and CCA customers are charged what is determined to be their fair share of the stranded costs through the PCIA. Bundled customers also pay the PCIA, which is embedded into their commodity portion of their total rate.

Because PG&E is constantly acquiring new generation resources, the PCIA for customers who began CCA service earlier are responsible for the above market costs of fewer resources than customers who begin CCA service later. This is known as PCIA "Vintages." PCE's current load is Vintage 2016, while if Los Banos joins PCE in 2022, its load would be assigned a "2021" vintage.<sup>25</sup> Because PG&E has added very few new resources between 2016 and 2021, the 2021 Vintage PCIA, paid by Los Banos customers, would be about the same as the 2016 Vintage PCIA, which is paid by PCE customers.

The PCIA is not paid directly by the CCA, but by the individual customers taking CCA service. Thus, it does not appear explicitly on the CCA's books, however it must be accounted for in any CCA cost analysis. While both CCA customers and customers that choose to remain in PG&E bundled service pay this fee, it appears as a separate line item for CCA customers and is embedded in the energy generation costs of PG&E bundled customers.

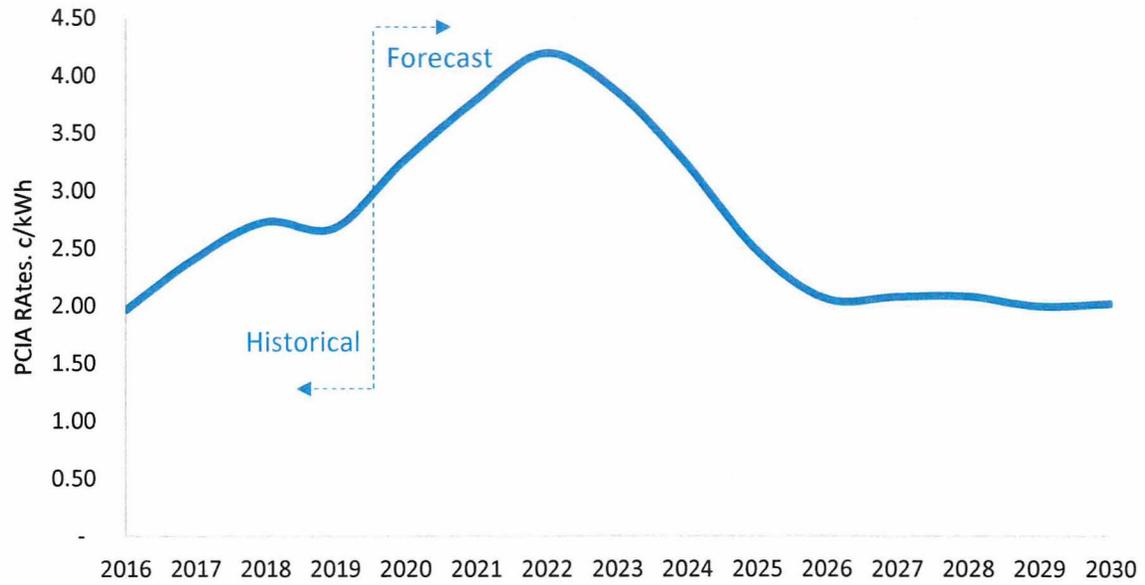
To forecast the PCIA, this study used the formula and approach dictated by CPUC Decision 18-10-019. In addition, the market price and PG&E portfolio assumptions used in the PCIA calculations are consistent with those used to forecast PG&E's generation rates.

This study forecasts the PCIA charge by directly modeling expected changes to PCIA-eligible resources and to the market-based price benchmark through 2030. Based on our modelling, we expect the PCIA start at around 4.4¢/kWh and decrease such that by 2023, the PCIA is about 2.1¢/kWh. This decrease is due to the expiration of certain expensive contracts, the retirement of Diablo Canyon Nuclear Power Plant, and general market price increases. MRW's forecast of the PCIA charge through 2030 is shown below.

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<sup>25</sup> The PCIA vintage and calendar year does not exactly match.

**Figure 14. Historical and Forecasted Average PCIA**



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## Chapter 3. Cost and Benefit Analysis

Costs and benefits are evaluated by comparing the total average cost to serve the CCA customer (cents per kWh or dollar per MWh) (including PCIA) to PG&E generation rates.

The pro forma results for the first 9 years of the Los Banos joining PCE (2022-2030) are summarized in this chapter.

### Rate Comparisons

Figure 15 shows the forecast of PCE's average cost of service and PG&E's generation rates. The bars in the chart show the forecasts of the major cost components of CCA operation, while the single line shows the forecast of PG&E's retail generation rate. When the bars are below the line, PCE's average operating costs is lower than PG&E's generation rate; meaning that it can offer power to customers at a rate lower than PG&E. As the figure shows, but for the first year, 2022, PCE's forecast cost of service is below our forecast of PG&E's generation rate.

The bottom-most blue segment represents the cost of power to the CCA. The next segment up, orange, is the cost to acquire the capacity needed to comply with the state's resource adequacy program. That is, the cost that PCE must incur to demonstrate that it has the generating capacity (in megawatts) to ensure that it can serve all its load, even if the "intermittent" renewable resources are not generating at their optimal rate (e.g., solar on rainy days). The more intermittent renewables—solar and wind—that are added to the CCA's generating mix, the more back-up capacity is needed to ensure reliability.

The next segment, gray, is for costs that PCE must pay to the grid operator.

The next segment, yellow, is PCE's administrative and general costs. This includes all the costs PCE requires to operate (staff, rent, equipment, professional services) as well as the costs of PCE's service programs to its members.

The top-most green segment is for the Power Charge Indifference Adjustment (PCIA) and the Franchise Fee. The PCIA is a fee paid to PG&E to ensure that the operation of the CCA does not strand PG&E's remaining bundled customers with costs associated with power purchased on behalf of customers who have shifted to the CCA. Franchise fees are those collected by PG&E and paid to the City for the right to operate the electric monopoly franchise in the city. It is paid as a percent of each customer's total bill and is automatically built into PG&E's rates. So that cities remain financially whole when customers' power is provided by a CCA, PG&E charges CCA customers a "franchise fee surcharge."<sup>26</sup>

The black line represents PG&E's average generation rate. The difference between the PG&E generation rates and the PCE cost plus PCIA columns is the amount that is available for rate discounts, contributions to cash reserves, or funding additional programs. In 2022, because the

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<sup>26</sup> See PG&E Tariff Schedule FFS.

sum of the costs approximately equals the PG&E generation rate, PCE will need to dip into its cash reserves to as to maintain its commitment to offer a 5% discount.

**Figure 15. Forecast of PCE's Cost of Service (Without Los Banos) Versus PG&E's Generation Rate**

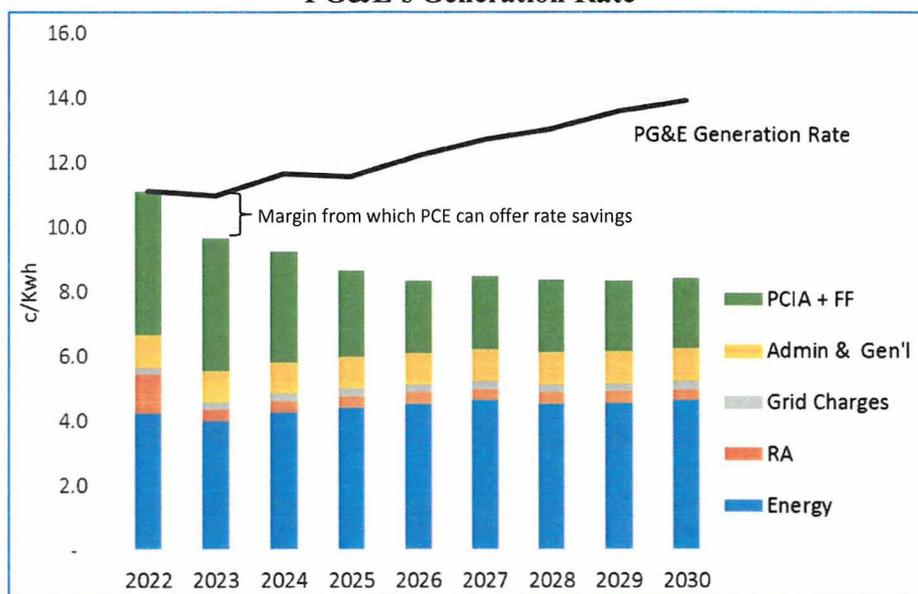
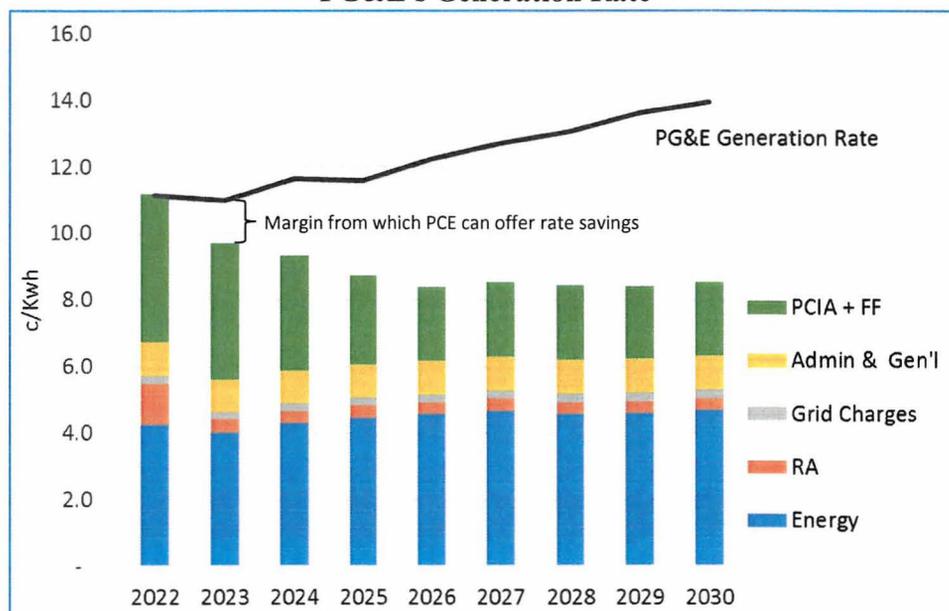


Figure 16 shows the same comparison as Figure 15, except that it assumes that PCE is serving Los Banos, too. The two figures are nearly identical, the only discernable difference can be seen in 2022, where the cost + PCIA column is slightly higher relative to the generation rate line.

Table 8 shows the annual average cost of service (i.e., the elements of the columns except for the PCIA) for PCE alone and PCE with Los Banos. The table shows that adding Los Banos will increase PCE's cost of service by an average of 0.05¢/kWh, which is less than one percent. As discussed below, this average cost increase is more than compensated for by the additional revenues that Los Banos would bring into PCE.

**Figure 16. Forecast of PCE's Cost of Service (With Los Banos) Versus PG&E's Generation Rate**



**Table 8. Average PCE Cost of Service (¢/kWh)**

	2022	2023	2024	2025	2026	2027	2028	2029	2030
<b>PCE Alone</b>	6.78	5.84	6.00	6.14	6.25	6.36	6.25	6.30	6.38
<b>PCE With Los Banos</b>	6.83	5.88	6.05	6.20	6.30	6.41	6.31	6.37	6.45

### Financial Impact on PCE of Adding Los Banos

MRW quantified the financial impact on PCE of adding Los Banos by comparing the changes in its cost of service and revenues. As shown in Table 9, over the nine year study period, adding Los Banos increases PCE's costs by \$111 million while increasing its revenues by \$135 million. This results in a net benefit of about \$24 million, or 1%. However, the impact is not equal. In the earlier years, PCE incurs a net cost to serve Los Banos, with a break-even year of 2026.

**Table 9. Change in PCE's Costs and Revenues from Adding Los Banos (millions \$)**

Year	Change in Costs	Change in Revenues	Net Benefit (Cost)	Net Benefit as % of Costs	Cumulative Net Benefit
2022	\$13.0	\$10.6	(\$2.4)	-1.1%	(\$2.4)
2023	\$10.9	\$10.7	(\$0.2)	-0.1%	(\$2.6)
2024	\$11.5	\$12.9	\$1.4	0.7%	(\$1.2)
2025	\$11.9	\$14.0	\$2.1	1.0%	\$0.9
2026	\$12.3	\$15.9	\$3.7	1.7%	\$4.5
2027	\$12.4	\$16.7	\$4.3	1.9%	\$8.9
2028	\$12.6	\$17.3	\$4.6	2.1%	\$13.5
2029	\$13.0	\$18.3	\$5.3	2.3%	\$18.8
2030	\$13.1	\$18.7	\$5.7	2.4%	\$24.4
<b>Total</b>	<b>\$110.7</b>	<b>\$135.1</b>	<b>\$24.4</b>	<b>1.2%</b>	<b>\$24.4</b>

## Chapter 4. Sensitivity of Results to Key Inputs

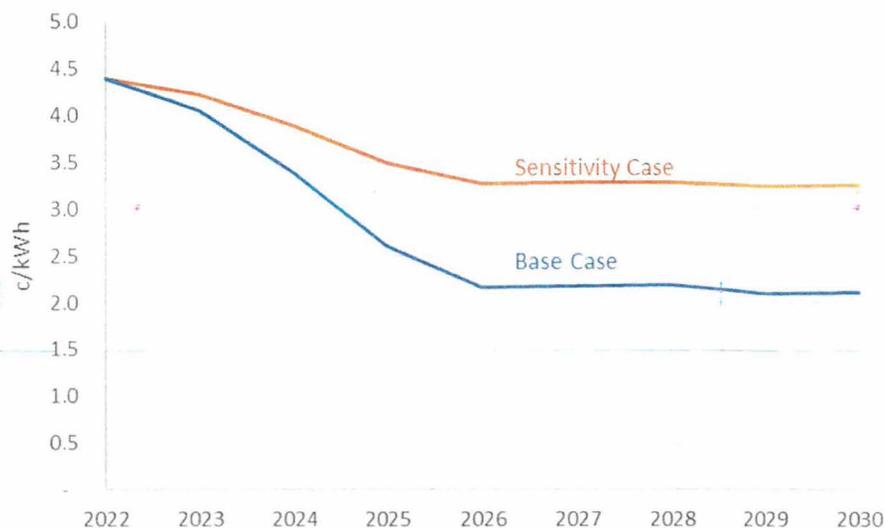
The results shown in the Scenarios above reflect expected market conditions and outcomes with variations only in the amount and type of renewable generation. However, it is unlikely that the conditions assumed in these Scenarios will occur exactly as assumed. In order to evaluate the robustness of the analysis, the key variables must be identified, and analyses conducted with other assumptions for those key variables to “stress test” the assumptions. Three cases were investigated: A higher PCIA forecast, a lower PG&E generation rate forecast, and the higher PCIA and lower generation rate forecast together. Raising the PCIA or lowering the PG&E generation rate both impact the rate that PCE charges, as its rates are tied to PG&E’s. Thus, in these sensitivities, the rate that PCE can charge is decreased while its costs remain the same.

The specific assumptions on the sensitivity Scenarios are shown in Table 10 and Figure 17 and Figure 18.

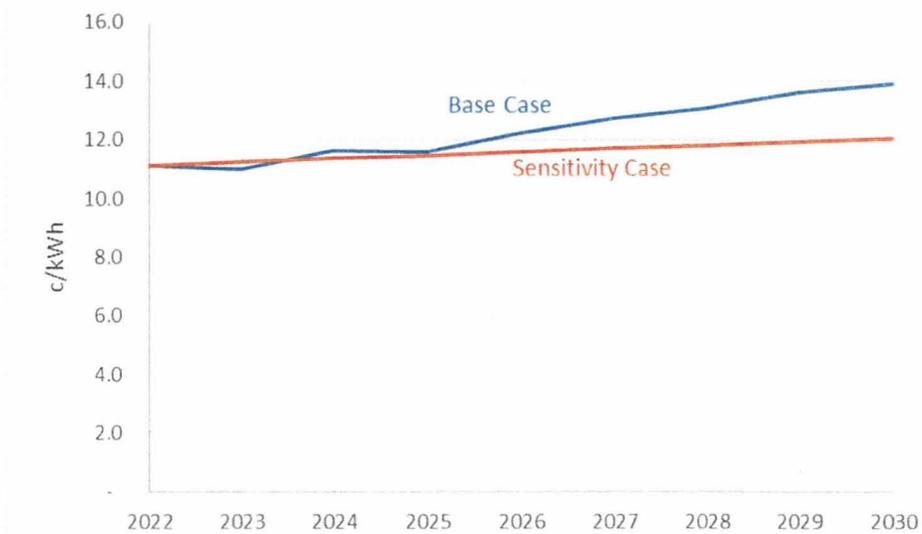
**Table 10. Sensitivity Case Definitions**

Sensitivity Case	Definition
Base	Per MRW Forecasts
Higher PCIA	PCIA decreases ½ as much as in Base
Lower PG&E Generation Rate	PG&E generation rates escalate at 1% per year

**Figure 17. Higher PCIA Sensitivity Case**



**Figure 18. Lower Generation Rate Sensitivity Case**



## Sensitivity Results

### *Higher PCIA Sensitivity*

The models used to create this report explicitly simulate the calculation of the PCIA. Therefore, underlying changes to the market—higher or lower natural gas or high or lower renewable costs—explicitly ripple through to the PCIA. However, for the sake of interest and conservatism, this sensitivity represents a case where the PCIA decrease shown in the Base Case is halved (Figure 17). This assumption reduces the rates that PCE charge by up to 2¢/kwh.

The impact on PCE’s finances is show in Table 11. As the table shows, with the higher PCIA assumption, the total benefit of adding Los Banos to PCE would be approximately 50% of the Base Case benefit: \$12 million versus \$24 million. In this case, it would require until 2027 before the cumulative benefit exceeds the costs.

**Table 11. Financial Impact on PCE of Higher PCIA**

Year	Change in Costs	Change in Revenues	Net Benefit (Cost)	Net Benefit as % of Costs	Cumulative Net Benefit
2022	\$13.0	\$10.4	(\$2.6)	-1.2%	(\$2.6)
2023	\$10.9	\$10.3	(\$0.6)	-0.3%	(\$3.3)
2024	\$11.5	\$11.9	\$0.4	0.2%	(\$2.8)
2025	\$11.9	\$12.4	\$0.5	0.3%	(\$2.3)
2026	\$12.3	\$14.1	\$1.8	0.8%	(\$0.5)
2027	\$12.4	\$14.8	\$2.4	1.1%	\$2.0
2028	\$12.6	\$15.4	\$2.8	1.2%	\$4.7
2029	\$13.0	\$16.3	\$3.3	1.5%	\$8.0
2030	\$13.1	\$16.8	\$3.7	1.6%	\$11.8
<b>Total</b>	<b>\$110.7</b>	<b>\$122.5</b>	<b>\$11.8</b>	<b>0.6%</b>	<b>\$11.8</b>

***Lower PG&E Rate Sensitivity***

As a conservative sensitivity, MRW explored the impact of assuming that the PG&E generation rate increased at 1% per year, rather than the fundamentals-derived forecast, which resulted in an average PG&E generation rate increase of 2.8% per year.

The impact on PCE's finances is show in Table 12. As the table shows, with the lower PG&E generation rate assumption, the total benefit of adding Los Banos to PCE would be approximately 45% of the Base Case benefit: \$14 million versus \$24 million. However, in this case, it would require until only until 2023 before the cumulative benefit exceeds the costs.

**Table 12. Financial Impact on PCE of Lower PG&E Generation Rate**

Year	Change in Costs	Change in Revenues	Net Benefit (Cost)	Net Benefit as % of Costs	Cumulative Net Benefit
2022	\$13.0	\$10.6	(\$2.4)	-1.1%	(\$2.4)
2023	\$10.9	\$11.1	\$0.2	0.1%	(\$2.2)
2024	\$11.5	\$12.4	\$0.9	0.4%	(\$1.3)
2025	\$11.9	\$13.8	\$1.9	0.9%	\$0.6
2026	\$12.3	\$14.9	\$2.7	1.2%	\$3.3
2027	\$12.4	\$15.1	\$2.7	1.2%	\$6.0
2028	\$12.6	\$15.3	\$2.7	1.2%	\$8.6
2029	\$13.0	\$15.6	\$2.6	1.1%	\$11.2
2030	\$13.1	\$15.8	\$2.7	1.1%	\$13.9
<b>Total</b>	<b>\$110.7</b>	<b>\$124.6</b>	<b>\$13.9</b>	<b>0.7%</b>	<b>\$13.9</b>

### ***Combined Sensitivity***

Table 13 below shows the financial impact on PCE of the lowering PG&E generation rate escalation and using the higher PCIA assumption. As the table shows, under this scenario PCE breaks even in 2029 if Los Banos is added. The impact is very nominal, +0.1% of PCE's revenue, which given all the assumptions going into the analysis is within the margin of error.

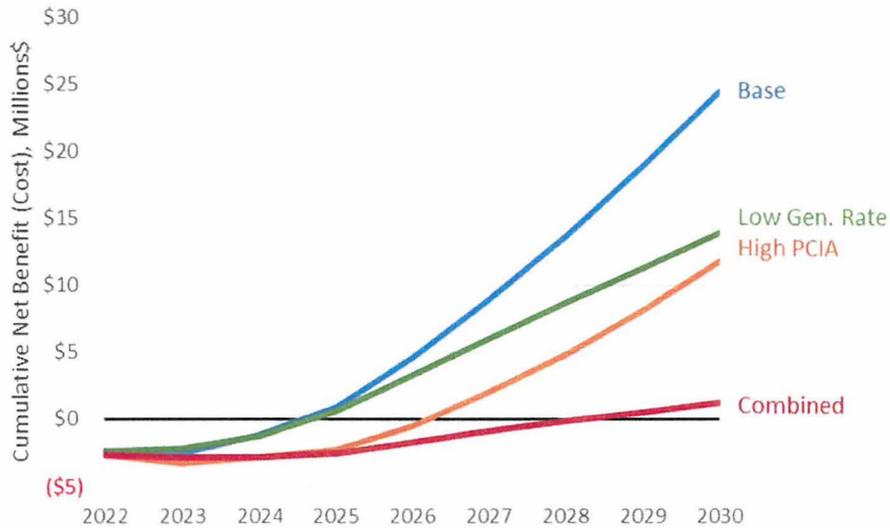
**Table 13. Financial Impact on PCE of Lower PG&E Rate and Higher PCIA**

<b>Year</b>	<b>Change in Costs</b>	<b>Change in Revenues</b>	<b>Net Benefit (Cost)</b>	<b>Net Benefit as % of Costs</b>	<b>Cumulative Net Benefit</b>
2022	\$13.0	\$10.4	(\$2.6)	-1.2%	(\$2.6)
2023	\$10.9	\$10.7	(\$0.2)	-0.1%	(\$2.8)
2024	\$11.5	\$11.5	(\$0.1)	-0.0%	(\$2.9)
2025	\$11.9	\$12.3	\$0.4	0.2%	(\$2.5)
2026	\$12.3	\$13.0	\$0.8	0.3%	(\$1.8)
2027	\$12.4	\$13.2	\$0.8	0.4%	(\$0.9)
2028	\$12.6	\$13.4	\$0.8	0.3%	(\$0.2)
2029	\$13.0	\$13.7	\$0.7	0.3%	\$0.5
2030	\$13.1	\$13.8	\$0.8	0.3%	\$1.3
<b>Total</b>	<b>\$110.7</b>	<b>\$112.0</b>	<b>\$1.3</b>	<b>0.1%</b>	<b>\$1.3</b>

### **Sensitivity Case Implications**

As shown in Figure 19, in the Base case and all three sensitivity cases there is a net cost to PCE of adding Los Banos for the first few years. PCE's negative "investment" in Los Banos breaks even within the first five years (i.e., cumulative net benefits become positive) in all but the Combined High PCIA/Low Generation Rate sensitivity. There, the net benefits remain negative through at least 2028.

**Figure 19. Fiscal Impact of Los Banos Joining PCE (sensitivity cases)**



From Los Banos’s point of view, as long as PCE is committed to keeping its customers net generation rates at 5% less than PG&E’s, how long it takes PCE to recoup the first years’ costs is immaterial. Furthermore, given the very modest overall financial impact adding Los Banos has to PCE, MRW finds it unlikely that adding Los Banos would change PCE’s rate setting policy.

From PCE’s perspective, its Board must weigh the initial negative financial impacts, albeit modest, of adding Los Banos against the long-run benefits of the expansion.

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## Chapter 5: Risks & Mitigating Strategies

As discussed so far, there are potential benefits to CCA formation, but there are also risks. This chapter lists many of the larger risks that a Los Banos CCA would face—and in fact all CCAs must deal with—along with summaries of how the CCA can address the risk.

### Financial Risk to City

Like all other CCA JPA agreements that MRW has seen, the PCE agreement explicitly isolates its finances and liabilities from those of its members. In the event of an PCE failure or default, MRW understands that its member jurisdictions could not be held liable for the JPAs debts or obligations. Nor do any CCA obligations appear on the city's books or impact its credit rating.

If PCE was having financial difficulties and had to charge rates that exceeded PG&E's, then the city, as a JPA member, might feel obligated to remain with PCE service at a higher cost rather than revert back PG&E. While this is possible and might occur in an isolated year, MRW believes, given its track record and policies, that PCE can, over the long run, meet or beat PG&E's rates.

The primary financial risk to the City would be if it joined PCE but subsequently left it after the JPA had entered into power contracts to serve the City's load. In that circumstance, the JPA agreement allows the JPA to impose fees to compensate it for any excess costs caused by the City's departure. For PCE, a jurisdiction may withdraw its participation in the CCA Program at the beginning of PCE's fiscal year by giving at least 6 months advance written notice. It can also withdraw if an amendment is made to the JPA and the party gives 30 days' notice.<sup>27</sup> Withdrawals and terminations require a director vote.<sup>28</sup> Even after the jurisdiction is no longer part of the CCA, it may still have financial obligations including losses from the resale of power.<sup>29</sup> However, if the City withdraws its membership prior to the program launch, it bears no financial obligation.<sup>30</sup>

The City will not lose any revenue associated with franchise fees.<sup>31</sup> PG&E's Electric Rule 23, Section B.16 explicitly states that "CCA customers shall continue to be responsible to pay all applicable fees, surcharges and taxes as authorized by law. PG&E shall bill customers for franchise fees as set forth in Public Utilities Code Sections 6350 to 6354." Since PG&E's retail sales to CCA customers does not include the generation component of rates, a special adjustment must be made to ensure that a city participating in a CCA receives its fully due franchise fees.

**Mitigation:** Joining a JPA like PCE provides better protections to the City's finances by more firmly isolating the CCA's books from that of the City as well as providing greater resources to

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<sup>27</sup> JPA p. 11

<sup>28</sup> JPA p. 11-12

<sup>29</sup> JPA p. 12

<sup>30</sup> JPA p. 11

<sup>31</sup> Franchise fees are payments that a public utility makes to a city or county government for the nonexclusive right to install and maintain equipment on the government's right of ways. Franchise fees are generally calculated as a fraction of retail sales, typically on the order of a few percent.

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manage its procurement and programs. It can further be mitigated by understating that CCA is a commitment for the long run, and plan for, and be willing to work through, times where the CCA rates may not be as favorable as the City might like.

## Opt-Out Risk

Customers may choose to opt-out of a CCA service before or during their transfer to CCA, or in fact at any time. The opt-out risk comes at two district time periods. The first is the initial roll-out of the CCA program. The most recent CCA launches have experienced only very modest opt-outs: around two to three percent of the eligible customers have elected not to take service from their CCA.<sup>32</sup> If there are negative communications to Los Banos citizens and businesses during the initial roll out (e.g., bad press of some sort), then the opt-out rate could increase. Second, customers could choose to leave CCA service after the initial opt-out period. The most likely driver of this opt-out risk is expanding Direct Access eligibility, which is addressed in more detail below.

**Mitigation:** The experience of prior CCAs suggests that opt-outs at the beginning of service tend to be in a relatively narrow range, allowing for some predictability in initial opt-outs. The value used in the study, 5%, is well within the average. In addition, prudent power procurement strategies will allow for a reasonable uncertainty in load, especially that associated with DA expansion, without having to either dump power at a loss or purchase excessive amounts at high spot market prices. CCAs also may be able to charge an “exit fee” akin to the PCIA to customers who have left CCA service after power contracts have been signed to serve their load, but to date none have been imposed.

## Rate and PCIA Uncertainty

A primary objective is to offer power to Los Banos residents and businesses at a competitive price relative to PG&E. In this circumstance, competitiveness is tied to the rate offered by PG&E. A number of factors can cause a Los Banos CCA’s or PCE’s net power costs to exceed those of PG&E. The CCA must have in place risk management plans and options to both mitigate these risks by lowering rates passed on to customers back down to a competitive rate as well as to address unexpected risks.

**Changes to PG&E Generation Rates:** There could be circumstances that result in PG&E’s generation’ rates being less than a Los Banos CCAs or PCE. Assuming that PG&E’s rates are based on its cost of service, Los Banos CCA obviously has little or no ability to influence the rates that PG&E offers.

**Mitigation:** While a Los Banos CCA or PCE has little ability to affect PG&E’s generation rates, it can take proactive steps to mitigate the impact of reductions in PG&E’s generation rate through participation in rate proceedings at the CPUC and through soundly managing its own

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<sup>32</sup> The exception to this is the large industrial customers in CPA’s CCA. CPA chose not to offer competitive rates to these customers as the CCA could not cover the cost to serve them. The large opt-out, over 50%, was not unexpected and was planned for.

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finances. We note that PCE is participating in CPUC rate proceedings and has been professionally managed.

**Changes to PG&E's PCIA Rate:** Assembly Bill 117, which established the Community Choice Aggregation program in California, included a provision that states that the customers that remain with the utility should be "indifferent" to the departure of customers from utility service to CCA service. This has been broadly interpreted by the CPUC to mean that the departure of customers to CCA service cannot cause the rates of the remaining utility "bundled" customers to go up. To maintain bundled customer rates, the CPUC has instituted an exit fee, known as the "Power Charge Indifference Amount" or "PCIA" that is charged to all CCA customers. The PCIA is intended to ensure that generation costs incurred by PG&E before a customer transitions to CCA service are not shifted to remaining PG&E bundled service customers.

Thus, for a Los Banos CCA customer to realize an economic benefit (i.e., pay the same or less for electricity), the sum of the CCA's charges plus the PCIA must be lower than PG&E's generation rate.

**Mitigation:** The PCIA is established at the CPUC. To ensure that this charge is properly calculated and that it is correctly allocated to Los Banos CCA customers, it will be necessary for a Los Banos CCA or PCE to monitor and possibly actively participate in the regulatory proceedings in which the CPUC sets the PCIA. We note that PCE is active, both alone and through CalCCA, in numerous CPUC proceedings.

## **CPUC "Financial Security Requirement" Risk**

Pursuant to CPUC Decision 05-12-041, a new CCA must include in its registration packet evidence of insurance or bond that will cover such costs as potential re-entry fees, specifically, the cost to PG&E if the CCA were to suddenly fail and be forced to return all its customers back to PG&E bundled service. Currently, a bond amount for CCAs is set at \$147,000.

This CCA bond amount covers PG&E's administrative cost to reintegrate a failed ESP's customers back into bundled service, plus any positive difference between market-based costs for PG&E to serve the unexpected load and PG&E's retail generation rates. Since the CCA bonding requirement has been in place, retail rates have always exceeded wholesale market prices, and thus CCAs' bond requirement has been simply the equal to a modest administrative cost.

**Mitigation:** During normal conditions, the CCA Bond amount will not be a concern. However, during a wholesale market price spike, the bond amount could potentially increase to millions of dollars. But the high bond amount would likely be only short term, until more stable market conditions prevailed. Also, it is important to note that high power prices (that would cause a high bond requirement) would also depress PG&E's PCIA and would also raise PG&E's rates, which would in turn likely provide the CCA sufficient headroom to handle the higher bonding requirement and keep its customers' overall costs competitive with what they would have paid had they remained with PG&E.

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## Direct Access and Competitive Retail Services

A possible important risk to PCE (and all CCAs) is the expansion of Direct Access (DA) eligibility.<sup>33</sup> The State currently limits the amount of load that may take this DA service. Currently, about 15% of the load in PG&E's territory is served through Direct Access, with an additional 3% likely to occur in late 2020 due to the limited expansion of the DA program provided for in Senate Bill 237. In addition to modestly expanding the availability of DA service, SB 237 also directed the CPUC to report to the Legislature by June 1 of 2020 on how to open DA completely for all non-residential customers. The CPUC's report on how to fully open DA service is still pending, but the legislation's direction is more how to fully open DA service, not if it should. A fully opened DA market would allow any commercial or industrial customer served by PCE to switch its provider to a third-party, potentially reducing PCE's revenue and creating a mismatch between its wholesale power portfolio and the CCA's load.

**Mitigation:** A Los Banos CCA or PCE management must follow this issue closely and take appropriate steps, such as altering its procurement mix and strategies, when the Legislature and CPUC act.

## Energy Risk Management

A CCA faces financial risk of procuring energy, capacity, Renewable Energy Credits, and carbon-free energy (if needed) at a cost that exceeds the revenue that it receives from its retail customers. The other risks that are faced by the CCA roll up into the overarching risk of buying products and operating the CCA at a cost that exceeds revenue. Those risks are listed below:

- Net Revenue
- Market Price
- Volume
- Temporal
- Basis
- Counterparty Credit
- Counterparty Performance
- Liquidity
- Operational

**Mitigation:** The CCA must establish a sound risk management program that forms the structure for measuring, monitoring and managing risk. PCE's Risk Management plans can be found on its website.<sup>34</sup>

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<sup>33</sup> Direct Access (DA) service is retail electric service where non-residential customers purchase electricity from a competitive provider called an Electric Service Provider (ESP), instead of from a regulated electric utility or CCE provider.

<sup>34</sup> [https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/Policy-7-Revised\\_Adopted-022317.pdf](https://www.peninsulacleanenergy.com/wp-content/uploads/2017/01/Policy-7-Revised_Adopted-022317.pdf)

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## Legislative and Regulatory Risks

As noted above, the CCA must meet various procurement requirements established by the State and implemented by the CPUC or other agencies. Regulatory risk, which changes the rules under which CCAs operate, affects the CCA's ability to maintain stable procurement activities, manage costs to its customers, and compete with the local incumbent utility and direct access providers.

Regulation of the electric utility sector that affects CCAs at the federal level is provided by the Federal Energy Regulatory Commission (FERC) which regulates the CAISO and at the state level by the California Public Utilities Commission (CPUC) which implements legislation passed by the California State Legislature and signed into law by the governor. Although CCAs are not directly regulated by the CPUC but rather their own local governing bodies, the CPUC is tasked with implementing details of legislation signed into law. The California Air Resources Board (CARB) regulates emissions.

The risk to CCAs is in changes in the regulatory environment that affects the CCA's ability to attract, compete, and retain customers, products that it has already procured, and procurement practices going forward. Major issues that are currently evolving include:

- Direct Access
- Resource Adequacy
- Power Charge Indifference Adjustment
- Renewable Energy Purchase Requirement
- Power Content Label Reporting
- Central Procurement Entity
- Energy Provider of Last Resort (POLR)

These include procuring sufficient resource adequacy capacity of the proper type and meeting RPS requirements that are evolving.<sup>35</sup> Additional rules and requirements might be established. These could affect the bottom line of the CCA.

**Mitigation:** Regulatory and legislative risk can only be managed through close monitoring of the relevant proceedings at the CPUC and legislation in Sacramento and intervene where needed to advocate for the CCA. If Los Banos pursues CCA, it should consider teaming with other CCA, such as through the CalCCA trade organization on regulatory and legislative monitoring. As noted, PCE is already active at the CPUC and participating in CalCCA.

## Political Risk

Any major decision made by the City Council carries with it political risk. If the CCA goes well, it could go unnoticed by most residents and businesses. If things go upside down, the blame and accountability could be directed at the elected officials. Fortunately, we have not seen this occur.

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<sup>35</sup> Rules to establish RPS requirements under the new 50% RPS mandate are currently being debated at the CPUC.

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## Chapter 6. Governance Options

This study focused on the implications of Los Banos joining PCE. That is not its only option. The City has two primary options available for CCA:

1. Where the City is the sole government agency responsible for the CCA's creation and operation,
2. Joining an existing CCA JPA.

### Forming a Single City Agency

In a sole jurisdiction approach, the City maintains full flexibility—and responsibility—for developing policies and procedures. This means that it can be tailored to and responsive to the City's stakeholders and constituents only and based upon their own objectives. The City would be responsible for setting policy priorities in general and making specific decisions about power generation, staffing policies, local economic development activities and strategies, and financial and debt policies. Along with greater autonomy, the City would assume all risk, liability, and costs associated with operating the CCA. In this case, the likely path would be for the City to establish the CCA as an enterprise fund, and work with appropriate legal counsel to explore options for controls and structural safeguards to insulate it and minimize risk to the City's general fund.

Enterprises are commonly used for public utilities such as electric, water and wastewater, or other city functions where a public service is operated and provided in a manner similar to a business enterprise, where fees and charges are collected for services provided, and accounting and budgeting are separate from a city's general fund. Establishing an enterprise fund provides management and CCA customers with more visibility and accountability, and the ability to more easily separate and measure performance, analyze the impact of management decisions, determine the cost of providing electric service, and use this information to develop cost-of-service electric rates. Enterprise accounting will allow the City to demonstrate to customers, the public, and other stakeholders that the cost of power is being recovered through its rates, and not being subsidized or comingled with other City funds or functions.

Within the city-only option, the Los Banos CCA would determine if it is to be a fully in-house operation with existing or added City Staff, or if the City would outsource some or all of the activities, with the City only administering contracts and managing vendors. Examples of some of the categories of operating activities that would need to be performed in-house or outsourced include:

- Power procurement, scheduling
- Finance, budgeting, and accounting
- Coordinating with PG&E on billing
- Customer service
- Communications, outreach and public relations

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- Specific programs such as demand response, EE, EV or rooftop solar PV
  - Regulatory monitoring and compliance, CPUC filings, etc.

Forming its own CCA would also require a significant outlay of City funds. Before operation, Los Banos would have to commit \$500,000 to \$1,000,000 to get the CCA off the ground. Ideally, this would be a loan to the CCA, which would be paid off through rate revenue during the first few years of operation. Furthermore, the CCA's financial services provider (i.e., bank) could require the City to backstop the CCA with a letter of credit, which could place a liability on the City's books and negatively impact the City's credit position.

While this study did not quantitatively consider a Los Banos-only CCA, a few conclusions can still be reached. First, it is not likely that a stand-alone Los Banos CCA could offer rates lower than PG&E in 2022 and perhaps even 2023. After that, the PCIA is expected to markedly decrease along with the costs associated with procuring local RA. The combination of these two factors could make a Los Banos-only CCA feasible in 2023 or 2024.

### **Joining an Existing JPA (PCE)**

The second option would be to join an existing CCA JPA, such as PCE. A JPA is an independent agency that operates on behalf of the public agencies which are party to its creation. In this approach, the City effectively shares responsibility with the other agencies participating in the JPA. The divisions of these responsibilities and the sharing of decision-making authority are based on the existing JPA's formation documents.

With respect to governance, the PCE board has two directors appointed by the San Mateo County Board of Supervisors and one director appointed by each City or Town that becomes a party to the JPA.<sup>36</sup> If Los Banos were to join, it would be the 21st municipal jurisdiction and thus have one out of 23 board members. In general, decisions are made by a majority vote of the directors' present at the meeting. However, any director can request an additional weighted vote by vote share. Each director has a voting share determined by the percent of energy their party uses out of the total energy for the CCA for that effective year. If a party has more than one director, then the voting shares allocated to the entity shall be equally divided amongst its directors. There are also special cases for involuntary termination of a party which require a 2/3 vote and for a decision to exercise the power of eminent domain which requires a 75% majority vote.

A JPA structure also reduces the risks of CCA participation by immunizing the financial assets of the City and the other agencies participating in the CCA. The CCA's debts are its own, and creditors cannot come to the City for any recourse.

A CCA operated under a JPA could benefit from increased negotiating and buying power for power purchases, access to better financing terms for borrowing, and operating efficiencies gained by combining back-office functions such as billing and accounting. These benefits would

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<sup>36</sup> [http://file.lacounty.gov/SDSInter/green/1006202\\_PeninsulaCleanEnergyAuthorityJointPowersAgreement.pdf](http://file.lacounty.gov/SDSInter/green/1006202_PeninsulaCleanEnergyAuthorityJointPowersAgreement.pdf), (JPA) p.4

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accrue to customers through better pricing for power and debt, and ultimately more competitive electric rates. A larger JPA could also wield more political influence, which could be beneficial when participating in CPUC or other regional or state regulatory, legislative, or policy making activities.

Key tradeoffs to the benefits of a JPA are that decision making is allocated amongst the parties and management independence is diminished. Objectives of participating agencies could differ, and reduced autonomy can manifest when setting priorities for local generation, economic development activities, and importance of support programs. In the case of PCE, Los Banos should consider how or if PCE's priorities match its own. For example, PCE is committed to 100% renewable power by 2025, which includes the output of the Wright Solar Project located in Los Banos. A CCA with a less aggressive renewable policy could potentially offer lower rates.

### **Requirements per CPUC Resolution 4907**

CPUC Resolution E-4907 establishes the schedule for creation of a new CCA or expansion of an existing one. This process is outlined in Table 16.

**Table 14. CCA Implementation Schedule Per CPUC Resolution 4907**

Date	Action
Day 1, Year 1 (On or before January 1 Year 1)	(1) The prospective or expanding CCA submits its Implementation Plan to Energy Division and serves it on selected docket service lists
Day 1 – 10, Year 1	(1) The CPUC notifies the Utility servicing the customers that are proposed for aggregation that an implementation plan initiating their CCA program has been filed.
Day 1 – 60, Year 1	(1) The CCA provides a draft customer notice to CPUC’s Public advisor.  (2) Within 15 days of receipt of the draft notice, the Public Advisor shall finalize that notice and send it to the CCA.
DAY 1 – 90, Year 1	(1) The CPUC sends a letter confirming that it has received the Implementation Plan and certifying that the CCA has satisfied the requirements of Section 366.2(c) (3).  (2) The CPUC provides the CCA with its findings regarding any cost recovery that must be paid by customers of the CCA in order to prevent cost shifting. (P.U. Code Section 366.2 (c) (7).)  (3) The CCA and the Utility should Meet-and-Confer regarding the CCA’s ability to conform its operations to the Utility’s tariff requirements.
DAY 1 – 90, Year 1	(1) The CCA submits its registration packet to the CPUC, including: a. Signed service agreement with the utility, b. CCA interim bond of \$100,000 or as determined in R.03-10-003
Day 90 – 120, Year 1	(1) If the registration packet is complete, the CPUC confirms Registration as a CCA.
April, Year 1	(1) The CCA submits its year ahead Resource Adequacy forecast (P.U. Code Section 380)
August, Year 1	(1) The CCA submits its updated year-ahead RA forecast
October Year 1 (75 days before service commences)	(1) CCAs submit their Monthly load migration forecast for the Resource Adequacy program, filed about 75 days prior to the compliance month.
Within 60 days of the CCA’s Commencement of Customer Automatic Enrollment	(1) The CCA shall send its first opt-out notice.
Within 30 days of the CCA’s Commencement of Customer Automatic Enrollment	(1) The CCA shall send a second opt-out notice. (2) Once notified of a CCA program, the Utility shall transfer all applicable accounts to the new supplier
January 1, Year 2	(1) CCA begins service.

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# Appendix: Detailed Pro Forma Outputs



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

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COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 11, 2020

Re: Notice of Public Hearing

Proposal: Site Plan Review #2020-04- Sunset Hills Development

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2020-04 for the development of a 2,550 square foot commercial structure with site improvements within the Highway Commercial Zoning District and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development Projects. The proposed project site is located at 1202 G Street; more specifically identified as Assessor's Parcel Number: 025-153-009.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, September 23, 2019 at 5:30 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*

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COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: September 11, 2020

Re: Notice of Public Hearing

Proposal: Site Plan Review #2020-05- Tait & Associates, Inc (7-Eleven)

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos Planning Commission to consider Site Plan Review #2020-05 for the demolishing and rebuilding of 3,010 square foot commercial structure, fuel canopy with six (6) multi-pump dispensing stations and two (2) underground fuel storage tanks located within the Highway Commercial Zoning District and Categorical Exemption and a Categorical Exemption from the California Environmental Quality Act pursuant to Section 15302 Replacement or Reconstruction. The project site is located at 611 Pacheco Boulevard, Assessor Parcel Number: 026-081-027.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Planning Commission on Wednesday, September 23, 2020 at 5:30 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.

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THE CITY OF LOS BANOS

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