



## **CONDITIONAL USE PERMIT PROCESS SHEET**

### **I. What is the purpose of a Conditional Use Permit?**

- a. To consider special uses which may be essential or desirable to a particular community but which are not allowed as a matter of right within a zoning district
- b. Can provide flexibility within a zoning ordinance
- c. To control certain uses which could have detrimental effects on the community

### **II. Review Process**

- a. A complete application is submitted to the Community & Economic Development Department.
- b. Community & Economic Development Department determines completeness of application within ten (10) business days.
- c. Application is discussed at the next available Project Review Board (PRB) meeting.
- d. Applicant will receive minutes and responses regarding issues discussed at the PRB meeting.
- e. Environmental Review
- f. If there are no outstanding issues, the public hearing is scheduled for next available Planning Commission meeting.
- g. Public hearing noticed ten (10) days prior to the meeting
  - i. Newspaper
  - ii. Mailed to property owners within 300' radius of subject property
- h. Planning Commission, by resolution, may grant approval of the conditional use permit subject to conditions or can deny the conditional use permit.
- i. If denied, the applicant may file a written notice with the Community & Economic Development Department or with the City Clerk no later than 5:00 p.m. ten (10) days after the decision was made.

### **III. On-Sale and Off-Sale Alcoholic Beverages Process**

- a. Follow the above review process a thru g.
- b. The Planning Commission will make a recommendation to the City Council for the conditional use of alcohol sales.
- c. The City Council will make a final decision of approval or denial regarding the conditional use permit.





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

Community & Economic  
Development Department  
520 J St.  
Los Banos, CA 93635  
Phone: (209) 827-7000 ext. 2432  
[www.losbanos.org](http://www.losbanos.org)

## CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

- Completed Application
  - If the applicant is not the property owner(s), the property owner(s) shall designate the applicant as the authorized agent to act on his or her behalf by way of a signed, dated, and notarized statement and both (or all) shall sign the application.
- Application fee
- Cost Recovery Contract
- Completed Environmental Checklist
- Vicinity Map (to include a 600' radius)
  - 15 color copies
  - 8.5" x 11" format
- Project description fully explaining intended use, General Plan designation, zoning, surrounding uses, proposed backbone infrastructure (with evidence of availability of adequate services such as water, sewer, and storm drainage), and proposed backbone circulation.
- Evidence of property ownership (i.e. deed, title insurance policy, etc.)
- Site photos showing site and surrounding properties (labeled clearly)
- Maps or Exhibits
  - 15 copies, at least 11"x 17" and no larger than 24"x 36", to include:
    - The location, design, and dimensions of all lots and lot lines
    - The dimensions of all yard areas, setbacks, building separations, open space, and patios
    - The location and dimensions of all proposed easement dedications and off-site improvements
    - The land use, type of residential units, and number of bedrooms in the residential use
    - The location, dimensions, and number of off-street parking spaces
    - Pedestrian and vehicular access, circulation, and ingress and egress
    - Grading plans and conceptual landscaping plans
    - Fencing and walls including location, height, and materials
    - Phasing boundaries if the development is to be constructed in phases
    - Trash enclosure locations and screening materials if there are shared receptacles

- The preliminary architectural design and elevations showing all sides of the buildings and depicting the building materials
  - 15 color copies
  - at least 11"x 17" and no larger than 24"x 36"
- Site photos showing site and surrounding properties labeled clearly
- Electronic copy of full submittal on USB drive

**Note:** *Staff may deem additional submittal information necessary such as a noise study, biological assessment, parking study, drainage report, arborist report, sight line analysis, infrastructure calculations, or master plans to adequately analyze the project, complete environmental review, or make recommendations to Elected or Appointed Officials.*



## Uniform Application

**In order for Applications to be deemed complete under California Government Code Section 65943, the following items must be provided:**

1. Completed Uniform Application
2. Development Plans as required by Submittal Requirements
3. Appropriate Filing Fee

<b>GENERAL REQUIREMENTS (Print Clearly or Type)</b>		
<b>Property Owner's Name:</b>		<b>(staff use only)</b>
Address:		<b>File No.:</b>
Home/Cell No.:	Work No.:	<b>Related Files:</b>
E-mail Address:	Fax No.:	
<b>Applicant's Name:</b>		<b>Date Rec'd:</b>
Address:		<b>Rec'd by:</b>
Home/Cell No.:	Work No.:	<b>Fees Paid:</b>
E-mail Address:	Fax No.:	<b>Receipt No.:</b>
<b>Representative's Name:</b>		<b>Approved by:</b>
Address:		<b>Date Approved:</b>
Home/Cell No.:	Work No.:	<b>Resolution No(s).:</b>
E-mail Address:	Fax No.:	

**Please Note: If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.**

<b>TYPE OF APPLICATION (check all that apply)</b>	
<input type="checkbox"/> Administrative Permit (AP)	<input type="checkbox"/> Mobile Food Vendor Permit (MFVP)
<input type="checkbox"/> Annexation (ANX)	<input type="checkbox"/> Planned Development Reclassification (PDR)
<input type="checkbox"/> Appeal	<input type="checkbox"/> Pre-zone
<input type="checkbox"/> Area Plan	<input type="checkbox"/> Rezone (ZC)
<input type="checkbox"/> Block Party Permit	<input type="checkbox"/> Sign Review (SR)
<input type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Site Plan Review (SPR)
<input type="checkbox"/> Cottage Food Operations (CFO) Permit	<input type="checkbox"/> Special Events Permit (SEP)
<input type="checkbox"/> Donation/Collection Bins Permit	<input type="checkbox"/> Temporary Uses Permit (TUP)
<input type="checkbox"/> Farmers' Market Permit	<input type="checkbox"/> Tentative Parcel Map (TPM)
<input type="checkbox"/> Final Development Plan (FDP)	<input type="checkbox"/> Tentative Tract/Subdivision Map (TTM)
<input type="checkbox"/> General Plan Amendment (GPA)	<input type="checkbox"/> Vesting Tentative Tract/Subdivision Map (VTTM)
<input type="checkbox"/> Initial Environmental Assessment	<input type="checkbox"/> Variance
<input type="checkbox"/> Master Development Plan	<input type="checkbox"/> Other: _____



## NON-RESIDENTIAL PROJECTS OFFICE/ RETAIL/ INDUSTRIAL/ INSTITUTIONAL PROJECT SUMMARY TABLE

### SITE AREA DISTRIBUTION

Site Area: \_\_\_\_\_ Gross acres: \_\_\_\_\_ Net acres: \_\_\_\_\_  
Proposed Phasing: \_\_\_\_\_

Building Area: Existing Structures: \_\_\_\_\_ sq ft New Structures: \_\_\_\_\_ sq ft  
Existing Floor Area Ratio (FAR): \_\_\_\_\_ Proposed Floor Area Ratio (FAR): \_\_\_\_\_  
Height: \_\_\_\_\_ sq ft Number of Floors: \_\_\_\_\_

**For Commercial Developments:**

Market/Service Area:  Neighborhood  City  Regional  
Square Footage: \_\_\_\_\_

**For Industrial Developments:**

Use:  Warehouse/Distribution  Manufacturing  Multi-tenant  Other  
Square Footage: \_\_\_\_\_ Estimated Employees Per Shift: \_\_\_\_\_

**For Institutional Developments:**

Use/Function: \_\_\_\_\_  
Estimated Employees Per Shift: \_\_\_\_\_  
Estimated Number of Occupants: \_\_\_\_\_

### BUILDING INFORMATION

Occupancy Classification: \_\_\_\_\_  
Occupancy Code: \_\_\_\_\_  
Type of Construction: \_\_\_\_\_  
Roof Materials: \_\_\_\_\_

AREA DISTRIBUTION (based on net area)	Acres/Sq Ft	% of Net Area
Building Coverage:		
Vehicular (Paved) Coverage:		
Landscape Coverage:		

### PARKING

Type of Use	Parking Ratio	# of Spaces Required	# of Spaces Provided
TOTALS			

**Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.**

## RESIDENTIAL PROJECT SUMMARY TABLE (if applicable)

### PROJECT AREA

**Site Area:** Gross acres: \_\_\_\_\_ Net acres: \_\_\_\_\_

No. of Phases: \_\_\_\_\_

DWELLING UNITS (based on net acres)	Number	Net Density
Single Family Detached		
Single Family Attached		
Multi-Family/Condominium		
Studio		
One Bedroom		
Two Bedroom		
Three Bedroom		
Four or More Bedrooms		
TOTAL		

AREA DISTRIBUTION (based on net area)	Acres/Sq Ft	% of Net Area
Building Coverage		
Landscape Coverage		
Vehicular (Paved) Coverage		
Common Open Space		
Private Open Space (per unit)		N/A

PARKING	Parking Ratio	# of Units	Spaces Req'd	Spaces Provided
Single-Family Detached				
Single-Family Attached				
Multi-Family/Condominium				
TOTAL				

**Attach separate sheet(s) if necessary to provide complete Land Use/Unit/Density/Area Parking breakdown.**



## PROJECT LOCATION LETTER OF AUTHORIZATION

### PROJECT LOCATION

General Location/Address of Project:

Assessor's Parcel No(s):

Precise Legal Description (Attach. Required for the following : Rezoning, Annexation, Street or Alley Abandonment):

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### AFFIDAVIT

If property owner is a trust, partnership, LLC, then the signature shall be a corporate officer. Attach additional sheets if necessary.

I, \_\_\_\_\_, hereby certify that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge.

\_\_\_\_\_  
Applicant (signature)

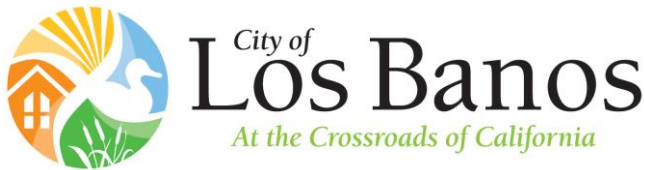
\_\_\_\_\_  
Applicant (print name)

I, \_\_\_\_\_, hereby certify that I am the owner (if other than the applicant) of real property involved in this application, do hereby consent to the filing of this application. Attach separate sheets if multiple property owners.

\_\_\_\_\_  
Owner (signature)

\_\_\_\_\_  
Owner (print name)





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## **ENVIRONMENTAL INFORMATION FORM**

This questionnaire will assist the Community & Economic Development Department in evaluating the proposed project and its potential environmental impacts. Complete and accurate information will facilitate the environmental assessment and review, and will minimize future requests for additional information.

### **GENERAL INFORMATION**

If the proposal is a component of an overall larger project, describe the phases below and indicate them on the site plan:

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If this project (as a whole, or) is part of another project for which a negative declaration or environmental impact report has been prepared by or for the City or County, please indicate name and document below:

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Will the project require certification, authorization, or issuance of a permit by any public agency other than the City of Los Banos?

Yes       No

If yes, indicate what agencies: \_\_\_\_\_

Associated Projects: \_\_\_\_\_

### **SCHOOL INFORMATION**

School District(s) serving site: \_\_\_\_\_

### **ENVIRONMENTAL SETTING (site characteristics)**

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, any cultural, historical or scenic aspects. Describe any existing structures on the site to be demolished, removed, or reused.

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2. Are there any natural or man-made drainage channels through or adjacent to the project site? If yes, explain.

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**City of Los Banos  
Environmental Information Form  
Page 2 of 2**

3. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family residential, apartments, shopping center, office building, etc.), and the scale of development (height, frontage, setback, rear yard etc.).

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4. Will the project increase noise, dust, light and glare, or use hazardous materials? If yes, discuss and explain mitigation measures:

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**CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Applicant/agent)

\_\_\_\_\_  
Phone No.:

\_\_\_\_\_  
Print Name and Title (Applicant/agent)



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**COST RECOVERY BASED FEES CONTRACT**

There are two types of fees for entitlements: a flat rate or a deposit plus staff time and materials (Cost Recovery). The Cost Recovery Based Fee Contract is for certain entitlements which require a public hearing or are, in general, more complex to process. These applications require a deposit and a completed Cost Recovery Based Fee Contract. This means that the applicant will be billed for the full cost of processing the application based on staff time and materials over and above the amount of the deposit. Staff's hourly rates shall be determined by annual regular work order rates established by the City of Los Banos Finance Department for the given fiscal year(s) in which the application is processed. For applications requesting multiple entitlements, the deposit shall be the sum of the individual application fees and/or deposits.

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**Agreement for Payment of  
 Full Cost Based Recovery Fees for Application Processing**

Not required for flat fee applications. Please contact the  
 Community & Economic Development Department or  
 Consult the adopted fee schedule if you have questions.

1. Applicant [*Print names of Property Owner (or Authorized Agent) and Applicant (if different from Owner)*] \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

agree(s) to:

2. Pay to the City of Los Banos all reimbursable costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use approval(s) with respect to the subject property or project located at [*Location, Address or Assessors Parcel Numbers(s)*]: \_\_\_\_\_

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**3.** Even if the application is withdrawn and/or not approved. Reimbursable costs include but are not limited to all items within the scope of the City's adopted Cost Recovery Program, Resolution No. 4026, as well as the cost of retaining professional and technical consultant services (may require separate reimbursement agreement) and any services necessary to perform functions related to review and processing of the applications and monitoring of the work. Owner and Applicant understand that one or more deposits will be required to be paid by Owner and/or Applicant to cover the costs noted above at such time(s) and of such amounts as requested by the Community & Economic Development Director and/or designee. The City agrees to review and process the application in a timely manner in accordance with this Agreement and all applicable laws, regulations, ordinances, standards, and policies. This agreement applies to all subsequent applications related to the project.

**4.** Owner and Applicant understand and agree that nonpayment of processing and inspection fees pursuant to the City's Cost Recovery Program may, at the sole and exclusive discretion of the Community & Economic Development Director and/or designee, result in temporary or permanent cessation of processing of the application and, after notice, may result in the denial of the application. Prior to completion of processing of any phase of the project, any and all outstanding amounts due pursuant to this agreement shall be paid. The Community & Economic Development Department will withhold issuance of further plan checks, entitlements, permits, certificates of occupancy, etc. until all required fees have been paid in full.

**5.** The Applicant agrees that questions regarding specific charges for processing, monitoring, and related services that may be questionable, lack sufficient documentation and/or that may be incorrect must be brought to the City's attention in writing no later than fifteen (15) days following receipt of invoice and corresponding documentation.

**6.** Failure to comply with the aforementioned procedure within the specific time indicated may, if research of billing information is requested, result in additional charges for clerical time spent and will be billed at our cost recovery rate. Please note that with the exception of documented disputed amounts, finance charges will be assessed at the rate of 10% per annum or .8334% per month on all past due amounts.

**7.** As part of this application, the Applicant agrees to defend, indemnify, release and hold harmless the City, its agents, offices, attorneys, employees, boards and

commissions from an claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the Applicant, third parties and/or the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

**8.** Nothing in this agreement shall prohibit the City from participating in the defense of any claim, action or proceeding. In the event that the Applicant is required to defend the indemnities in connection with any said claim, action or proceeding, the City shall retain the right to (i) approve the counsel to so defend the indemnities, (ii) approve all significant decisions concerning the matter in which the defense is conducted, and (iii) approve any and all settlements, which approvals shall not be unreasonably withheld by the City.

**9.** The City shall also have the right not to participate in said defense, except that the City agrees to cooperate with the Applicant in the defense of said claim, action or proceeding. If the City chooses to have counsel of its own defend any claim, action or proceeding where the Applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

**10.** The undersigned Owner/Authorized Agent hereby represents that he/she either  
[ ] personally owns the subject property or  
[ ] is a duly authorized agent of the Owner with full authority to execute this Agreement on behalf of Owner.

**11.** Applicant agrees to be jointly and severally liable with Owner for payment of all fees referenced above. Applicant agrees to notify City in writing prior to any change in ownership and to submit a written assumption of the obligations under this agreement signed by the new owner or his/her authorized agent.

Project Description:

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12. Invoices are due and payable within ten (10) days. A penalty will be charged on delinquent accounts at the rate of .8334% per month or 10% per annum. Owner agrees that delinquent amounts shall constitute a lien on the subject property and expressly consents to recordation of a notice of lien and/or copy of this Agreement against the subject property with respect to any amounts which are delinquent.

**Name of Property Owner:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_

**Name of Applicant:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Property Owner** \_\_\_\_\_  
**Date:**

or

\_\_\_\_\_  
**Signature of Authorized Agent/Written Verification** \_\_\_\_\_  
**Date:**  
**Signed by Property Owners Must Be Submitted**  
**Designating the Authorized Agent**

and

\_\_\_\_\_  
**Signature of Applicant (if different from Owner)** \_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**Signature of Staff Member Verifying Agreement Complete** \_\_\_\_\_  
**Date:**



**City of Los Banos  
Community and Economic Development  
Planning Entitlements/Projects Fee Schedule**

License/Permit/Entitlement Type	Basic Fee	State Fee	Additional Fee	Notes	Total Fee
<b>Mobile/Sidewalk Vendor Permits</b>					
Mobile Vendor Permit Initial	\$ 625.83				\$ 625.83
Mobile Vendor Permit Renewal	\$ 97.62				\$ 97.62
Sidewalk Vendor Permit Initial	\$ 450.00				\$ 450.00
Sidewalk Vendor Permit Renewal	\$ 450.00				\$ 450.00
<b>Cottage Food Operator Permit</b>					
Cottage Food Operator Permit (one time)	\$ 455.43				\$ 455.43
<b>Planning Permits</b>					
Administrative Permit - other	\$ 720.98			Deposit/ Cost Recovery Contract Required	\$ 720.98
Special Events Permit - minor event	\$ 109.33				\$ 109.33
Special Events Permit - major event	\$ 311.14				\$ 311.14
Special Events Permit - major event: Religious Processions (1.25 miles one way max)	\$ 311.14		\$ 444.22		\$ 755.36
Special Events Permit - major event: Street Closures (3 blocks or less)	\$ 311.14		\$ 229.60		\$ 540.74
Special Events Permit - major event: Parades (standard May Day Parade route)	\$ 311.14		\$ 1,517.64		\$ 1,828.78
Residential Neighborhood Block Party Permit	\$ 203.90				\$ 203.90
Farmers' Market Permit	\$ 230.42				\$ 230.42
Temporary Use Permit - minor use	\$ 230.42				\$ 230.42
Temporary Use Permit - major use	\$ 311.14				\$ 311.14
<b>Miscellaneous</b>					
Donation Collection Bin Initial	\$ 432.81			Non-refundable	\$ 432.81
Donation Collection Bin Renewal	\$ 163.24			Non-refundable	\$ 163.24
<b>Signage</b>					
Master Sign Plan	\$ 1,681.41				\$ 1,681.41
Sign Review	\$ 82.00				\$ 82.00
Temporary Sign Review	\$ 82.00			Per occurrence	\$ 82.00
<b>Planning Project Entitlements</b>					
Annexation	\$ 23,731.72			Deposit/ Cost Recovery Contract Required	\$ 23,731.72
General Plan Amendment	\$ 8,034.82			Deposit/ Cost Recovery Contract Required	\$ 8,034.82
Zone Change/Pre-Zone	\$ 7,489.10			Deposit/ Cost Recovery Contract Required	\$ 7,489.10
Conditional Use Permit	\$ 1,940.24			Deposit/ Cost Recovery Contract Required	\$ 1,940.24
Site Plan Review	\$ 3,133.79			Deposit/ Cost Recovery Contract Required	\$ 3,133.79
Variance	\$ 1,594.30			Deposit/ Cost Recovery Contract Required	\$ 1,594.30
Tentative Subdivision Map - up to 100 lots	\$ 9,259.06			Deposit/ Cost Recovery Contract Required	\$ 9,259.06
Tentative Subdivision Map - 101+ lots	\$ 12,101.86			Deposit/ Cost Recovery Contract Required	\$ 12,101.86
Revised Tentative Map	\$ 4,575.05			Deposit/ Cost Recovery Contract Required	\$ 4,575.05
Planned Development	\$ 4,554.77			Deposit/ Cost Recovery Contract Required	\$ 4,554.77
Development Agreement	\$ 3,500.00			Deposit/ Cost Recovery Contract Required	\$ 3,500.00
Final Development Plan	\$ 2,000.00			Deposit/ Cost Recovery Contract Required	\$ 2,000.00
Environmental Review/Categorical Exemption	\$ 197.75			Deposit/ Cost Recovery Contract Required	\$ 197.75
Negative Declaration/Initial Study	See Notes			Actual Cost + 20%/Deposit/Cost Recovery Contract	\$ -
Environmental Impact Report	See Notes			Actual Cost	\$ -
Minor Subdivision/Parcel Map	\$ 1,024.15			Deposit/ Cost Recovery Contract Required	\$ 1,024.15
Lot Line Adjustment/Parcel Merger	\$ 415.16				\$ 415.16
Reimbursement Agreement	\$ 3,500.00			Deposit/ Cost Recovery Contract Required	\$ 3,500.00
Appeal	\$ 2,587.84				\$ 2,587.84
Time Extension	\$ 2,404.91				\$ 2,404.91

**Notes:**  
State established \$1.00 fee for Business Licenses as mandated by Senate Bill 1186 effective January 1, 2013. State Fee increased to \$4.00 as mandated by Assembly Bill 1379 effective January 1, 2018 thru December 31, 2023.

Fees adopted by City Council Resolution No. 6131 on 9/18/19; fees effective 12/1/19  
Commercial Business License renewal basic fee subsidized/reduced by City Council Resolution No. 6158; adopted 11/20/19; fee effective 12/1/19