City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

JOINT
CITY COUNCIL AND
REDEVELOPMENT AGENCY MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

JANUARY 4, 2012

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 Cuidad 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 / Redevelopment Agency 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.

* * * * * * * * * * * * * * * *

Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento / Agencia de Reurbanizacióncon 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.

1. CALL TO ORDER. **7:00 PM**

2. PLEDGE OF ALLEGIANCE.

3. ROLL CALL:

   Faria ___, Silveira___, Sousa ___, Stone ___, Villalta ___

4. CONSIDERATION OF APPROVAL OF AGENDA.

5. PRESENTATION – PROCLAMATIONS RECOGNIZING CITY COMMISSIONERS.

   A. Dale Combs, Airport Advisory Commission
   B. Larry Leonardo, Sr., Airport Advisory Commission
   C. Margaret Patricio, Culture & the Arts Commission
   D. Elna Pedersen, Culture & the Arts Commission
   E. Robert Huddleston, Culture & the Arts Commission
   F. Kevin Slack, Economic Development Advisory Committee
   G. Mike McAdam, Economic Development Advisory Committee
   H. Carol Shopfner, Economic Development Advisory Committee
   I. Sandra Rae-Hansen, Economic Development Advisory Committee
   J. Nikki Tuft, Parks & Recreation Commission
   K. Chandra Lee, Planning Commission

6. REORGANIZATION OF CITY COUNCIL – SELECTION OF MAYOR PRO TEM.

   Recommendation: Selection made by the consensus of the City Council.

7. PUBLIC FORUM. (Members of the public may address the City Council / Redevelopment Agency Members on any item of public interest that is within the jurisdiction of the City Council / Redevelopment Agency; 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.)

8. 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 / Redevelopment Agency Member.)

   A. Check Register for #132905 - #133166 in the Amount of $496,463.12.

      Recommendation: Approve the check register as submitted.

9. 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 or Redevelopment Agency at, or prior to, the public hearing.)

   A. Public Hearing – To Receive Public Comment and Consideration of Approval of Updating the Subdivision Ordinance Amending Title 9, Chapter 2 of the Los Banos Municipal Code to Conform to the California Subdivision Map Act, Los Banos Standards and Specifications and the Zoning Ordinance.
      (Continued from December 7, 2011)

      1) Ordinance No. 1102 – Amending Title 9, Chapter 2 (Subdivision Ordinance) of the Los Banos Municipal Code.
         (Second Reading & Adoption)

2) Resolution No. 5366 – Approving an Amendment to Title 9 Chapter 2 of the Los Banos Municipal Code (Subdivision Ordinance) and Certifying the Negative Declaration.

Recommendation: Receive staff report, open public hearing, close the public hearing, waive the second reading of the ordnance, and adopt the ordinance and resolution as submitted.

B. Public Hearing – To Receive Public Comment and Consideration of an Annexation and Prezone #2011-01 of 3.4 Acres, Site Plan #2011-03, Parcel Map #2011-02, Development Agreement and Associated Mitigated Negative Declaration (State Clearing House (SCH) #2011101054) for the Development of a New 6,800 Square Foot Retail Building Housing an AM/PM Gas Station/Convenience Store and a Relocated McDonald's Restaurant on Approximately 1.73 Acres, Located at the Northwest Corner of Badger Flat and Pacheco Boulevard, Assessor's Parcel Number (APN) 081-140-013.

1) City Council Resolution No. 5367 – Certifying the Mitigated Negative Declaration (SCH #2011101054) and Adopting a Mitigation Monitoring Program for the Northwest Corner of Badger Flat Road and Pacheco Boulevard.

2) Ordinance No. 1103 – Adding Section 9-3.24.__ to Chapter 3, Title 9 of the Los Banos Municipal Code to Pre-Zone from County A-1 (General Agricultural) to H-C (Highway Commercial).
(First Reading & Introduction)

3) Ordinance No. 1104 – Authorizing the Mayor to Execute a Pre-Annexation Development Agreement as Herein Approved by the City Council on Behalf of the City Relative to the Development Known as AM/PM & McDonald's, More Specifically Known as APN 081-140-013.
(First Reading & Introduction)

4) City Council Resolution No. 5368 – Requesting Annexation (ANX #2011-01) of the Northwest Corner of Badger Flat Road and Pacheco Boulevard, More Specifically Identified as APN 081-140-013.

Recommendation: Receive staff report, open public hearing, adopt Resolution No. 5367, waive the first reading and introduce the ordinances as submitted, and continue Resolution No. 5368 to be adopted with the ordinances.

10. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 5369 – AMENDING THE SCHEDULE OF FINES FOR ADMINISTRATIVE CITATIONS.

Recommendation: Receive staff report and adopt the resolution as submitted.

11. CONSIDERATION OF SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)/PARTNERSHIP PROPOSAL.

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

12. DISCUSSION REGARDING THE PAST AND PRESENT ONE VOICE COSTS AND WHY THE CITY COUNCIL GOES ON THE TRIP.

Recommendation: Direction from the City Council on how to proceed.

13. ADVISEMENT OF PUBLIC NOTICES. (No Report)

14. CITY MANAGER / EXECUTIVE DIRECTOR REPORT.

15. CITY COUNCIL / REDEVELOPMENT AGENCY MEMBER REPORTS.

    A. Tom Faria

    B. Scott Silveira

    C. Joe Sousa

    D. Elizabeth Stone

    E. Mayor Mike Villalta

16. 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.

Lucille L. Mallonee

Lucille L. Mallonee, City Clerk

Dated this 29th day of December 2011

CK #132905 - #133166 01/04/12 $496,463.12

Bank Reconciliation

Checks By Date

City of Los Banos
At the Crossroads of California

12/27/2011 - 3:43 PM
User: jdemelo
Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	Module	Void	Clear Date	Amount
132905	12/15/2011	Food 4 Less		AP			453.36
132906	12/15/2011	Freitas Fresh Eggs		AP			79.50
132907	12/16/2011	A & A Portables Inc		AP			207.41
132908	12/16/2011	Abbott & Kindermann, LLP		AP			240.82
132909	12/16/2011	ABS Direct, Inc.		AP			3,367.61
132910	12/16/2011	All American Plumbing		AP			1,115.29
132911	12/16/2011	Ameripride Valley Uniform Serv		AP			145.56
132912	12/16/2011	Aramark Uniform Ser Inc		AP			537.02
132913	12/16/2011	AT&T		AP			1,080.82
132914	12/16/2011	Bank of America		AP			660.09
132915	12/16/2011	Bank of America		AP			29.75
132916	12/16/2011	Bank of America		AP			98.91
132917	12/16/2011	Baker Supplies & Repair		AP			54.97
132918	12/16/2011	Robert Baker		AP			236.03
132919	12/16/2011	Todd Baker		AP			300.00
132920	12/16/2011	BJ's Consumers Choice		AP			250.00
132921	12/16/2011	Bruce's Tire Inc		AP			697.57
132922	12/16/2011	Ca Dept of Justice		AP			64.00
132923	12/16/2011	California Dairies Inc		AP			81.15
132924	12/16/2011	Cal Traffic		AP			197.30
132925	12/16/2011	Central Sanitary Supply		AP			351.67
132926	12/16/2011	Copy Shipping Solutions		AP			371.32
132927	12/16/2011	CSMFO		AP			110.00
132928	12/16/2011	CSMFO		AP			110.00
132929	12/16/2011	City of Los Banos Utility		AP			199.95
132930	12/16/2011	Custom Locksmith & Alarm Inc.		AP			43.06
132931	12/16/2011	Dept. of Industrial Relations		AP			225.00
132932	12/16/2011	Double D. Towing LLC		AP			45.00
132933	12/16/2011	Ducks Inlimited		AP			500.00
132934	12/16/2011	Ernest Packaging Solutions		AP			356.39
132935	12/16/2011	Espana's Restaurant		AP			3,336.25
132936	12/16/2011	Hilton Farnkopf & Hobson		AP			1,470.00
132937	12/16/2011	Fastenal Company		AP			61.46
132938	12/16/2011	Ferrellgas, Inc.		AP			341.78
132939	12/16/2011	Golden State Flow		AP			7,158.16
132940	12/16/2011	Genesis Lamp Corporation		AP			228.00
132941	12/16/2011	The Glass Shop		AP			341.78
132942	12/16/2011	Hi Tech Emergency Vehicle Serv		AP			56.38
132943	12/16/2011	Holt of California		AP			54.84
132944	12/16/2011	Home Depot		AP			1,080.42
132945	12/16/2011	HSBC Business Solutions		AP			329.02
132946	12/16/2011	K Mart W 3764		AP			96.57
132947	12/16/2011	Los Banos Police Assn		AP			35.00
132948	12/16/2011	Lowe's Business Account		AP			224.90
132949	12/16/2011	Maria L. Luna		AP			88.00
132950	12/16/2011	Marfab Inc		AP			724.14
132951	12/16/2011	McElvany Inc		AP			27,902.70
132952	12/16/2011	Merced County Regional Waste M		AP			2,773.50
132953	12/16/2011	Merced County Regional Waste M		AP			2,577.72
132954	12/16/2011	Merced Sun Star		AP			497.78

Check No	Check Date	Name	Comment	Module	Void	Clear Date	Amount
132955	12/16/2011	Merced Truck &Trailer Inc		AP			67.82
132956	12/16/2011	Mikes Radiator & Muffler		AP			955.38
132957	12/16/2011	Napa Auto Parts		AP			544.37
132958	12/16/2011	Neubauer Enterprises		AP			1,538.47
132959	12/16/2011	Nextel		AP			2,017.45
132960	12/16/2011	The Office City		AP			399.78
132961	12/16/2011	OSE		AP			80.87
132962	12/16/2011	OnTrac		AP			10.77
132963	12/16/2011	P G & E Company		AP			30.71
132964	12/16/2011	Radio Shack Accounts Rec		AP			3.54
132965	12/16/2011	Recall Secure Destruction Serv		AP			286.55
132966	12/16/2011	Safe T Lite		AP			228.09
132967	12/16/2011	Sherwin Williams Co		AP			346.84
132968	12/16/2011	Sorensens True Value		AP			668.73
132969	12/16/2011	Larry Popolizio		AP			294.94
132970	12/16/2011	Sutter Central Valley Hospital		AP			500.00
132971	12/16/2011	O C Tanner		AP			3,795.60
132972	12/16/2011	Tee-Dee-Us Auto Service		AP			424.15
132973	12/16/2011	Toscano Upholstery		AP			272.07
132974	12/16/2011	Tractor Supply Credit Plan		AP			591.60
132975	12/16/2011	Triangle Rock Products		AP			2,061.54
132976	12/16/2011	Two Wheels Inc.		AP			443.91
132977	12/16/2011	Aurora Zapien		AP			43.49
132978	12/16/2011	Betty Ro		AP			7.67
132979	12/16/2011	Jose and Maria Almeida		AP			76.08
132980	12/16/2011	Greg & Nina Huffman		AP			67.40
132981	12/16/2011	Ford-Sellinger Insurance Agenc		AP			38.04
132982	12/16/2011	Salvador Garcia		AP			1.85
132983	12/16/2011	Maria or Jorge Guinto		AP			34.80
132984	12/16/2011	Donna Rosales		AP			11.63
132985	12/16/2011	Hector Ponce		AP			43.49
132986	12/16/2011	Andrea Lahocki		AP			2.57
132987	12/16/2011	Katie Garcia		AP			76.83
132988	12/16/2011	Sloan Realty - Richard Angel		AP			50.00
132989	12/16/2011	Amarjeet Sidhu		AP			65.96
132990	12/16/2011	Christopher Hatcher		AP			30.45
132991	12/16/2011	Errol Smedley		AP			34.80
132992	12/16/2011	Stephen Indreluras		AP			34.79
132993	12/16/2011	Rachel Aguilera		AP			2.43
132994	12/16/2011	Sunil & Anita Singh		AP			50.76
132995	12/16/2011	Roscoe Evans		AP			19.59
132996	12/16/2011	Cassinerio Family		AP			52.92
132997	12/16/2011	Huai Ding		AP			74.68
132998	12/16/2011	Helena Rocha		AP			15.24
132999	12/16/2011	Joe Castillo Saaverdra		AP			15.33
133000	12/16/2011	Melissa and Mary Gonzales		AP			17.42
133001	12/16/2011	Jeff Moore		AP			11.28
133002	12/16/2011	Farhan Choudhery		AP			50.76
133003	12/16/2011	Remberto Orozco		AP			15.63
133004	12/16/2011	Merced Homes Realty		AP			71.74
133005	12/16/2011	BellaMia Real Estate		AP			35.54
133006	12/16/2011	Law Offices of William A Vaugh		AP			10,960.70
133007	12/16/2011	Westamerica Bank - Cafeteria P		AP			30.24
133008	12/16/2011	Westside Water Conditioning		AP			132.30
133043	12/20/2011	Aflac-Customer Service		AP			165.90
133044	12/20/2011	Aflac-Customer Service		AP			212.80
133045	12/20/2011	Aflac-Customer Service		AP			53.90
133046	12/20/2011	Aflac-Customer Service		AP			122.89
133047	12/20/2011	Bank of America		AP			78,058.22
133048	12/20/2011	Bank of America		AP			2,347.67
133049	12/20/2011	Bank of America		AP			2,933.84
133050	12/20/2011	Bank of America		AP			138.11

Check No	Check Date	Name	Comment	Module	Void	Clear Date	Amount
133051	12/20/2011	Bank of America		AP			11,273.19
133052	12/20/2011	Bank of America		AP			304.09
133053	12/20/2011	State of California-Vrc		AP			133.00
133054	12/20/2011	Department of Public Health		AP			50.00
133055	12/20/2011	Franchise Tax Board		AP			156.80
133056	12/20/2011	Hartford Life Ins Co		AP			5,605.25
133057	12/20/2011	Hartford Life Ins Co		AP			54.38
133058	12/20/2011	Hartford Life Ins Co		AP			48.55
133059	12/20/2011	Hartford Life Ins Co		AP			54.38
133060	12/20/2011	Hartford Life Ins Co		AP			56.09
133061	12/20/2011	Hartford Life Ins Co		AP			44.62
133062	12/20/2011	Hartford Life Ins Co		AP			45.37
133063	12/20/2011	Hartford Life Ins Co		AP			24.78
133064	12/20/2011	Hartford Life Ins Co		AP			30.45
133065	12/20/2011	Hartford Life Ins Co		AP			68.51
133066	12/20/2011	Hartford Life Ins Co		AP			74.57
133067	12/20/2011	Hartford Life Ins Co		AP			51.82
133068	12/20/2011	Hartford Life Ins Co		AP			55.38
133069	12/20/2011	Hartford Life Ins Co		AP			42.60
133070	12/20/2011	ICMA-RC Headquarters		AP			480.00
133071	12/20/2011	Los Banos Fitness &		AP			672.00
133072	12/20/2011	Los Banos Police Assn		AP			2,042.00
133073	12/20/2011	Merced County Sheriff		AP			63.76
133075	12/20/2011	P G & E Company		AP			90,092.27
133076	12/20/2011	Nationwide Retiremt Solut		AP			1,790.00
133077	12/20/2011	PERS Long Term Care		AP			451.16
133078	12/20/2011	Professional Fire Fighter		AP			350.00
133079	12/20/2011	Merced County Solid Waste Div.		AP			57,911.70
133080	12/20/2011	State Disbursement Unit		AP			276.00
133081	12/20/2011	State Disbursement Unit		AP			441.00
133082	12/20/2011	State Disbursement Unit		AP			217.50
133083	12/20/2011	State Disbursement Unit		AP			174.00
133084	12/20/2011	State Disbursement Unit		AP			572.00
133085	12/20/2011	State Disbursement Unit		AP			208.50
133086	12/20/2011	Westamerica Bank - Cafeteria P		AP			8,096.88
133087	12/20/2011	Trans County Title Co		AP			8,680.00
133088	12/23/2011	All Bay Mechanical, Inc.		AP			329.67
133089	12/23/2011	A & A Portables Inc		AP			78.68
133090	12/23/2011	All American Plumbing		AP			234.11
133091	12/23/2011	Ameripride Valley Uniform Serv		AP			117.00
133092	12/23/2011	Aramark Uniform Ser Inc		AP			392.52
133093	12/23/2011	AT&T		AP			1,277.71
133094	12/23/2011	Baker Supplies & Repair		AP			490.97
133095	12/23/2011	Battery Systems, Inc.		AP			283.88
133096	12/23/2011	Board of Equalization		AP			448.00
133097	12/23/2011	Bonander Pontiac, Inc.		AP			778.47
133098	12/23/2011	Brinks Inc.		AP			503.66
133099	12/23/2011	Bruce's Tire Inc		AP			1,607.41
133100	12/23/2011	BSK		AP			680.00
133101	12/23/2011	Ca Dept of Justice		AP			1,401.00
133102	12/23/2011	California Dairies Inc		AP			210.85
133103	12/23/2011	Cal-Line Equipment Inc		AP			311.97
133104	12/23/2011	Francisco Casillas		AP			35.00
133105	12/23/2011	Hector Castillo		AP			264.00
133106	12/23/2011	Luis Castellanos		AP			174.08
133107	12/23/2011	Central Valley Smog		AP			40.75
133108	12/23/2011	Centro Print Solutions		AP			343.33
133109	12/23/2011	Comcast		AP			140.77
133110	12/23/2011	CPRS - District V		AP			160.00
133111	12/23/2011	City of Los Banos Utility		AP			6,062.63
133112	12/23/2011	Joe & Evelyn Miranda		AP			171.00
133113	12/23/2011	Eddie Dolzadelli		AP			2,330.04

Check No	Check Date	Name	Comment	Module	Void	Clear Date	Amount
133114	12/23/2011	Double D. Towing LLC		AP			110.00
133115	12/23/2011	Electrical Distributors Co.		AP			12.35
133116	12/23/2011	Emergency Vehicle Outfitters		AP			321.18
133117	12/23/2011	Fastenal Company		AP			474.46
133118	12/23/2011	Federal Express		AP			36.89
133119	12/23/2011	Ferguson Enterprises Inc		AP			1,035.69
133120	12/23/2011	Food 4 Less		AP			27.69
133121	12/23/2011	Galls Inc		AP			139.05
133122	12/23/2011	George Reed, Inc		AP			926.41
133123	12/23/2011	Darrall Gargano		AP			285.48
133124	12/23/2011	Mary Lou Gilardi		AP			48.08
133125	12/23/2011	The Glass Shop		AP			341.78
133126	12/23/2011	Chet Guintini		AP			53.85
133127	12/23/2011	Interstate Truck Center, LLC		AP			51.27
133128	12/23/2011	Ikon Office Solutions, Inc.		AP			564.85
133129	12/23/2011	J W Professional Janitor		AP			3,806.00
133130	12/23/2011	K Mart W 3764		AP			56.06
133131	12/23/2011	Kagome		AP			500.00
133132	12/23/2011	Los Banos Car Wash Inc		AP			15.00
133133	12/23/2011	Los Banos Express Oil & Lube		AP			683.78
133134	12/23/2011	Marfab Inc		AP			1,700.63
133135	12/23/2011	Merced County Association of G		AP			7,942.34
133136	12/23/2011	Merced Truck &Trailer Inc		AP			8.64
133137	12/23/2011	Merced Uniform & Accessories		AP			280.27
133138	12/23/2011	Napa Auto Parts		AP			620.62
133139	12/23/2011	Nextel		AP			915.81
133140	12/23/2011	OSE		AP			418.78
133141	12/23/2011	Old Dominion Brush		AP			1,455.38
133142	12/23/2011	Joseph Ortiz		AP			35.00
133143	12/23/2011	P G & E Company		AP			3,511.50
133144	12/23/2011	Pitney Bowes Inc		AP			732.00
133145	12/23/2011	Reyes Porras Jr.		AP			87.46
133146	12/23/2011	Precision Inspection Co., Inc.		AP			5,181.96
133147	12/23/2011	Pro Clean Supply		AP			130.51
133148	12/23/2011	Radio Shack Accounts Rec		AP			38.77
133149	12/23/2011	Romero's Auto Dismantlers		AP			161.63
133150	12/23/2011	Robert Rhein		AP			500.00
133151	12/23/2011	Save Mart Supermarkets		AP			87.04
133152	12/23/2011	Rosemarie Souto		AP			11.85
133153	12/23/2011	Sorensens True Value		AP			542.35
133154	12/23/2011	Stradling Yocca Carlson & Raut		AP			25.00
133155	12/23/2011	Synergy Broadcast System		AP			1,500.00
133156	12/23/2011	Tee-Dee-Us Auto Service		AP			405.75
133157	12/23/2011	Triangle Rock Products		AP			831.30
133158	12/23/2011	Uline, Inc.		AP			26.83
133159	12/23/2011	Uniform & Accessories Warehous		AP			92.32
133160	12/23/2011	U.S. Bancorp Equipment Finance		AP			243.22
133161	12/23/2011	The Ups Store		AP			12.98
133162	12/23/2011	Jelene & George De Melo		AP			34.80
133163	12/23/2011	Jose Jesus Perez		AP			100.00
133164	12/23/2011	Westamerica Bank - Cafeteria P		AP			61,537.00
133165	12/23/2011	Windecker Inc		AP			14,796.54
133166	12/23/2011	Young's Air Conditioning		AP			84.00

Check No	Check Date	Name	Comment	Module	Void	Clear Date	Amount
				Total for Valid Checks:			496,463.12
				Total Valid Checks:			227
				Total Void Checks:			0
				Total Checks:			227

Break in Check Sequence due to the following
Check # 133009-133042 (payroll checks)
Check # 133074 (unused check)

City of Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Paula Fitzgerald, Planning Director

DATE: January 4, 2012

SUBJECT: Second Reading and Adoption of the Amendment to Title 9 Chapter 2 (Subdivision Ordinance) of the Los Banos Municipal Code and Certification of the Negative Declaration

TYPE OF REPORT: Public Hearing

Recommendation:

Staff recommends that the City Council receives the staff report on the Amendment to the Subdivision Ordinance (Title 9 Chapter 2 of the Los Banos Municipal Code), open the public hearing, take public comment, adopt Resolution _____ certifying the Negative Declaration and adopt Ordinance _____ Amending Title 9, Chapter 2 (Subdivision Ordinance) of the Municipal Code

Background:

The design, improvement and survey data for subdivisions, the form and content of tentative maps, records of survey and final maps and the procedures to be followed in securing official approval thereof is governed by the Subdivision Map Act and must also comply with the provisions of the General Plan, Zoning regulations and City documents.

The Subdivision Ordinance was originally approved in 1963; there have been amendments throughout the years but there has not been an update since 2007. Updates made prior to 2007 pertained to particular sections as opposed to a review of the entire document for consistency.

The existing Subdivision Ordinance contains standards and requirements that are in conflict with provisions in the General Plan (adopted 2009), Zoning Ordinance (adopted 2010), Codified Submittal Requirements (approved 2008), Improvement Standards and Specifications (approved 2004) and the Subdivision Map Act (updated 2011).

Discussion:

The changes that are being proposed throughout the document primarily relate to current policies and practices with the Project Review Board (PRB), duties of the Planning Commission and certain staff members and timing for payment of fees; in addition to the Codified Submittal Requirements, approved Improvement Standards and Specifications, the adopted General Plan and Zoning Code and the Subdivision Map Act. Changes which are not related to any of the above are: the inclusion of a definition for "authorized agent", which is part of the Codified Submittal Requirements; changing the block length requirement from 1,200 to 600 feet between intersecting street lines on local streets (9-2.501); and changing that improved walkways not less than ten feet in width may be required through blocks more than 400 feet rather than 900 feet (9-2.504).

The Planning Commission held a public hearing on this matter at their regularly scheduled meeting on November 9th, 2011 and recommended approval and certification.

An Initial Study and Negative Declaration were completed for the proposed changes and filed with the County Clerk from August 22, 2011 to September 10, 2011 to meet the CEQA requirements.

Fiscal Impact:

None

Reviewed by:

Steve Rath, City Manager

Attachments:

1. Ordinance #_____ amending Title 9 Chapter 2 (Subdivision Ordinance) of the Los Banos Municipal Code.
2. Resolution # _____ certifying the Negative Declaration
3. Notice of Intent for the Negative Declaration

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING TITLE 9, CHAPTER 2 (SUBDIVISION ORDINANCE) OF THE LOS BANOS MUNICIPAL CODE

WHEREAS, since 2009, the City Council of the City of Los Banos has updated the General Plan and the Zoning Code and formalized submittal requirements; and

WHEREAS, the City of Los Banos Improvement Standards and Specifications were approved by Resolution 4539 in October of 2004; and

WHEREAS, the Subdivision Ordinance is governed by the provisions of the Subdivision Map Act and there have been changes; and

WHEREAS, Title 9, Chapter 2 (Subdivisions) of the Municipal Code needs to be updated so there is no conflict with other policies, plans, codes or regulations.

The City Council of the City of Los Banos does hereby ordain as follows:

Note: "Existing" as referred to in this Ordinance shall mean the relevant Article or Section in existence prior to amendment or renumbering.

Section 1. Existing Section 9-2.102 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.102 Purpose.

The provisions of this chapter are adopted for the purpose of promoting the public health, safety, convenience, and general welfare. The design, improvement, and survey data for subdivisions, the form and content of tentative maps, records of survey, and final maps, and the procedure to be followed in securing official approval thereof shall be governed by the provisions of the Subdivision Map Act adopted by the Legislature of the State, codified applications and submittal requirements adopted by the Los Banos City Council, the Los Banos Improvement Standards and Specifications, and the provisions of the General Plan and Zoning Regulations of the City.

It is the further purpose of the provisions of this chapter to encourage new concepts and innovations in the arrangement of building sites within subdivisions. Deviations from the traditional mechanical approach to the subdivision of land are encouraged in order to facilitate the ultimate development of the land in a manner which will be commensurate with contemporary living patterns and technological progress.

Section 2. Existing Section 9-2.202 of the Los Banos Municipal Code is amended to read as follows:

"Authorized Agent" shall mean the individual, firm, partnership or corporation designated by the individual, firm, partnership or corporation having sufficient proprietary interest. Designation is to be by way of signed statement by owner.

"Commission" shall mean the Planning Commission of the City and the Advisory Agency referred to in the Subdivision Map Act of the State.

"Design" shall mean street alignment, grades, and widths; alignment and widths of easements and rights-of-way for drainage and utilities; and lot area, width, depth, shape, and pattern as required by the provisions of this chapter.

"Easement" shall mean an easement dedicated to and accepted by the City which easement shall be continuing and irrevocable unless formally abandoned by the City.

"Improvement" shall mean such street work, drainage needs, utilities, or other improvements to be installed, or agreed to be installed, by the subdivider on land to be used for public streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and the surrounding area as a condition precedent to the approval and acceptance of the final map thereof.

"Lot" shall mean a parcel of land established, or to be established, by the standard subdivision procedure, or by record of survey, or by minor subdivision procedure as set forth in this chapter.

"Lot depth" shall mean the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

"Lot depth, Average" shall mean the sum of the length of the two (2) side lines of the lot divided by two (2).

"Lot line, Front", in the case of an interior lot, shall mean a line separating the lot from the street, and, in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street except in those cases where the latest tract deed restrictions specify another line as the front lot line.

"Lot line, Rear" shall mean a lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line within the lot parallel to and at the maximum distance from the front lot line, having a length of at least ten (10') feet.

"Lot line, Side" shall mean any lot boundary line not a front lot line or a rear lot line.

"Lot width, Average" shall mean the sum of the length of the front and rear lot line

divided by two (2). In the case of irregularly-shaped lots having four (4) or more sides, "average lot width" shall mean the sum of the length of two (2) lines, drawn perpendicular to one side line at the widest and narrowest portions of the lot, divided by two (2).

"Map, Final" shall mean a map prepared in accordance with the provisions of this chapter, which map is designed to be placed on record with the County Recorder.

"Map, Tentative" shall mean any map made for the purpose of showing the design of a proposed subdivision or record of survey and showing the existing conditions in and around the proposed subdivision or record of survey, prepared as required by the provisions of this chapter.

"Owner" shall mean the individual, firm, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide such land pursuant to the provisions of this chapter.

"Record of survey" shall mean any subdivision prepared, filed, and approved in accordance with the laws of the State and the provisions of this chapter.

"Street, City" shall mean any street, avenue, or other public way accepted by the Council.

"Street, Major" shall mean any street which carries traffic between different areas of the City and traffic entering from collector streets.

"Street, Minor" shall mean a street which is used primarily for access to abutting properties.

"Street, Secondary" shall mean a street which collects traffic from a subdivision or area to a major street and which is sometimes referred to as a collector street.

"Subdivider" shall mean a person, firm, corporation, partnership, or association which causes land to be subdivided into any amount of parcels.

"Subdivision" shall mean any real property, improved or unimproved, or portion thereof, shown on the 1961-1962 assessment roll of the City as a unit or as contiguous units, which property is divided for the purpose of lease for ten (10) years or more or for sale, including condominium developments, whether immediate or future, by any person, or his assigns, within any period. The following, however, shall not be subdivisions within the meaning of this definition:

(a) The leasing of stores, offices, apartments, or similar spaces within buildings or spaces within a trailer park;
(b) Mineral, oil, or gas leases; and
(c) Cemeteries.

"Minor subdivision" shall mean any division of land into four (4) or less lots, each under five (5) acres, in any five (5) year period.
"Subdivision, Standard" shall mean any subdivision map prepared, filed, and approved in accordance with the laws of the State and the provisions of Articles 8 and 9 of this chapter.

"Thoroughfare" shall mean a street of general City-County importance which is a limited access street carrying major traffic through several areas.

"Vesting tentative map" shall mean a "tentative map" for a subdivision, as defined in this article, which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 9-2.1502 of Article 15 of this chapter and is thereafter processed in accordance with the provisions thereof.

Section 3. Existing sections 9-2.203 through 9-2.226 of the Los Banos Municipal Code are repealed.

Section 4. Existing section 9-2.303 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.303 Project Review Board, Created: Membership.

The Project Review Board is hereby created. Membership shall consist of the Planning Director, who shall serve as Secretary and Chairman; the Public Works Director or his/her designee; the Fire Chief or his/her designee; the Police Chief or his/her designee and the Chief Building Inspector or his/her designee.

Section 5. Existing section 9-2.304 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.304 Project Review Board: Powers and duties.

The Project Review Board shall have the powers and duties specified by the provisions of this chapter and shall be advisor to the Commission.

Section 6. Existing section 9-2.402 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.402 Industrial subdivisions.

(a) Lot area and width. The minimum lot area and width for industrial subdivisions shall be as set forth in the zoning regulations of the City.
(b) Street design. The street design shall be as set forth in Sections 9-2.510 and 9-2.511 of Article 5 of this chapter for industrial areas.
(c) Improvements. All improvements shall be as set forth in Article 6 of this chapter.

(d) Other regulations. All other regulations set forth in this chapter shall be complied with in the development of industrial subdivisions.

Section 7. Existing section 9-2.403 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.403 Commercial subdivisions.

(a) Lot area and width. The minimum lot area and width for commercial subdivisions shall be as set forth in the zoning regulations of the City.
(b) Street design. The street design shall be as set forth in Section 9-2.511 of Article 5 of this chapter for commercial areas.
(c) Improvements. All improvements shall be as set forth in Article 6 of this chapter.
(d) Other regulations. All other regulations set forth in this chapter shall be complied with in the development of commercial subdivisions.

Section 8. Existing section 9-2.404 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.404 Residential subdivisions.

(a) Lot area and width. The minimum lot area and width shall be as set forth in the zoning regulations of the City.
(b) Improvements. All design standards and improvements shall be as set forth in Articles 5 and 6 of this chapter.
(c) Regulations. All other regulations set forth in this chapter shall be complied within the development of residential subdivisions.

Section 9. Existing section 9-2.501 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.501 Blocks.

Blocks shall not be longer than 600 feet between intersecting street lines, except on major streets and thoroughfares where longer blocks may be required.

Section 10. Existing section 9-2.504 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.504 Walkways.

Improved walkways not less than ten (10') feet in width may be required through blocks more than 400 feet in length and through other blocks where necessary to provide access to schools, parks, and scenic easements.

Section 11. Existing section 9-2.505 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.505 Easements.

(a) Sides and rear of lots. Easements not less than five (5') feet wide shall be required on each side of all lots and ten (10') feet wide at the rear of all lots where necessary for poles, wires, drainage, water mains, or other utilities. A reduction of the width may be permitted where a lesser width is justified in the opinion of the City Engineer and the serving public utility. All pole lines shall be located underground except when otherwise approved by the Commission.

(b) Watercourses and storm drains. Watercourses shall be shown as easements, and storm drains shall be placed in easements where a public right-of-way is not available or adequate. The Commission or City Engineer may require watercourses to be placed entirely in underground conduits or be adequately fenced or otherwise improved.

Section 12. Existing section 9-2.508 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.508 Streets and alleys.

(a) Continuation of existing streets. Existing streets shall be continued as required by the Commission.
(b) Street stubs. Street stubs shall be required to adjacent unsubdivided property where, in the opinion of the Commission, they are necessary. A satisfactory temporary turnaround may be required.
(c) Intersections. Streets shall intersect at as near right angles as is practicable. The radius of curvature where the property lines intersect shall be adequate to allow the construction of wheelchair ramps in accordance with the Improvement Standards and Specifications and shall, in no event, be less than ten (10') feet for collector streets and twenty (20') feet for arterial streets. "T" or three-way intersections shall be preferable to four-way intersections but may not be located nearer than 150 feet to any other intersection.
(d) Reserve strips. Reserve strips, where required to control access over certain lot lines or over the ends of street stubs, shall be dedicated to the City.
(e) Alleys. Alleys shall be required in industrial, commercial, and multiple-family areas where necessary to control access to thoroughfares and major streets.
(f) Cul-de-sacs. Cul-de-sac streets shall have limiting dimensions as stated in the City of Los Banos Improvement Standards and Specifications.

(g) Street names. Names for proposed new streets shall be approved by the Fire Chief or his/her designee and shall be shown on the final map.
(h) Offers for dedication. Streets, rights-of-way, and easements in any standard subdivision or record of survey subdivision shall be shown on the tentative map.
(i) Conformance with Master Plan for Streets and Highways. Streets shall conform as to alignment and width to the official Master Plan for Streets and Highways of the City.
(j) Curve radius. The minimum center line radius of streets shall be in accordance with the City of Los Banos Improvement Standards and Specifications.
(k) Grades. Minimum and maximum grades shall be in accordance with the City of Los Banos Improvement Standards and Specifications.

Section 13. Existing section 9-2.509 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.509 Optional design and improvement standards.

Where a subdivider, by written affirmation, signifies his intent to enhance the livability and appearance of the proposed subdivision by using new concepts in the arrangement of lots and the circulation patterns and street design to serve such lots by providing permanent open space within the neighborhoods in the proposed subdivision and by providing appropriate means of access to blocks, schools, shopping centers, and other uses, such subdivider may use the following procedures:

(a) An improved design based on density control and better community environment may be used. The standards set forth in Article 4 of this chapter and Sections 9-2.501 through 9-2.508 and 9-2.511 through 9-2.513 of this article may be varied where such design has the approval of the Commission, and where, in the opinion of the Commission or on appeal to the Council, such deviation will:
    (1) Produce a more desirable and livable community than the minimum requirements set forth in this chapter;
    (2) Create a better community environment through the establishment of non-dedicated permanent scenic easements or non-dedicated open spaces and the rearrangement of lot sizes; and
    (3) Provide for the development of condominium units and mobile home subdivisions and the maintenance of non-dedicated improvements.
(b) Where a residential subdivision has been approved by the Commission under the provisions of this chapter, full and adequate provisions acceptable to the City shall be made for the preservation and maintenance of all commonly owned land and improvements which are not dedicated and accepted by the City. Such provisions may be satisfied by a declaration of covenants, conditions, and restrictions duly signed and acknowledged by

the owner; articles of incorporation, forming a homeowner's association or some other legal entity, which shall include provisions empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity which shall be set forth in the declaration; bylaws setting forth rules of membership, fees, and assessments; and forms of deeds incorporating the declaration by reference to its recording data. The owners of the individual lots, as a condition of ownership of such lots, shall be required to participate in the legal entity so formed and be responsible to such legally formed entity for the cost of performing the necessary maintenance. Any failure to so maintain shall be, and the same is hereby declared to be, unlawful and a public nuisance endangering the health, safety, and general welfare of the public.

(c) As an incentive to creating better overall communities, the Commission may authorize deviations from standards set forth in this chapter where such deviations are for the purposes set forth in subsection (a) of this section.

(d) Before any deviation based on improved design shall be authorized, such deviation shall be passed by the Commission upon a finding that the deviation, as authorized, shall result in a community which is a substantial improvement over the community which could have been developed by using the requirements set forth in Article 4 of this chapter and in this article.

Section 14. Existing section 9-2.510 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.510 Specific street design and improvements.

Street design shall conform to the Improvement Standards & Specifications adopted by the Council by reference as set forth in Chapter 10 of Title 8 of this Code.

Section 15. Existing section 9-2.511 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.511 Street design.

Streets in subdivisions shall conform to the design standards set forth in the City of Los Banos Improvement Standards and Specifications.

Section 16. Existing section 9-2.512 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.512 Minimum sidewalk widths.

Minimum sidewalk widths shall be as specified in the Los Banos Improvement Standards and Specifications.

Section 17. Existing section 9-2.513 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.513 Alleys.

Where needed, minimum alley widths shall be as follows:

(a) Commercial and industrial. Rights-of-way thirty (30') feet; pavement width thirty (30') feet; and
(b) Residential. Rights-of-way twenty-six (26') feet; pavement width twenty-six (26') feet.

Section 18. Existing section 9-2.601 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.601 Conformance with Improvement Standards and Specifications.

All improvements shall conform to the Improvement Standards and Specifications adopted by the Council by reference as set forth in Chapter 10 of Title 8 of this Code. Any deviation therefrom shall be only with the written approval of the City Engineer before construction is begun. No improvement shall be commenced until an agreement and bond guaranteeing the completion of the improvement are approved and accepted.

Section 19. Existing section 9-2.602 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.602 Required improvements.

Improvements to be installed by each subdivider may include the following:

(a) Curbs, gutters, sidewalks, and walkways (or parking bays where required);
(b) All utility distribution facilities (including, but not limited to, electric, communication, and cable television lines) installed in and for the purpose of supplying service to any residential or commercial subdivision shall be placed underground, except as follows:
    (1) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts; and
    (2) Streets lights. The subdivider shall be responsible for furnishing street lights as required by the City and shall make the necessary arrangements with the utility company for furnishing energy;
(c) Water mains, valves, fire hydrants, and service laterals to each lot;
(d) Sanitary sewers and laterals to serve each lot and stubbed to the property line prior to paving;
(e) Storm sewers, drains, and channel improvements;

(f) Slope planting, silt basins, or other forms of erosion control;
(g) Paved streets;
(h) Ornamental street lights;
(i) Street signs at locations approved by the City Engineer;
(j) Stop signs where a street intersects with a major street, thoroughfare, or expressway; and
(k) Other traffic control signs required by the Traffic Engineer;
(l) Parks and amenities;
(m) Landscaping.

Section 20. Existing section 9-2.603 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.603 Off-site improvements.

The following off-site improvements may be required:

(a) The development of a domestic water supply, including storage facilities, or financial contributions for the improvement of any existing source of supply and the construction of transmission lines from that supply to the proposed development;
(b) The development of sewage disposal facilities or financial contributions for the improvement of any existing sewage disposal system and the construction of transmission lines from the proposed improvements to the site of disposal;
(c) When flood zones are established by the Council, the subdivider shall pay the fee set forth for the particular zone in which the subject land lies;
(d) Properly graded, drained, and paved access roads; and
(e) The extension of other utilities.

The subdivider may enter into an agreement for reimbursement by future developers for the facilities required by the City to the extent such facilities are in excess of sizes needed to serve the subdivision involved.

Section 21. Existing section 9-2.607 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.607 Fire development impact fees.

The City deems it necessary and justifiable to establish a fee for fire facilities to serve proposed residential, commercial, or industrial development in the City and the City Council does hereby impose development impact fees at the rate set forth by City Council resolution.

Section 22. Existing section 9-2.608 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.608 Police development impact fees.

The City deems it necessary and justifiable to establish a fee for police facilities to serve proposed residential, commercial, or industrial development in the City and the City Council does hereby impose development impact fees at the rate set forth by City Council resolution.

Section 23. Existing section 9-2.609 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.609 Public facilities development impact fees.

The City of Los Banos has determined that public facilities that house City Staff and equipment will need to be expanded to accommodate the residential, commercial, and industrial growth in the City and that this new development is responsible for assisting in the expansion of those facilities, and the City Council does impose a public facilities development impact fee to be paid at the rate set forth by City Council resolution.

Section 24. Existing section 9-2.610 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.610 Community center development impact fee.

The City hereby establishes a fee for community center facilities to serve new residential, and non-residential land uses in the City and the City Council does hereby impose a community center development impact fee to be paid at the rate set forth by City Council resolution.

Section 25. Existing section 9-2.611 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.611 City Hall development impact fee.

The City hereby establishes a fee for City Hall facilities to serve new residential, and non-residential land uses in the City and the City Council does hereby impose a City Hall development impact fee to be paid at the rate set forth by City Council resolution.

Section 26. Existing section 9-2.612 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.612 Corporation yard development impact fee.

The City hereby establishes a fee for corporation yard facilities to serve new residential, and non-residential land uses in the City and the City Council does hereby

impose a corporation yard development impact fee to be paid at the rate set forth by City Council resolution.

Section 27. Existing section 9-2.613 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.613 Capital facilities administration development impact fee.

The City hereby establishes a fee for the cost of administration of the capital facilities program to serve new residential, and non-residential land uses in the City and the City Council does hereby impose a capital facilities administration impact fee to be paid at the rate set forth by City Council resolution.

Section 28. Existing section 9-2.701 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.701 Criteria.

In accordance with the Subdivision Map Act, whether the Standard Subdivision Procedure (Article 8 of this chapter) or Minor Subdivision Procedure (Article 10 of this chapter) shall be used in subdividing property shall be determined as follows:

(a) Four (4) or less lots: the Minor Subdivision Procedure may be used.
(b) Five (5) or more lots: the Standard Subdivision Procedure shall be used (except as exempted by the Subdivision Map Act of the State).
(c) For the adjustment of a lot line: a record of survey shall be used.
(d) For the merger of parcels: the City Engineer shall require the recordation of a certificate of compliance or the recordation of a parcel map.

Section 29. Existing section 9-2.702 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.702 Procedure for lot line adjustments.

(a) A complete application package in accordance with the codified applications and submittal requirements adopted by the Los Banos City Council is to be submitted to the Planning Department.
(b) The Planning Department determines completeness within 10 business days.
(c) The Planning Department determines whether or not the parcels resulting from the lot line adjustment conform.
(d) If there are no outstanding issues, the package is forwarded to the Engineering Division for processing.
(e) The lot line adjustment is then checked for conformance with the Subdivision Map Act.
(f) Applicant prepares Certificate of Compliance.

(g) Certificate is signed and stamped by City Engineer.
(h) Certificate and Grant Deed reflecting the lot line adjustment are sent to Merced County Recorder's office for recordation.

Section 30. Existing section 9-2.802 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.802 Data.

Tentative maps shall include the data outlined within the codified applications and submittal requirements adopted by the Los Banos City Council.

Section 31. Existing section 9-2.803 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.803 Accompanying Materials

(a) Documents. Accompanying the tentative map will be all items as stated within the codified applications and submittal requirements adopted by the Los Banos City Council.

Section 32. Existing section 9-2.804 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.804 Filing: Fees.

(a) The tentative map shall be considered complete for the consideration of the Commission when all codified applications and submittal requirements adopted by the Los Banos City Council have been included and reviewed for completeness. If the tract is a portion of a larger area which may be subdivided later, the tentative map shall roughly indicate the ultimate plan for the whole.
(b) The required materials and copies shall be presented to the secretary of the Commission at least fifteen (15) days prior to the Project Review Board meeting at which the map will be formally filed, together with a fee, set by the Council, paid to the City Clerk to cover the costs of checking. The secretary of the Commission shall distribute the copies of such map to the committee members and serving utilities.

Section 33. Existing section 9-2.805 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.805 Project Review Board action.

All tentative maps shall be reviewed by the Project Review Board prior to filing any tentative map with the Commission. The Project Review Board shall meet within thirty (30) days after the submission of the tentative map.

(a) Determinations. The Project Review Board shall determine the following:
  (1) The completeness and accuracy of the tentative map and ancillary reports and the suitability of the land for subdivision purposes;
  (2) The over-all design of the subdivision and its conformity with all pertinent requirements of this chapter and other laws and plans of the City;
  (3) The provisions for and suitability of street improvements, underground utilities, fire hydrants, ornamental electroliers, storm drains, streets, trees, and sidewalks, including the adequacy of the water supply, sewage disposal, and easements for utilities and drainage; and
  (4) The provisions for public areas, including parks, schools, public utility facilities, and the like.

(b) Compliance with other requirements. The Project Review Board shall review the tentative map for compliance with the provisions of this chapter and State laws. If any portion of the subdivision is in conflict with any of such requirements, the Project Review Board shall inform the subdivider of such conflicts.

(c) Recommendations. The Project Review Board may deem it advisable to recommend additional improvements, easements, dedications, and the like to be included, and the subdivider shall be duly informed of the nature of the recommendations at the time of such Board meeting.

(d) Corrections. If, after analysis, it is found that the subdivision map requires a significant amount of correction before the Project Review Board deems the map acceptable to bring it before the Commission, the Board may require the subdivider to make the changes and reappear before the Board for further study.

(e) Appeals. If the subdivider feels the Project Review Board has imposed requirements not acceptable to the subdivider, he may request approval by the Commission. In such event, the subdivider shall make known his intentions to the Commission, whereupon the subdivision shall be placed on the Commission agenda.

(f) Reports. The Project Review Board shall make a report on its determinations to the applicant. Such report shall include a compilation of the reports of department heads.

(g) Notices. A notification to all property owners within a 300 foot radius for all lot line adjustments, parcel mergers, tentative minor subdivision maps, and tentative subdivision maps shall be made.

Section 34. Existing section 9-2.607 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.806 Commission action.

(a) The Commission shall act on any tentative map within the time limits specified within the Subdivision Map Act. In accordance with the Subdivision Map Act, failure to act within the time limits prescribed or an agreed upon extension shall be deemed approval of the tentative map.

(b) The Commission shall determine whether the tentative map is in conformity with the provisions of law and of this chapter and, upon that basis, shall approve, conditionally approve, or disapprove such map. The Commission shall report such action directly to the subdivider and shall transmit to the Council a copy of the tentative map and a copy of the resolution setting forth the action of the Commission thereon.

(c) The Commission may disapprove a tentative map because of flood and inundation hazards or slide areas and recommend protective improvements to be constructed as a condition precedent to the approval of the map.

Section 35. Existing section 9-2.907 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.907 Departmental action.

The following functions shall be acted upon within twenty (20) days after filing the final map:

(a) The City Engineer shall examine the final map. If he shall determine that the surveys are correct and that the map is technically correct and substantially conforms to the tentative map and any approved alteration thereof and to the provisions of this chapter and the laws of the State, he shall so certify on the map and transmit the map to the City Clerk. If the City Engineer shall find that full conformity has not been made, he shall so advise the subdivider and afford him an opportunity to make the necessary changes.

(b) The secretary of the Commission shall examine the final map. If he shall determine that the map substantially conforms to the approved tentative map, and any conditions imposed thereon, he shall so certify on the final map.

(c) When the filing of the final map is completed and approved, as set forth in this section, the City Engineer shall transmit to the Council for consideration the original linen or one duplicate transparency on vellum, suitable for reproduction, with all accompanying statements, agreements, cash, and/or bonds required, and the recording fee.

Section 36. Existing section 9-2.908 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.908 Council action.

(a) Upon the presentation of the materials required by the provisions of subsection (c) of Section 9-2.907 of this article by the City Engineer, the Council shall consider the final map, the plan of subdivision, and the offers of dedication. The Council may reject any or all offers of dedication or require the dedication of all proposed streets. In the event improvements are required pursuant to the provisions of this chapter or by law, the Council shall approve a contract with the subdivider for posting a bond or cash deposit as provided in Section 9-2.904 of this article. In such event, when the agreement and bond or cash deposit have been approved by the City Attorney as to form, and by the City Engineer or Council as to sufficiency, the Council may consider the final map.

(b) After the Council shall determine that the final map is in conformity with the provisions of this chapter, the Council shall approve such map by resolution. In the event the Council shall determine that the map is not in conformity with the provisions of this chapter, the Council shall disapprove the map, specifying the reasons therefore and advising the subdivider of such disapproval. Within ninety (90) days thereafter the subdivider shall file with the City Engineer a final map altered to meet with the approval of the Council and shall conform with the procedures set forth in this chapter.

Section 37. Existing section 9-2.1002 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1002 Tentative maps: Data.

A tentative minor subdivision map shall include the data outlined within the codified applications and submittal requirements adopted by the Los Banos City Council.

Section 38. Existing section 9-2.1003 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1003 Tentative maps: Accompanying Materials.

Accompanying the tentative map will be all items as stated within the codified applications and submittal requirements adopted by the Los Banos City Council.

Section 39. Existing section 9-2.1004 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1004 Tentative maps: Filing: Fees.

Tentative minor subdivision maps shall be filed with the Planning Director, together with a filing fee set by the Council.

All required information shall be filed with the secretary of the Commission at least thirty (30) days prior to the time at which action is expected. The secretary of the Commission shall immediately transmit a copy of the map to each member of the Project Review Board and, if advisable, to each public utility serving the general area of the proposed minor subdivision.

Section 40. Existing section 9-2.1005 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1005 Tentative maps: Approval, conditional approval, or disapproval.

a. If there are no outstanding issues, the tentative minor subdivision map will scheduled for the next available Planning Commission meeting.

b. The Planning Commission by resolution may grant approval of the parcel map/minor subdivision subject to conditions, or can deny the request.

c. If denied, may file a written notice with the Planning Director or with the City Clerk within 5 business days.

Section 41. Existing section 9-2.1007 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1007 Tentative maps: Limitations of approval.

The approval or conditional approval of a tentative minor subdivision map shall be valid for a period as specified within the Subdivision Map Act, including any extensions.

Section 42. Existing section 9-2.1008 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1008 Appeals.

Appeals from the action of the Commission by the applicant or any affected property owner shall be made to the Council in writing within five (5) days after the date of such action of the Board.

The Council shall render its decision on any appeal within thirty (30) days after the filing thereof. If the Council fails to act within the prescribed thirty (30) days, the

action of the Commission shall be deemed final unless such time period is extended by the mutual consent of the subdivider and the Council.

Section 43. Existing section 9-2.1010 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1010 Waivers of minor subdivision map requirements.

The Commission may waive the requirements for a minor subdivision map which are established by this chapter and the Subdivision Map Act of the State provided it is shown by the subdivider and findings are made by the Commission that the proposed division of land complies with all the requirements for a minor subdivision which have been established by this chapter and the Subdivision Map Act of the State as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this chapter and the Subdivision Map Act of the State.

A person desiring an exception shall comply with all the requirements of the tentative minor subdivision map procedure and shall indicate on the tentative minor subdivision map that a letter of exception is being requested. The Commission shall review the tentative minor subdivision map and shall approve, disapprove, or conditionally approve such tentative minor subdivision map and shall also grant or deny an exception to the filing of a final map. In the event the exception is granted, the Planning Director shall notify the applicant of such action and any conditions attached thereto. A copy of the letter of exception shall be forwarded to the County Recorder and County Assessor's office.

Section 44. Existing section 9-2.1011 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1011 Mergers of parcels.

Pursuant to Section 66599.20 3/4 of the Subdivision Map Act of the State, provision is made by this section to merge contiguous parcels of land under common ownership without reverting to acreage or filing a parcel map as required under the provisions of a minor subdivision.

(a) A person desiring to merge contiguous parcels of land in his/her

ownership shall submit a complete application package in accordance with the codified applications and submittal requirements adopted by the Los Banos City Council to the Planning Department.

(b) The Planning Department determines completeness within 10 business days.

(c) The Planning Department determines whether or not the parcels resulting from the lot line adjustment conform.

(d) If there are no outstanding issues, the package is forwarded to the Engineering Division for processing.
(e) The lot line adjustment is then checked for conformance with the Subdivision Map Act.
(f) Applicant prepares Certificate of Compliance.
(g) Certificate is signed and stamped by City Engineer.
(h) Certificate and Grant Deed reflecting the lot line adjustment are sent to Merced County Recorder's office for recordation.

Section 45. Existing section 9-2.1101 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1101 Criteria.

It is realized there are certain parcels of land of such dimensions, subject to such title restrictions, so affected by physical conditions, and/or devoted to such uses that it is impossible for the subdivider to conform to all of the provisions of this chapter when subdividing property. The Commission may variances from the provisions of this chapter when all the following conditions are found to apply:

(a) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity;
(b) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict literal application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity; and
(c) That under the circumstances of any particular case, the variance, rather than the sections at issue in this chapter, actually carries out the spirit and intent of the provisions of this chapter.

Section 46. Existing section 9-2.1305 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1305 Payment of fees.

The storm drainage fees shall be paid at the rate set forth by City Council Resolution.

Section 47. Existing section 9-2.1501 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1501 Application.

(a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this chapter, requires the filing of a tentative map, a vesting tentative map may instead be filed in accordance with the provisions of this article.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

Section 48. Existing section 9-2.1502 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1502 Filing and processing.

A vesting tentative map shall be filed in the same form, and have the same contents, accompanying data, and reports, and shall be processed in the same manner as set forth in this chapter for a tentative map, except as follows:

(a) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map".

The Planning Director may request, and the applicant shall promptly furnish, such further information as may reasonably be necessary to enable the Planning Director to evaluate on behalf of the City the vesting effect which would follow from the approval of the map.

Section 49 Existing section 9-2.1504 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1504 Expiration.

The approval or conditional approval of a vesting tentative map shall be in accordance with the timelines, including extensions, as stated within the Subdivision Map Act.

Section 50. Existing section 9-2.1505 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1505 Vesting on approval of vesting tentative maps.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Government Code of the State.

However, if said Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding the provisions of subsection (a) of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

(2) The condition or denial is required in order to comply with State or Federal laws.

(c) The rights referred to in this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 9-2.1504 of this article. If the final map is approved, such rights shall last for a period as specified in the Subdivision Map Act.

Section 51. Existing section 9-2.1601 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1601 Authority, general purpose, and definitions.

This chapter is adopted pursuant to California Government Code Section 66477 and the general police power of the City, for the purpose of executing and implementing the Parks, Open Space and Resources Element of the General Plan of the City of Los Banos. It is the purpose of this article for (1) the acquisition of park land for neighborhood and community parks through dedication of land or payment of fees in lieu thereof and (2) the development of park and recreation facilities by imposition of fees in connection with the development of new dwelling units.

Except where the context otherwise requires, the definitions given in this section govern the construction of this article.

(a) The term "developer" includes every person, firm, or corporation constructing a new dwelling unit, directly or through the services of any employee, agent, independent contractor, or otherwise.

(b) The term "new dwelling unit" includes each structure of permanent character, places in a permanent location, which is planned, designed or used for residential occupancy, including, but not limited to, one-family, two (2) family, and multi-family dwellings, apartment houses and complexes and mobile home spaces, but not including hotels, motels, and boardinghouses for transient guests.

(c) The term "subdivision" includes any type of construction, land division or improvement of land which provides for dwelling units identified under the provisions of Section 66424 of the California Government Code. "Subdivision" shall also include any increase in the number of mobile home spaces.

(d) The term "city service area" shall refer to the geographical area of beneficial use of one or more parks. The boundaries of said service areas shall be determined by resolution adopted by the City Council.

(e) The term "park service area" shall refer to the geographical area of beneficial use of one park, as determined by the Director of Public Works.

(f) The term "land value" means fair market value of a buildable acre of land, as determined by the City Council.

(g) Very-low/Low Density.

(h) Medium Density.

(i) High Density.

Section 52. Existing section 9-2.607 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1603 Park acreage standard.

It is hereby found and determined that the public interest, convenience, health, welfare, and safety require that five (5) acres of property for each 1,000 persons residing within this City be devoted to local park and recreational purposes. Said five (5) acres are justified by the existing ratio of five (5) acres of neighborhood and community parks per 1,000 residents in the City, and the current maximum utilization of said acreage by the residents of Los Banos.

Section 53. Existing section 9-2.1604 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1604 Formula for the dedication of land.

Where a park or recreation facility has been designated in the Parks, Open Space and Resources Element of the General Plan of the City, and is to be located in whole or in part within the proposed subdivision for the purpose of serving the immediate and future needs of the residents of the subdivision, the developer shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula and the average number of persons per unit shall be obtained from the California Department of Finance.

The formula for determining acreage to be dedicated shall be as follows:

TABLE INSET:

Average No. of Persons/Unit	×	park acreage standard / 1,000 population	=	minimum acreage dedication/DU

Dedication of the land shall be made in accordance with the procedures contained in Section 9-2.1612 hereof.

For the purpose of this section, the number of new dwelling units shall be based upon the number of parcels indicated on the tentative or parcel map when in an area zoned for one dwelling unit per parcel. When all or part of the subdivision is located in an area zoned for more than one dwelling unit per parcel, the number of proposed dwelling units in the area so zoned shall equal the maximum allowed under that zone, including any applicable density increases. In the case of a condominium project, the number of dwelling units shall be the number of condominium units. The term "new dwelling unit" does not include dwelling units lawfully in place prior to the date on which the parcel or final map is filed.

The developer shall, without credit: (1) provide full street improvements and utility connections including, but not limited to, curbs, gutter, street paving, traffic control devices, street trees, and sidewalks to land which is dedicated pursuant to this section; (2) provide for fencing along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved drainage through the site; and (4) provide other minimal improvements which the City determines to be essential to the acceptance of the land for recreational purposes.

The land to be dedicated and the improvements to be made pursuant to this section shall be reviewed at the tentative map stage in accordance with the criteria set forth in Section 9-2.1610 and approved by the Director of Public Works.

Section 54. Existing section 9-2.1606 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1606 Amount of fees in lieu of land dedication.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value determined by the City Council per Section 9-2.1607. The fee shall be determined by the following formula:

TABLE INSET:

DUs	x	$\frac{\text{Pop}}{\text{DU}}$	x	$\frac{\text{5 acres}}{\text{1,000 people}}$	x	$\frac{\text{FMV}}{\text{buildable acre}}$ k	=	$\frac{\text{in-lieu fee}}{\text{in-lieu fee}}$

where:

TABLE INSET:

DUs	= number of dwelling units as defined in Section 9-2.1604
$\frac{\text{Pop}}{\text{DU}}$	= population per dwelling unit as defined in Section 9-2.1604
FMV	= fair market value determined by Section 9-2.1607
buildable acre	= a typical acre of the subdivision, with a slope less than ten (10%) percent, and located in other than an area on which building is excluded because of flooding, easements, or other restrictions

Fees to be collected pursuant to this section shall be reviewed by the Director of Public Works to ascertain if they comply with the formula set forth above. If compliance is found, then the fees shall be approved by the Director of Public Works.

Section 55. Existing section 9-2.1610 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1610 Determinations of land or fees.

Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

(a) The natural features, access, and location of land in the subdivision available for dedication;
(b) The size and shape of the subdivision and land available for dedication;
(c) The feasibility of dedication;
(d) The compatibility of dedication with the Parks, Open Space and Resources Element of the General Plan; and
(e) The location of existing and proposed park sites and trailways.

Section 56. Existing section 9-2.1615 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-2.1615 Developer-provided park and recreation improvements.

After the Planning Commission or Director of Public Works determines that land is required for dedication and/or in-lieu fee payment by the developers, the developer

may apply to the Public Works Department for permission to construct specified park and recreation improvements on the land of said developer required for dedication or on other land within the same City service area to be developed as a park. If the Public Works Department grants the developer permission for construction of specified parks and recreation improvements on said land, said Department shall fix the dollar value of the parks and recreation improvements prior to construction. The agreed dollar value of park and recreation improvements provided by the developer may be credited against the fees required by this article, provided the improvements are constructed per the approved plans by the Department

Section 57. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 200__.

Passed on the ____ day of _____, 200__ by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Michael Villalta, Mayor

ATTEST:

_____
Lucille L. Mallonee, City Clerk

RESOLUTION #_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AN AMENDMENT TO TITLE 9 CHAPTER 2 OF THE MUNICIPAL CODE (SUBDIVISION ORDINANCE) AND CERTIFYING THE NEGATIVE DECLARATION

WHEREAS, the City's Subdivision Ordinance was originally adopted in 1963; and

WHEREAS, the General Plan, Zoning Ordinance, Subdivision Map Act, Codified Submittal Requirements and the Improvement Standards and Specifications all provide policies and regulations that overlap those within the Subdivision Ordinance; and

WHEREAS, the General Plan, Zoning Ordinance, Subdivision Map Act, Codified Submittal Requirements and the Improvement Standards and Specifications have all been updated and conflicts have arisen; and

WHEREAS, the City of Los Banos has updated its Subdivision Ordinance for the purpose of having consistent regulations; and

WHEREAS, an Initial Study and Negative Declaration were prepared and posted with the Merced County Clerk on August 22, 2011; and

WHEREAS, the Planning Commission reviewed the Subdivision Ordinance (Section 9-2 of the Municipal Code) and Negative Declaration at the November 9, 2011 Planning Commission Meeting and recommended approval; and

WHEREAS, on December 7, 2011, the City Council held a public hearing for the purpose of reviewing the Subdivision Ordinance (Section 9-2 of the Municipal Code) and waived the first reading and introduced the Ordinance; and

WHEREAS, the City Council of the City of Los Banos does hereby make the appropriate CEQA Findings set forth in Exhibit A, 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 the amendment to the Subdivision Ordinance (Section 9-2 of the Municipal Code) and certifies the Negative Declaration

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of January 2012, 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 THE AMENDMENT TO TITLE 9, CHAPTER 2 OF THE LOS BANOS MUNICIPAL CODE– SUBDIVISION ORDINANCE

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 amendment to the Subdivision Ordinance was evaluated in an initial study which determined that no significant adverse effects would result from the development of the project and a Negative Declaration was made.

2. The Negative Declaration was adequately noticed and circulated for public review and comment. The City distributed the Notice of Intent with copies of the Negative Declaration to the Merced County Clerk's office on August 22, 2011.

3. 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 Negative Declaration.

4. No further environmental documentation is required as the proposed project was contemplated and adequately analyzed in the Negative Declaration.

5. The City of Los Banos Planning Department, located at 520 J Street in Los Banos, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the negative declaration is based.

City of
Los Banos
At the Crossroads of California

FILED
2011 AUG 22 PM 1:38
Planning Division
KAREN [illegible]
MERCED COUNTY CLERK
BY _____
DEPUTY

NOTICE OF INTENT

Dates Posted
From: 8/22/11
To: 9/10/11
Merced County Clerk

To adopt a Negative Declaration for the
Subdivision Ordinance Update

NOTICE IS HEREBY GIVEN THAT the City of Los Banos as Lead Agency has prepared a proposed Negative Declaration for the project identified below. A copy of this document, which includes an initial study, is available for review at Los Banos City, 520 J Street, Los Banos, CA 93635 and on the City's website www.losbanos.org. You may also obtain a copy of the document by contacting the Los Banos Planning Department at (209)827-7000 ext 114. Due to time limits mandated by State law, your response must be sent at the earliest possible date, but no later than twenty (20) days from the August 22, 2011 posting date of this notice.

Please submit your response to Paula Fitzgerald, AICP, Planning Director, 520 J Street, Los Banos, CA 93635 by June 9, 2010 at 5:00pm.

Project Title: Subdivision Ordinance update

Project Location: City wide

Project Description: In 2009 the City of Los Banos updated its General Plan and in 2010 its Zoning Ordinance and Zoning Map, now the City has updated the Subdivision Ordinance so the documents and rules and regulations are consistent.

Paula Fitzgerald, AICP
Planning Director

City of
Los Banos
At the Crossroads of California

PLANNING DEPARTMENT

Date: November 25, 2011

Regarding: Notice of Public Hearing

Proposal: Los Banos Subdivision Ordinance

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held by the Los Banos City Council to consider updating the Subdivision Ordinance amending Title 9, Chapter 2 of the Los Banos Municipal Code to conform to the California Subdivision Map Act, Los Banos Standards and Specifications and the Zoning Ordinance.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the Los Banos City Council on Wednesday, December 7, 2011 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Paula Fitzgerald, AICP, Planning Director at City Hall or at (209) 827-7000, Ext.114.

Persons wishing to provide oral comments on the described proposal may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delivered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS

Paula Fitzgerald, AICP
Planning Director

City of Los Banos

At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: Paula Fitzgerald, Planning Director

DATE: January 4, 2012

SUBJECT: AM/PM & McDonald's at the Northwest Corner of Badger Flat Road and Pacheco Boulevard

TYPE OF REPORT: Public Hearing

Recommendation:

Staff recommends that the City Council:

- Receive presentation of the staff report;
- Open the Public Hearing and receive applicant and public comment;
- Consider comments presented at the hearing, the information in staff report and Mitigated Negative Declaration, the recommendation of the Planning Commission and discuss the proposal;
- Approve the resolution to certify the Mitigated Negative Declaration; and,
- Waive the first readings and introduce the Ordinances by title to pre-zone the site and authorize a Pre-Annexation Development Agreement.
- Consider the Resolution to approve the annexation and continue to a later meeting, following adoption of the Ordinances.

Background:

California Gold Development is the applicant for the Project and has teamed up with McDonald's, they are proposing to construct a co-branded AM/PM Convenience Store and Arco Gas Station along with a McDonald's, which will be relocating from their existing site at I Street and Pacheco because their lease will end in October of 2012. McDonald's attempted to extend the lease and scrape and rebuild the existing building but the landlord refused to extend it and directed McDonald's to find a new location.

The applicant attempted to find a location within the existing City limits but could not find a suitable location which did not have use restrictions (i.e. hamburger, coffee) and had adequate access and met McDonald's site criteria.

Discussion:

Project Location

The Project site is located adjacent to the western boundary of the City of Los Banos in Merced County, annexation is part of the proposed entitlements. The entire parcel is approximately 3.4 acres. The project site is bound by Badger Flat to the east, Pacheco Boulevard to the south, and ranchettes, commercial businesses and agricultural fields to the north and west.

Project Description

The project includes: annexation of a 3.4 acre parcel at the northwestern corner of Badger Flat Road and Pacheco Boulevard, Prezoning the site to Highway Commercial, approval of a Pre-Annexation Development Agreement and certification of the Mitigated Negative Declaration (SCH#211101054).

The Planning Commission held a Public Hearing on the matter on December 14, 2011 and recommended approval. Further, the Planning Commission conditionally approved Parcel Map #2011-02 and Site Plan #2011-03 which splits the property into the 1.8 acre project site for a co-branded structure with a McDonald's fast food restaurant with a drive thru and an AM/PM Gas Station with a convenience store and 18 gas pumps. The Project would result in the development of 6,800 square feet of commercial use. This approval is contingent upon approval of the other entitlements by the Los Banos City Council and LAFCo.

Site Characteristics

The Project site consists of one (1) parcel covering a total of 3.4 acres. The Assessor's Parcel Number for the property is: 081-140-013. Principal vehicular access to the site is provided along Badger Flat and Pacheco Boulevard.

Existing General Plan Land Use and Zoning Designations

While the Project site is currently located outside the City of Los Banos' jurisdictional boundary, it is within the City's Sphere of Influence. The Project site has been given a commercial land use designation in the City's General Plan, and the goals and policies of the General Plan are applicable. The Commercial designation permits the gas station and fast food restaurant that are proposed.

Currently allowed uses and development standards are those associated with the County's present zoning designation of City Plan Area and General Plan designation of General Agriculture (A-1). Upon annexation, the proposed uses would be permitted because the proposed Project includes prezoning the property to a City of Los Banos Highway Commercial zoning district and an annexation to the City. It is anticipated that the construction of the proposed Project would begin in 2012 upon completion of entitlement, annexation and building permit approvals.

Development Characteristics

The building will consist of 6800 square feet of commercial use with a 2900 square foot AM/PM Gas Station with 18 gas pumps and a convenience store and a 3900 square foot McDonald's fast food restaurant with a drive thru. It is anticipated that the McDonald's will have approximately 50 employees, of which 10 are full time, and the AM/PM will have 10 employees, of which 2-3 are full time.

Traffic and Parking

A traffic study was completed for the Project by KDA. Implementation of the proposed Project would involve the construction of improvements to the SR 152 / Badger Flat Road intersection to permit eastbound to westbound u-turns, including widening the north side of SR 152 west of the intersection and the widening of Badger Flat Road on the west side of the road.

The Project proponents will dedicate 20 feet on SR 152 and will construct a right turn

lane with a right in/out shared driveway entrance. 25 feet will also be dedicated on Badger Flat Road and a median and a northbound left turn lane at the driveway will be constructed. The overall design will include one through lane going northbound, with a left turn lane at the driveway, two through lanes going southbound and a southbound right and left turn lane.

An all-weather pedestrian route will also be constructed along the Project site frontage to the SR 152 / Badger Flat Road intersection. Also, the Project will improve the shoulder along SR 152 to provide a landing area suitable for a bus-stop.

The Project will also construct a two way drive on the north side of the property for use by the Project and the remainder parcel so access is not restricted and will stub a thru street on the west of the property for future development to limit access points along Highway 152.

The proposed Project will provide a total of 59 parking spaces. Of these spaces, 3 will be ADA accessible, this is in accordance with the Los Banos Municipal Code. Further, the required six (6) car stacking distance relating to drive thru's has also been met. Attachment 1, Site Plan, displays the conceptual site plan for the Project.

Architecture

The proposed architecture reflects a contemporary style. The building consists of one-story construction done to visually give the illusion of separate buildings. Each unit has unique design characteristics which include different color palettes, roof height variations and different glazing. Both the AM/PM and the McDonald's have their unique design branding that has been incorporated into the design, it should be noted that McDonald's is switching their exterior to a flat roof topped by a newly designed, contemporary, golden sloping curve and has changed their colors from the bright red to a muted terra cotta, olive and sage green. Additional architectural details and surfaces include painted stucco siding and awnings.

Landscaping

The Project entails the development of a 6,800 square foot commercial building on approximately 1.8 acres of land. A conceptual landscape plan has been submitted which shows planting areas and tree locations with various species. The proposed landscaping appears to meet the City's 50% shade tree canopy ordinance and the 4% landscaping requirement, but the landscape plans will be further reviewed by a licensed Landscape Architect prior to approval during the improvement plan stage.

Infrastructure

Water: The City of Los Banos would provide water service to the Project site. Water supplies would be provided off Badger Flat Road via a 16" line. The Project will connect to the existing line with a 3" potable, a 6" fire and a 2" irrigation line to the Project site.

Sewer: The City of Los Banos would provide wastewater service to the Project site.

The Project site will connect to the sewer main located on the south side of Pacheco Blvd. The Project proponent will extend the existing 8" line approximately 700' north, will construct a manhole and run a 6" line to the site.

Drainage: The City of Los Banos would provide storm water services to the Project site. Ultimate discharge will be to the basin located north of the Project site on Badger Flat Road with an interim storm drainage basin on site which will be privately maintained.

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

Environmental

Pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, an initial study was prepared to identify and assess potential environmental impacts of the development of the Project. Through the initial study, staff determined that the Project would not result in any significant adverse affects with mitigation. Staff prepared a Notice of Intent for a Mitigated Negative Declaration which was posted at the Merced County Clerk's Office and sent to the State Clearinghouse (SCH# 2011101054) for circulation and review on October 20, 2011 and closed on November 29, 2011. At the time of this report, one comment letter was received from the Department of Transportation; the comment letter has been included and any concerns will be addressed in the Encroachment Permit Phase.

Fiscal Impact:

ALH Urban & Regional Economics prepared a Fiscal Impact Analysis for the Project. When fully developed, the Project is projected to generate 54.25 full time equivalent jobs and $251,035 in gross revenue to the City, including $62,420 for Measure P which is a special Public Safety Fund.

City expenditures for the Project equal $12,391, making the net City income equal $238,644.

Additionally, a Sensitivity Analysis was included in the report. The Sensitivity Analysis was completed to show that some increment of the Project sales will be diverted from other gas stations within the City. It is anticipated that a percentage of the sales will be new however because of the typical low pricing at AM/PM; some residents will get gas in town as opposed to traveling to other areas seeking low prices, and travelers passing through will stop at a lower priced station in town as opposed to getting gas further along in their trip. The Sensitivity Analysis offered two options, the first being 75% new customers and the second being 50% new customers. If 75% of the customers are new to the City, the net income will be $181,484 and if 50% of the customers are new to the City, the net income will be $124,324.

Reviewed by:

Steve Rath, City Manager

Attachments:

1. Resolution No. _____ Certifying the Mitigated Negative Declaration
   Exhibit A: Initial Study/Mitigated Negative Declaration
2. Ordinance No. _____ Pre-Zoning the Site to Highway Commercial
   Exhibit A: Legal Description
3. Ordinance No. _____ Authorizing a Pre-Annexation Development Agreement
   Exhibit A: Pre- Annexation Development Agreement
4. Resolution No. _____ Requesting Annexation
   Exhibit A: Conditions of Approval
   Exhibit B: Project Findings
5. Notice of Completion
6. Fiscal Impact Analysis
7. Traffic Study
8. Vesting Tentative Parcel Map
9. Site Plan
10. Elevations
11. Public Hearing Notice

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS CERTIFYING THE MITIGATED NEGATIVE DECLARATION (SCH#2011101054) AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE NORTHWEST CORNER OF BADGER FLAT ROAD AND PACHECO BOULEVARD

WHEREAS, California Gold initiated consideration of an Annexation (#2011-01), Pre-Zone, Parcel Map (#2011-02), Site Plan (#2011-03) and Development Agreement; and,

WHEREAS, pursuant to the California Environmental Quality Act and the City of Los Banos Environmental Quality Guidelines, the project environmental impacts were evaluated in a Mitigated Negative Declaration (SCH#2011101054) (Exhibit A) incorporated herein by reference; and,

WHEREAS, no new significant information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in Mitigated Negative Declaration; and,

WHEREAS, a Notice of Completion was posted and advertised, and the Mitigated Negative Declaration was made available for public review from October 20, 2011 through November 21, 2011, and copies were sent to the Office of Planning and Research,

WHEREAS, the project could have a significant effect on the environment, but through the implementation of mitigation measures all potentially significant impacts will be reduced to a less than significant level; and,

WHEREAS, said Annexation (#2011-01), Pre-Zone, Parcel Map (#2011-02), Site Plan (#2011-03) and Development Agreement have been reviewed and examined by City of Los Banos staff; and,

WHEREAS, the Los Banos Planning Commissioners considered the project on December 14, 2011 and recommended approval; and,

WHEREAS, the City Council has scheduled and duly advertised a public hearing to consider and take testimony regarding these matters on January 4, 2012; and

WHEREAS, the public hearing was duly noticed and notices mailed to residences within 300 feet of the project boundaries on December 23, 2011; and,

WHEREAS, in the independent judgment of the City Council of the City of Los Banos, the project was adequately analyzed in the Mitigated Negative

Declaration; and,

THEREFORE BE IT RESOLVED, by the Los Banos City Council that it has reviewed the northwest corner of Badger Flat Road and Pacheco Boulevard project and the accompanying Mitigated Negative Declaration incorporated herein by reference; and,

BE IT FURTHER RESOLVED, by the Los Banos City Council that it does hereby certify the Mitigated Negative Declaration (SCH#2011101054) and adopts the Mitigation Monitoring Program;

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 4th day of January 2012, 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

Initial Study/Mitigated Negative Declaration

Northwest Corner of Badger Flat and Pacheco Boulevard Annexation and Site Plan

October 19, 2011

Lead Agency:

City of Los Banos

Planning Department

City Hall 520 J St.

Los Banos, CA 93635

(209)827-7000

www.losbanos.org

Purpose

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

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

The purpose of this Initial Study and Proposed Mitigated Negative Declaration (IS/MND) is to identify the potential environmental impacts and proposed mitigation measures associated with the proposed Northwest Corner of Badger Flat and Pacheco Boulevard Annexation and Site Plan. The Project proposes an AM/PM gas station and McDonald's restaurant in a single cobranded building. Implementation of the proposed Project would result in the development of 6,800 square feet of commercial property.

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

Project Location

The Project site is located adjacent to the western boundary of the City of Los Banos in Merced County. The 1.73 acre Project site is bound by Badger Flat to the east, Pacheco Boulevard to the south, and ranchettes, commercial businesses and agricultural fields to the north and west. The project is located on property for which a tentative parcel map has been submitted for a minor subdivision.

Project Description

The Project proposes a cobranded structure with a McDonald's fast food restaurant with a drive thru and an AM/PM gas station with a convenience store and 18 gas pumps. Implementation of the project would result in the development of 6800 square feet of commercial use.

The proposed Project would provide 59 parking spaces in accordance with the Code. Further, the required six (6) car stacking distance relating to drive thru's has also been met. Exhibit A, Site Plan, displays the conceptual site plan for the Project.

Site Characteristics

The Project site consists of a portion of one (1) parcel covering a total of approximately 3.9 acres. A parcel map has been submitted so the property can be divided in a minor subdivision so the project site will include 1.73 acres. The Assessor's Parcel Number for the property is: 081-140-013. Principal vehicular access to the site is provided along Badger Flat and Pacheco Boulevard.

Topography

The Project site is located in California's Central Valley. The topography of the region is flat. Topography of the site is nearly flat and it does not contain any distinct topographic features.

On-Site Land Uses Cover

The existing site includes hard packed dirt, rock and materials and is typically utilized as a parking area for trucks and other equipment.

Surrounding Land Uses

The Project site is located on the western edge of the City of Los Banos with agricultural operations to the north and east, along with scattered ranchettes, commercial uses to the south and scattered county commercial uses to the west.

Existing General Plan Land Use and Zoning Designations

While the Project site is located outside the City of Los Banos' jurisdictional boundary, it is within the City's Sphere of Influence. The Project site has been given a land use designation in the City's General Plan, and the goals and policies of the General Plan are applicable. The current General Plan designation for the Project site is Commercial. The Commercial designation permits the gas station and fast food restaurant that are proposed.

Currently allowed uses and development standards are those associated with the County's present zoning designation of City Plan Area and General Plan designation of General Agriculture (A-1). Upon annexation, the proposed uses would be permitted because the proposed Project includes prezoning the property to a City of Los Banos zoning district and an annexation to the City. It is anticipated that the construction of the proposed Project would begin in 2012 upon completion of entitlement, annexation and building permit approvals.

Development Characteristics

The building will consist of 6800 square feet of commercial use with a 2900 square foot AM/PM gas station with 18 gas pumps and a convenience store and a 3900 square foot McDonald's fast food restaurant with a drive thru. It is anticipated that the McDonald's will have approximately 50 employees, of which, 10 are full time and the AM/PM will have 10 employees, of which 2-3 are full time.

Traffic and Parking

Implementation of the proposed Project would involve the construction of Improvements to the SR 152 / Badger Flat Road intersection to permit eastbound to westbound u-turns, including widening the north side of SR 152 west of the intersection.

The project proponents will dedicate 20 feet on SR 152 and will construct a right turn lane with a 30' right in/out shared driveway entrance. 25 feet will also be dedicated on Badger Flat Road and a median and a northbound left turn lane at the driveway will be constructed. The overall design will include one through lane going northbound, with a left turn lane at the driveway, two through lanes going southbound and a southbound right and left turn lane.

An all-weather pedestrian route will also be constructed along the site frontage to the SR 152 / Badger Flat Road intersection. Also, the McDonald's / AM-PM project will improve the shoulder along SR 152 to provide a landing area suitable for a bus-stop

The proposed Project will provide a total of 59 parking spaces. Of these spaces, 3 will be ADA accessible.

Infrastructure

Water: The City of Los Banos would provide water service to the Project site. Water supplies would be provided off Badger Flat Road via a 16" line.

Sewer: The City of Los Banos would provide wastewater service to the Project site. The Project site will connect to the sewer main located on the south side of Pacheco Blvd.

Drainage: The City of Los Banos would provide storm water services to the Project. Discharge will be to the basin located north of the project site on Badger Flat Road with an interim storm drainage basin on site which will be privately maintained.

It should be noted that all of City infrastructure has been sized to accommodate this use.

Public Actions and Approvals Required

This Initial Study and Mitigated Negative Declaration will be used by the following jurisdictions and agencies when deciding whether to grant the following discretionary actions:

- City of Los Banos: Annexation/Pre-Zone/Tentative Parcel Map/Site Plan
- LAFCo: Annexation approval

In addition to the City of Los Banos, there may also be local, state, and federal responsible agencies that have discretionary or appellate authority over the specific aspects of the proposed Project.

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

Environmental Checklist Form

1. Project Title: California Gold Development – AM/PM and McDonald's Annexation and Development

2. Lead Agency Name and Address: City of Los Banos, 520 J Street, Los Banos, CA 93635.

3. Contact Person and Phone Number: Paula Fitzgerald, AICP, Planning Director, (209) 827-7000 Bus; (209)827-8059 Fax; or paula.fitzgerald@losbanos.org E-Mail.

4. Project Location: Northwest corner of Badger Flat and Pacheco Boulevard, Los Banos, CA

5. Project Sponsor's Name and Address: City of Los Banos, 520 J Street, Los Banos, CA 93635.

6. General Plan Designation: Commercial

7. Zoning: Highway Commercial after annexation

8. Description of Project:

North: Agricultural
South: Commercial

East: Agricultural
West: Scattered county commercial properties

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

☐ Aesthetics	☐ Agriculture	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population /Housing
☐ Public Services	☐ Recreation	☒ Transportation /Traffic
☐ Utilities/Service Systems	☐ Greenhouse Gas Emissions	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

I find that although the proposed project could have significant effect on the environment, because all potentially significant effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE

DECLARATION pursuant to applicable standard, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	**Date**
Paula Fitzgerald	
Printed Name	**For**

EVALUATION OF ENVIRONMENTAL IMPACTS:

Notes:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site, as well as on-site, cumulative, as well as project-level, indirect, as well as direct, and construction, as well as operational impacts.

3. Once a determination has been made that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impact Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist references. Reference to a previously prepared or outside document, where appropriate, includes a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list is attached, and other sources used or individuals contacted are cited in the discussion.

8. This initial study format is the format suggested in the 2007 CEQA Guidelines.

9. The explanation of each issue identifies:
   a. the significance criteria or threshold, if any, used to evaluate each question; and
   b. the mitigation measure identified, if any, to reduce the impact to less than significant

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

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
1 **Aesthetics. Would the proposal:**				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

Comments: The proposed Project is not within an area designated as a scenic vista nor does it include such significant scenic resources as naturally occurring trees, rock outcroppings or historic buildings. The project site itself consists of dirt and hard packed materials. The public views of the Project site to the north and immediate east are agricultural and scattered ranchettes, commercial to the south and scattered commercial uses and the Merced Community College to the west. The Project site is located in a flat area of Los Banos and aesthetic qualities of the area are expected to improve as landscaping will be planted, a building will be constructed and pavement will be laid. Therefore, **no impact** to aesthetics will occur with development of this project.

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

Comments: Please refer to the Comment in 1 a.

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

Comments: The development of the Project will not degrade the site or its surroundings. The Project is compatible with land uses in the General Plan and existing development. Therefore, **no impact** relating to visual character or quality of site and surroundings.

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

Comments: The development of the Project will increase the amount of light from the building and parking lot. However, the project site is adjacent to Highway 152 so residents should not be impacted and day and nighttime views should not be affected. Additionally, lighting shall be directed downward in order to prevent off-site glare. As such, impacts are **less than significant**.

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

Categories and Issues:

2. **Agriculture Resources** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring program of the California Resource Agency, to non-agricultural use?	☐	☐	☒	☐

Comments: The proposed Project site is located on lands designated as commercial, not actively farmed and will be within the corporate limits of the City of Los Banos upon City and LAFCo approval. The Project site has not been identified as prime farmland. As such, the impacts are **less than significant** to agricultural resources.

b.	Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☐	☒

Comments: The Project will not conflict with existing zoning for agricultural use and is not under a Williamson Act contract. As such, there **is no impact** relating to conflicting zoning or Williamson Act contracts.

c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Comments: There are no changes being proposed that due to their location or nature should result in the conversion of farmland to non-agricultural uses. As such, there is **no impact** relating to the conversion of farmland.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
3 **Air Quality** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Comments: The City of Los Banos is located in the San Joaquin Valley Air Basin. The air quality impacts for the project were analyzed within the General Plan EIR. The Project is consistent wit the General Plan relating to buildout. The findings within the EIR determined that the cumulative development scenarios within the General Plan would result in a significant impact but a statement of overriding consideration has been made. Therefore, the impact is **less than significant**.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐

Comments: The Project consists of the construction of a 6800 square foot building and associated parking. Construction related air quality impacts would occur with the development of the project, related infrastructure improvements and utility infrastructure but Best Management Practices will be utilized to minimize dust. No long term significant air quality impacts are anticipated because the building is not sized for regional commercial uses so users should be local and through traffic only so there should be no substantial increases in traffic generated. Therefore, the impact is **less than significant**.

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursor)?	☐	☐	☐	☒

Comments: : For further discussion refer to comment 3.b

d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒

Comments: The construction of the proposed Project is not expected to expose sensitive receptors to significant pollutant concentrations. As such, there is **no impact**.

e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Comments: The Project will not create objectionable odors affecting surrounding residents. Therefore, there is **no impact**.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
4 **Biological Resources** Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Comments: The Project is generally devoid of any natural habitat as it has a hard packed surface with no trees and is bordered by Highway 152. The surface and proximity to the highway preclude many species from becoming established. As such, the Project does not represent significant habitat value. Due to the location, surface and surrounding uses there is **no impact**.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Comments: No riparian habitat or other sensitive natural communities have been identified within the Project area as the soils are not suitable for such habitat. Therefore, there is **no impact** to riparian habitat or other sensitive natural community.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Comments: Not applicable as there are no wetlands, marshes or vernal pools on the site. Hence, there are **no impacts** to federally protected wetlands.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒

Comments: Development of the Project will not cause any substantial interference wit the movement of any resident or migratory fish or wildlife, or conflict with any wildlife corridors or impede the use of wildlife nursery sites, therefore, there is **no impact**.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

Comments: The proposed project will not conflict with any local policies or Ordinances protecting biological resources, hence, there is **no impact**.

f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

Comments: The Project does not conflict with an existing Habitat Conservation Plan of which the City is a participant, hence, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
5 **Cultural Resources** Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?	☐	☐	☐	☒

Comments: As discussed in the Los Banos General Plan, the Project site is not designated as containing recorded cultural resources and there is low probability of such resources on the Project site. In the event that buried cultural resources are discovered during the course of grading and construction, the Project shall comply with State law, generally following protocol that such activities shall stop in the vicinity of the find and the city shall consult with the appropriate local, State, or Federal entities and a qualified archaeologist to determine whether the resource requires further study. As such, there is **no impact**.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?	☐	☐	☐	☒

Comments: The Project does not anticipate causing a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5. For further discussion, refer to 5.a. As such, there is **no impact**.

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

Comments: The Project does not anticipate either directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. Therefore, there is **no impact**.

d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Comments: If human remains are uncovered during the grading and construction phases, the Project shall be consistent with State law and generally observe the following protocol: If human burials are encountered during the grading and construction portions of the Project, such activities shall stop in the area of discovery and the County Coroner shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission will be notified and recommendations for treatment solicited (CEQA section 15064.5). Therefore, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
6 **Geology and Soils** Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐

Comments: No active or potentially active faults are known to exist within the area. The closest are the Tesla-Ortigalita Fault and the O"Neill Fault Zone, both of which are located approximately seven miles west of the City proper. Therefore, the impact is **less than significant**

2) Strong seismic ground shaking?	☐	☐	☒	☐

Comments: Please refer to the Comment for a.1

3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐

Comments: : This area has not been identified as having a specific liquefaction hazard and there are no wetlands on the site so therefore, the impact is **less than significant**.

4) Landslides?	☐	☐	☐	☒

Comments: The existing terrain is flat which is not conducive to land slippage. In addition, the site is not shown on published landslide mapping. Therefore, there is **no impact**.

b. Result in Substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Comments: The soils at the site may be subject to erosion during the grading portion of the development. Such conditions can be managed using standard best management practices and engineering measures as required by the City Public Works Department. Therefore, the impact is **less than significant**.

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

Comments: There are no known soil conditions that could result in on or off-site landslides, lateral spreading, liquefaction or collapse. The General Plan EIR calls for mitigation measures for subsidence, as such, the **impact is less than significant**

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐

Comments: The soils within the project area are generally Stanislaus Clay Loam. The soil is well drained but does have high shrink swell potential. The General Plan has incorporated mitigation measures which make the impact **less than significant**.

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

Comments: The project will be hooked into the City system. With that being the case, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
7 **Hazards and Hazardous Material** Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
Comments: The project proposes the construction of a building and parking lot, as such, poses **no impact** to the public or the environment through the transport, use or disposal of hazardous materials.				
b. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
Comments: The project proposes the construction of a building and parking lot, as such, poses **no impact** to the public or the environment through upset and accident conditions involving the releases of hazardous materials into the environment.				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
Comments: The project proposes the construction of a building and parking lot, as such, poses **no impact** to school sites and there are none within a quarter of a mile.				
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environments?	☐	☐	☐	☒
Comments: The project area is not included on the list of hazardous material sites pursuant to Government Code Section 65962.5 and as such, there is **no impact**.				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
Comments: The project would not result in a safety hazard for the airport as it is not within any of the Land Use Compatibility Zones. As such, there is **no impact**.				
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
Comments: The project site is not located within the vicinity of a private airstrip and therefore would not result in a safety hazard, as such, there is **no impact**.				
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
Comments: The project has access via existing Pacheco Blvd and Badger Flat. The project would not impair an adopted emergency response or evacuation plan. Therefore, the impact would be **less than significant**.				
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
Comments: The project site is adjacent to an urbanized area and is not adjacent to wildlands. As such, there is **no impact**.				

Categories and Issues:

8 **Hydrology and Water Quality** Would the project:

a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Comments: Temporary construction related activities will have no significant impacts to water quality and the project will be hooked up to City services, therefore, the impact will be **less than significant.**

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

Comments: The project will not substantially deplete ground water supplies and is not located on a groundwater recharge area. As such, the impact is **less than significant.**

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in *substantial erosion or siltation on- or off-site*?	☐	☐	☒	☐

Comments: The project will not alter existing drainage patterns in a manner which would result in substantial erosion on or off site. There is no existing stream or river channel crossing the site. Erosion control measures will prevent significant erosion. Therefore, the impact is **less than significant.**

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in *flooding on- or off-site*?	☐	☐	☒	☐

Comments: The drainage pattern within the project area will change slightly given the increase of impervious surface but runoff will be contained within the City system, therefore, the impact is **less than significant.**

e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐

Comments: The project will not contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. As such, the impact is **less than significant.**

f. Otherwise substantially degrade water quality?	☐	☐	☒	☐

Comments: The project will not substantially degrade water quality. As such, the impact is **less than significant.**

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

Comments: The project is not within a 100 year flood hazard area as mapped by FEMA, therefore, there is **no impact.**

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

Comments: The project is not within a 100 year flood hazard area as mapped by FEMA, therefore, there is **no impact.**

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

Comments: The project will not expose people or structures to a significant risk of loss involving flooding, therefore, **no impact.**

j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Comments: The project would not be susceptible to seiche, tsunami or mudflow, therefore, there is **no impact**.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
9 **Land Use and Planning** Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒

Comments: The project site involves property that will be annexed to the City and the development will occur at the most western portion of the City. Therefore, there is **no impact**.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Comments: The project is consistent with the City's General Plan, land use plan and policies and regulations of the City of Los Banos and does not conflict with any mitigation measures established. Therefore, there is **no impact**.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Comments: The project does not conflict with any existing habitat conservation plans and it is located in an urban area. As such, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
10 **Mineral Resources** Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

Comments: There are no known mineral resources located within the project vicinity. Therefore, there is **no impact**.

b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Comments: There are no known mineral resources located within the project vicinity. Therefore, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
11 **Noise** Would the project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

Comments: The project will not expose persons to, or generate noise levels in excess of standards established by the City of Los Banos. The project will be within the Highway Commercial zoning district and conforms to standards and specifications. As such, there is a **less than significant impact.**

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Comments: The project would not expose persons to excessive groundborne vibration or groundborne noise levels. Improvements would be limited to standards construction equipment which generally does not produce groundborne noise or vibrations that would be considered excessive, as such, the impact is **less than significant**.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Comments: The project will not create a substantial increase in ambient noise levels in the project vicinity above levels existing without the project. Please see discussion above. Therefore, the impact is **less than significant**.

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

Comments: During site preparation and construction the project would generate temporary sound levels from heavy equipment and vehicles. Temporary elevations of ambient noise levels are anticipated; however, the intensity levels resulting from construction are not expected to rise to a level of significance. Furthermore, the project would be accomplished within the limitations established by the City's Noise Ordinance. For further discussion see 11 a. Therefore, the impact would be **less than significant**.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Comments: The project site is not within an airport land use compatibility zone, as such, there is **no impact**.

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

Comments: The project is not located within the vicinity of a private airstrip, therefore there is **no impact.**

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
12 **Population and Housing** Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐

Comments: The project will not result in population growth directly as it is a small commercial project but there will be infrastructure improvements that could result in a small amount of population growth indirectly. However, the surrounding land use designations of the General Plan is commercial. Therefore, the **impact is less than significant**.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments: The proposed project will not require the acquisition of residences, the displacement of any persons or the need to construct replacement housing elsewhere, as such, there is **no impact**.

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments: The proposed project would not involve the displacement of any persons and as such, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
13 **Public Services**				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?	☐	☐	☒	☐

Comments: The proposed project would not necessitate the provision of new or altered fire protection facilities and its use was evaluated within the General Plan. As such, the impact is **less than significant**.

2) Police protection?	☐	☐	☒	☐

Comments: The proposed project would not necessitate the provision of new or altered police protection facilities and its use was evaluated within the General Plan. As such, thee impact is **less than significant**.

3) Schools?	☐	☐	☐	☒

Comments: The proposed project would not necessitate the provision of new or altered school facilities and its use was evaluated within the General Plan. As such, there is **no impact**.

4) Parks?	☐	☐	☐	☒

Comments: The proposed project would not necessitate the provision of new or altered park facilities and its use was evaluated within the General Plan. As such, there is **no impact**.

5) Other public facilities?	☐	☐	☒	☐

Comments: The proposed project would not necessitate the provision of new or altered public facilities and its use was evaluated within the General Plan. As such, the impact is **less than significant**.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
14 **Recreation**				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

Comments: The proposed project would not necessitate the provision of new or physically altered recreational facilities as it is a commercial use and it is not growth inducing, as such, there is **no impact**.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Comments: The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment as it is a commercial use and it is not growth inducing. As such, the use has **no impact**.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
15. **Transportation / Traffic:** Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☒	☐	☐

Comments: The project will improve the SR 152 / Badger Flat Road intersection to permit eastbound to westbound u-turns. This work would involve widening the north side of SR 162 west of the intersection, and accommodating u-turns would result in a total daily traffic volume that was below the 10,000 ADT LOS threshold. As such, the impact is **less than significant with mitigation incorporated.**

b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☒	☐	☐

Comments: Please see the comment above in item 15a.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☒	☐	☐

Comments: Please see the comment above in item 15a.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐

Comments: The project does not create sharp curves or incompatible uses and will be creating a right turn lane on SR 152 and an additional through southbound lane, left turn lane and right turn lane on Badger Flat Road. As such, **the impact is less than significant with mitigation incorporated.**

e. Result in inadequate emergency access?	☐	☐	☒	☐

Comments: The project will not result in inadequate emergency access as emergency vehicles will be able to safely navigate the site. Therefore, the **impact is less than significant**.

f. Result in inadequate parking capacity?	☐	☐	☒	☐

Comments: Adequate parking will be provided on site. Therefore, the **impact is less than significant**.

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Comments: The project will not conflict with adopted policies, plans or programs supporting alternative transportation and will actually be providing a bicycle rack and bus turnout. Therefore, **there is no impact**.

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
Categories and Issues:				
16 **Utilities and Service Systems:** Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐

Comments: : Wastewater will be treated by the City system in accordance with City standards and it will not exceed the requirements of the Regional Water Quality Control Board. Therefore, the impact is **less than significant**.

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

Comments: The proposed project will connect to existing City facilities and there is adequate capacity for the use. As such, there will be no new facilities and no expansion so there is **no impact**.

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

Comments: The proposed project will hook up to existing City facilities and there is adequate capacity for the use. As such, there will be no new facilities and no expansion so there is **no impact**.

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

Comments: The City has adequate water supplies available to serve the proposed project and no new entitlements are needed, as such, there is **no impact**.

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

Comments: The proposed project has been included in the City's Master Plan so it is known that there is adequate capacity without a request for determination. Therefore, the impact is **less than significant**.

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

Comments: Construction of the proposed project would generate some construction debris that would likely be disposed of in a landfill. However, construction debris would be recycled or reused where feasible and economic. In addition, much of the construction debris would be inert material, which could be disposed of, in an inert landfill thereby saving usable landfill capacity in landfills. Once construction is complete the project would be served by a City contracted waste disposal hauler which offers recycling. As such, the impact is **less than significant**.

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

Comments: The proposed project will comply with federal, state and local statutes and regulations related to solid waste. As such, the impact is **less than significant**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
17. Greenhouse Gas Emissions: Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Comments: The City of Los Banos has implemented General Plan policy POSR-I-46 that requires support of federal and State efforts to reduce greenhouse gases and emissions through local action that will reduce motor vehicle use, support alternative forms of transportation and require energy conservation in new construction. Furthermore, the City has adopted a statement of overriding consideration for air quality and the project will have a **less than significant impact**.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Comments: The project will not conflict with any plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the impact is **less than significant.**

MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐

Comments: As discussed, the proposed project would not have environmental effects that would cause substantial adverse effects on fish, wildlife or plant species. As such, the impact is **less than significant**.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

Comments: The project does not have impacts that are cumulatively considerable, as such, the impact of the proposed project is **less than significant**.

MANDATORY FINDINGS OF SIGNIFICANCE

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Comments: The proposed project will not have environmental effects which will cause adverse effects on human beings, either directly or indirectly, with respect to air quality, geology and soils, hydrology and water quality, noise and transportation/traffic because mitigation measures have been established to make all impacts **less than significant**.

E. REFERENCES

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

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

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ORDINANCE NO. _____ TO ADD SECTION 9-3.24._____ TO CHAPTER 3, TITLE 9 OF THE LOS BANOS MUNICIPAL CODE TO PRE-ZONE FROM COUNTY A-1 (GENERAL AGRICULTURAL) TO H-C (HIGHWAY COMMERCIAL)

The City Council of the City of Los Banos does hereby ordain as follows:

Section 1. Section 9-3.24._____ is hereby added to Chapter 3, Title 9 of the Los Banos Municipal Code relating to a Zone Change from: County A-1 (General Agricultural) to H-C (Highway Commercial); to read as follows:

> Section 9-3.24 Zoning Map Amendment: A-1 District to H-C (Highway Commercial) District.
>
> The Zoning Map of the City is hereby amended to rezone from County A-1 to H-C (Highway Commercial), the property, which is located west of Badger Flat Road and north of Pacheco. The project is more precisely described as Assessor Parcel Number's: 081-140-013, Section 16, Township 10 South, and Range 10 East M. D. B. & M., identified in Exhibit A attached.

Section 2. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member

_____ on the ____ day of _____, 200__.

Passed on the ____ day of _____, 200__ by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Michael Villalta, Mayor

ATTEST:

_____
Lucille L. Mallonee, City Clerk

EXHIBIT A

PARCEL 1: BEGINNING AT A POINT WHICH BEARS 30.00 FEET AND NORHT 89- 50-1/2' EAST 3180.20 FEET FROM THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B&M, THENCE, ALONG THE NORTHERLY LINE OF THE STATE HIGHWAY NORTH 89' 50-1/2' EAST 244.80 FEET; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD NORHT 5'12' EAST 396.00 FEET, THENCE SOUTH 89' 50-12' WEST 280.78 FEET AND SOUTH 394.45 FEET TO THE POINT OF BEGINNING.

PARCEL 2: THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED PARCEL SITUATE IN THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M: BEGINNING AT A POINT IN THE WESTERLY LINE OF "WOOD ROAD", WHICH POINT BEARS NORTH 30.0 FEET, NORTH 89'50'30" EAST, 3425.0 FEET, AND NORTH 05'12' EAST, 220.0 FEET; THENCE NORTH 89'50'30" EAST 396.0 FEET; THENCE ALONG THE WESTERLY RIGHT OF LINE OF SAID WOOD ROAD, SOUTH 05'12' WEST, 220.0 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AUTHORIZING THE MAYOR TO EXECUTE A PRE-ANNEXATION DEVELOPMENT AGREEMENT AS HEREIN APPROVED BY THE CITY COUNCIL ON BEHALF OF THE CITY RELATIVE TO THE DEVELOPMENT KNOWN AS AM/PM & MCDONALD'S, MORE SPECIFICALLY KNOWN AS ASSESSOR'S PARCEL NUMBER: 081-140-013

IT IS HEREBY ORDAINED by the City Council of the City of Los Banos as follows:

Section 1.

A. The City Council has considered the AM/PM & McDonald's Mitigated Negative Declaration for the annexation and development project, and finds that there is no evidence, which would require the preparation of a new or updated environmental document pursuant to the California Environmental Quality act.

B. The annexation, as of this time, is in compliance with all previously approved mitigation measures and conditions of approval.

Section 2. The City Council finds that the Development Agreement, attached hereto as Exhibit A and incorporated by reference herein, is consistent with the City of Los Banos General Plan.

Section 3. Prior to adopting this Ordinance, the City Council has considered the effect of this Ordinance and other Ordinances approving development agreements on the needs of this region. Furthermore, in considering the effect, the City Council has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

Section 4. The Planning Director hereby certifies that the developer/applicant has signed a Cost Recovery Contract for recapturing costs associated with the processing of the Development Agreement.

Section 5. Upon passage of this Ordinance, the Mayor is authorized to execute the Development Agreement on behalf of the City.

Section 6. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member _____ and seconded by Council Member _____ on the ____ day of _____, 200__.

Passed on the ____ day of _____, 200__ by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
Michael Villalta, Mayor

ATTEST:

_____
Lucille L. Mallonee, City Clerk

Recording requested by
and when recorded, mail to

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

No Recording Fee

PRE-ANNEXATION
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF LOS BANOS AND
CALIFORNIA GOLD DEVELOPMENT CORPORATION
RELATIVE TO THE
AM/PM & MCDONALD'S ANNEXATION

_____
(Date)

THIS DOCUMENT, INCLUDING EXHIBITS, TOTALS _____ PAGES.
EACH PAGE IS "BATES STAMPED" SEQUENTIALLY IN THE LOWER RIGHT HAND CORNER.

PRE-ANNEXATION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LOS BANOS AND CALIFORNIA GOLD DEVELOPMENT CORPORATION RELATIVE TO THE AM/PM & MCDONALD'S ANNEXATION

THIS PRE-ANNEXATION DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____day of _____, 2011, by and between the CITY OF LOS BANOS, a municipal corporation ("City"), and CALIFORNIA GOLD DEVELOPMENT CORPORATION, ("Developer"), pursuant to the authority of Article 2.5, Chapter 4, Division 1, Title 7 (§ 65864, *et seq.* of the Government Code) relating to Development Agreements, and pursuant to annexation law.

RECITALS

1. In order to strengthen the public land use planning process, to encourage private participation in the process, to reduce the economic risk of development and to reduce the waste of resources, the Legislature adopted the Development Agreement Law (§§65864, et seq. of the Government Code).

2. The Development Agreement Law permits cities and counties to contract with private interests for their mutual benefit in a manner not otherwise available to the contracting parties. Such agreements, as authorized by the Development Agreement Law, assure property developers that they may proceed with their projects with the assurance that approvals granted by public agencies will not change during the period of development. Cities and counties are equally assured that costly infrastructure such as roads, sewers, fire protection facilities, etc., will be available at the time development projects come on line.

3. This Development Agreement relates to the development known as "The AM/PM & McDonald's Annexation". The parties have, in good faith, negotiated the terms hereinafter set forth which carry out the legislative purpose set forth above and will assure the parties to this Agreement of mutually desirable development of the subject property.

4. Developer has an equitable or legal interest in that certain real property, more particularly described on **Exhibit "A"** hereto, located in the City of Los Banos.

5. City, in response to Developer's applications, after public hearings and extensive environmental analysis, has granted the following entitlements:

a. By Planning Commission Resolution No. ****, approving Site Plan Review #2011-03.
b. By Planning Commission Resolution No. ****, approving Vesting Tentative Parcel Map #2011-02 of the subject property.
c. By Ordinance No. ****, pre zoning the subject property.
d. By City Council Resolution No. ****, approving the annexation of the subject property.

6. In support of the various entitlements described in paragraph 5 above, and the related responsible agency actions, and in accord with the California Environmental Quality Act (CEQA) and State and City guidelines, City has accepted and, based on appropriate findings and conclusions approved a Mitigated Negative Declaration for the foregoing entitlements and this Agreement.

7. Development of the Subject Property pursuant to the terms and conditions of the various entitlements, the General Plan, and the Mitigated Negative Declaration will provide for orderly growth and development consistent with the City's General Plan/Environmental Impact Report and other development policies and programs.

8. On December 14, 2011, the City Planning Commission considered this Agreement, and recommended its adoption to the City Council.

9. Having duly considered this Agreement and having held the noticed public hearings, City finds and declares that the provisions of this Development Agreement are consistent with the maps and text of the City's General Plan.

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE 1

GENERAL PROVISIONS

Section 1.1. <u>The Project</u>. The Project is the annexation into the City of Los Banos approximately 3.4 acres, pre-zoning, from County A-1 (General Agricultural) to City HC (Highway Commercial), and subdivision of the Subject Property to create a 1.8 acre parcel (and .3 acres of proposed right of way dedication) with a remainder parcel of 1.3 acres, and the development of the 1.8 acre parcel as an AM/PM gas station and convenience store and McDonald's fast food restaurant, and the construction of a temporary storm drain basin on the remainder parcel.

Section 1.2. Subject Property. The Subject Property consists of approximately 3.4 acres identified as Merced County Assessor's Parcel Number 081-140-013, generally located in the County of Merced at the northwest corner of SR 152 (Pacheco Boulevard) and Badger Flat Road. The Subject Property is more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by this reference and made a part of this Agreement.

Section 1.3. Definitions. As used in this Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

(a) **Adopting Ordinance** means Ordinance Number _____ entitled: Pre Annexation Development Agreement By and Between the City of Los Banos and California Gold Development Corporation, relative to the AM/PM & McDonald's Annexation, dated _____, and effective _____, which approves this Agreement as required by Government Code section 65867.5.

(b) **Assumption Agreement** means an agreement substantially conforming to the model assumption agreement described in **Exhibit "B,"** or other agreement in a form approved by the City Attorney, executed by a Landowner with the Developer, expressly assuming various obligations relating to the development of the Project, or portion thereof.

(c) **CEQA** means the California Environmental Quality Act section 21000 *et seq.*, of the Public Resources Code of the State of California.

(d) **City** means the Los Banos City Council, or it's designee.

(e) **City Laws** means ordinances, resolutions, rules, regulations, policies, motions, directives, mitigation measures, conditions, standards, specifications, dedications, fees, taxes (including without limitation general, special and excise taxes), assessments, liens, other exactions and impositions, and any other actions having the force of law, that are enacted or adopted by City, or by its electorate through the initiative or referendum process.

(f) **Developer** means California Gold Development Corporation, or successor in interest.

(g) **Director** means the Planning Director for the City of Los Banos.

(h) **Effective Date** means the effective date of the Adopting Ordinance.

(i) **Entitlements** means those approvals listed in Recital 5 including any and all conditions of approval and mitigation measures.

(j) **General Plan** means the General Plan of the City, including the text and maps, as may have been amended in connection with the Project.

(k) **Landowner** is a party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement.

(l) **Parcel 1** means the property described in the Tentative Vesting Parcel Map designated as Parcel 1.

(m) **Remainder Parcel** means the property described in the Tentative Vesting Parcel Map designated as Parcel 2.

(n) **Reserved Powers** shall mean those powers explicitly reserved to the City by this Agreement.

(o) **Subject Property** means the property described in Section 1.2, or the remaining portions thereof after releases from the provisions of this Agreement have been executed as authorized by this Agreement.

Section 1.4. Exhibits. Exhibits to this Agreement are as follows:

Exhibit "A" Subject Property
Exhibit "B" Assumption Agreement
Exhibit "C" Developer Obligations/Special Conditions and Requirements
Exhibit "D" Sample Notice of Termination

Section 1.5. Incorporation of Exhibits and Recitals. Exhibits A – D and Recitals 1 through 9 are incorporated herein, including all exhibits referred to in said Recitals. In the event of inconsistency between the Recitals and the provisions of Articles 1 through 5, the provisions of Articles 1 through 5 shall prevail.

Section 1.6. Parties to Agreement. The parties to this Agreement are:

(a) **The City of Los Banos.** A municipal corporation exercising general governmental functions and powers. The principal office of the City is located at 520 J Street, Los Banos, California 93635.

(b) **Developer.** Developer owns in fee or has an equitable interest in the Subject Property. The principal office of Developer is 133 Old Wards Ferry Road, Suite G, Sonora, CA 95370.

(c) **Landowner.** From time to time, as provided in this Agreement, Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.

Section 1.7. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in

the exercise of its governmental functions.

Section 1.8. Term of Agreement. This Agreement shall commence upon the Effective Date of the Adopting Ordinance approving this Agreement. Pursuant to California Government Code section 65865 (b), this Agreement shall not become operative unless annexation proceedings annexing the Subject Property to the City are completed within two years of the Effective Date of the Adopting Ordinance. If the annexation is not completed within the time specified herein, this Agreement shall be null and void unless the time period for annexation is extended by the City Council. Upon becoming operative, this Agreement shall continue in force for a period of ten (10) years from the Effective Date unless terminated as provided herein. Following the expiration of the term, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of Developer or Landowner, if any.

Section 1.9. Assignment and Assumption. Developer shall have the right to sell, assign, or transfer this Agreement with all the rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. The conditions and covenants set forth in this Agreement and incorporated herein shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. Developer shall provide City with a copy of the Assumption Agreement. Express written assumption by such purchaser, assignee or transferee, to the satisfaction of the City Attorney, of the obligations and other terms and conditions of this Agreement with respect to the Subject Property or such portion thereof sold, assigned or transferred, shall relieve the Developer selling, assigning or transferring such interest of such obligations so expressly assumed. Any such assumption of Developer's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assumption Agreement attached hereto as **Exhibit "B"** and incorporated herein by this reference, or such other form as shall be approved by the City Attorney.

Section 1.10. Covenants Running With the Land. Each and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it. Provided however, notwithstanding anything to the contrary above, if any such sale, assignment or transfer relates to a completed residential unit or non-residential building which has been approved by the City for occupancy, this Agreement shall automatically terminate.

Section 1.11. Amendment to Agreement (Developer and City). This Agreement may be amended by mutual consent of the parties in writing, in accordance with the provisions of Government Code section 65868, provided that: any amendment which relates to the term, permitted uses, density, intensity of use, height and size of proposed buildings, or provisions for reservation and dedication of land shall require a noticed public hearing before the parties may execute an amendment. Unless otherwise provided by law, all other amendments may be approved without a noticed public hearing.

Any amendment entered into between the City and the Developer shall require the signature of each owner of any portion of the Subject Property to the extent the amendment modifies this Agreement as to that other owner's property.

Section 1.12. Amendment to Agreement (Landowner and City). This Agreement may also be amended, subject to the provisions of Government Code section 65868, between a Landowner who has acquired a portion of the Subject Property from Developer and City as to the portions of the Subject Property then owned by Landowner.

Any amendment entered into between the City and a Landowner shall require the signature of each Landowner of any portion of the Subject Property or the Developer to the extent the amendment modifies the Agreement as to that Landowner's or the Developer's property.

Section 1.13. Releases. Developer, and any subsequent Landowner, may free itself from further obligations relating to the sold, assigned, or transferred property, provided that the City Clerk receives a copy of the Assumption Agreement provided for in Section 1.9.

Section 1.14. Notices. Notices, demands, correspondence, and other communication to City and Developer shall be deemed given if dispatched by prepaid first-class mail to the principal offices of the parties as designated in Section 1.6. Notice to the City shall be to the attention of both the City Manager and the Director. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notices. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

Section 1.15. Reimbursement for Agreement Expense of City. Developer agrees to reimburse City for reasonable and actual expenses over and above fees paid by Developer as an applicant for costs specifically incurred by City for the preparation of this Agreement, including recording fees, publishing fees, and reasonable staff, City Attorney, Special Counsel, and consultant costs not otherwise included within application fees then due and payable to the City. Such reimbursement shall be paid to the City prior to execution of this Agreement by the City.

Section 1.16. Recordation of Agreement. The City Clerk shall cause a copy of this Agreement to be recorded with the Merced County Recorder not later than ten (10) days following execution of this Agreement by the City. Developer hereby covenants that during the period following execution and the recording of this Agreement by the City, Developer shall not, without prior written approval by the City Attorney, cause or allow to be recorded against the Subject Property any instrument affecting the priority, validity or enforceability of this Agreement.

Section 1.17. Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 1.18. Invalidity of Agreement/Severability. If this Agreement in its entirety is determined by a court to be invalid or unenforceable, this Agreement shall automatically

terminate as of the date of final entry of judgment. If any provision of this Agreement shall be determined by a court to be invalid and unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any federal or state statute, which became effective after the Effective Date, the remaining provisions shall continue in full force and effect.

Section 1.19. Third Party Legal Challenge. In the event any legal action or special proceeding is commenced by any person or entity other than a party or a Landowner, challenging this Agreement, the Entitlements or any approval subsequently granted by the City for the development of the Subject Property, the parties and any Landowner agree to cooperate with each other in good faith. City may elect to tender the defense of any lawsuit filed by a third person or entity to Developer and/or Landowner(s) (to the extent the litigation, in part or in whole, seeks to overturn or invalidate this Agreement, the Entitlements or any subsequent approval granted for the Subject Property held by or granted to Developer and/or Landowner), and, in such event, Developer and/or such Landowner(s) shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. For purposes of this section only, "City" shall include all employees, consultants and agents acting on behalf of the City. Neither party shall settle any such lawsuit without the consent of the other party. The City may elect to participate in the litigation, in which case the Developer and/or Landowner agree to reimburse the City for its litigation costs and fees, including the retention of outside legal counsel. It is the intent of the Parties that the City's participation not result in unnecessary duplication of legal services, but rather that the City's active involvement in the litigation be limited to supervising the preparation of the administrative record or discovery as applicable, monitoring of litigation, and responsive pleadings regarding issues which, in the sole opinion of the City, involve broader City concerns then those immediately affecting the Landowner and/or Developer. Upon written demand of the City, Developer and/or Landowner shall deposit with the City such sums as may be specified by the City as its estimated litigation costs and fees for the following thirty day period. Both parties shall act in good faith, and shall not unreasonably withhold consent to settle. In the event that the City elects to settle a claim, and Developer refuses to also settle, City at its sole option, may require Developer to post security in a form and amount reasonably acceptable to the City, for the performance of Developer's duties under this section. If the Developer, within 30 days of receiving written notice from City, fails to post this security, the Developer shall settle the claim on terms as previously approved by the City.

Section 1.20. Fees. Developer shall be subject to all fees currently adopted by the City, including scheduled or periodic increases as provided for in the adopting ordinances or resolutions ("Current Fees"). Developer shall pay, without protest or without challenge, Current Fees in effect at the time of the issuance of a requested permit or entitlement.

In addition, Developer agrees to pay any new fees adopted by the City, or the recalculation of existing fees ("New Fees") in effect at the time of the issuance of a requested building permit. Developer shall retain the right to challenge the New Fees as permitted by law.

Section 1.21. Reserved Powers. Notwithstanding any other provision of this

Agreement, including Section 2.1, and without limitation as to any other requirements or exceptions contained in this Agreement, the City shall retain the authority to take the following actions and apply the same to the Subject Property:

(a) The authority of the City Council to adopt regulations to protect the City and its citizens from an immediate adverse risk to health and safety. This shall include, but not be limited to, lack of sufficient sewer and/or water facilities, but not school facilities.

(b) Adopt or increase utility charges in accordance with applicable laws and regulations; and

(c) As set forth in Section 1.20, increase and apply Current Fees, and adopt and apply New Fees.

(d) Adopt revised subdivision, building design (residential and non-residential), and development improvement standards, provided, however, no such revised standards shall apply to the Project earlier than the 366th day following the date the City Council adopts the revised standard.

(e) Land use regulations, ordinances, policies, programs, resolutions or fees adopted or undertaken by City in order to comply with state or federal laws, or regulations, provided that in the event that such state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, such provision or provisions shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

(f) City land use regulations, ordinances, policies, programs or resolutions adopted after the Effective Date, which are in conflict with the City Laws, but the application of which to the development of the Subject Property has been consented to in writing by the Developer and/or the applicable Landowner by later separate document, which consent Developer and/or Landowner may withhold in their sole and exclusive discretion.

(g) In the event that the LAFCO imposes conditions on annexation which are, in the sole discretion of the City Council, unacceptable, the City shall have no responsibility to complete annexation.

Section 1.22. <u>Waiver of Claims</u>. Except as may be permitted by Section 1.20, Developer waives, as to the Subject Property only, any and all existing claims that may have against the City, its agents, employees and consultants arising out of the adoption and/or application of development requirements and standards, impact fees, the adoption of this Agreement or approval of the Entitlements and all of the proceedings, acts or determinations made prior thereto.

Section 1.23. <u>Developer Representations and Warranties.</u> Developer represents and warrants to City that, as of the Effective Date:

(a) Developer is duly organized and validly existing under the laws of the State of its incorporation or formation, and is in good standing and has all necessary powers under the laws of the State of California to own property interests and in all other respects to enter into and perform its respective undertakings and obligations under this Agreement.

(b) No approvals or consents of any persons are necessary for the execution, delivery or performance of this Agreement by Developer, except as have been obtained.

(c) The execution and delivery of this Agreement and the performance of the obligations of Developer hereunder have been duly authorized by all necessary corporate, partnership or company action and all necessary shareholder, partner and/or member approvals have been obtained.

(d) This Agreement is a valid obligation of Developer and is enforceable in accordance with its terms.

(e) Developer has not (i) made a general assignment for the benefit of creditors, (ii) filed any voluntary petition in bankruptcy or suffered the filing of any involuntary petition by Developer's creditors, (iii) suffered the appointment of a receiver to take possession of all, or substantially all, of Developer's assets, (iv) suffered the attachment or other judicial seizure of all, or substantially all, of Developer's assets, (v) admitted in writing its inability to pay its debts as they come due, or (vi) made an offer of settlement, extension or composition to its creditors generally.

During the Term of this Agreement, Developer shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 1.23 not to be true, immediately give written notice of such fact or condition to City.

Section 1.24. Compliance with Development Agreement and Entitlements. The City shall not be obligated to grant any approval, permit or entitlement unless the city determines that it is consistent with this Development Agreement and the Entitlements. In the event of a conflict between this Agreement and the Entitlements, this provisions of this Agreement and the attachments thereto, shall prevail.

ARTICLE 2

PROJECT DEVELOPMENT

Section 2.1. Limited Vested Right. During the term of and subject to the terms of this Agreement, the Developer's rights shall be vested only to the Entitlements.

As to the 1.8 acre Parcel 1: The City has no duty to approve tentative subdivision maps, issue building permits, or grant any other development approvals or permits not consistent with the development of the Subject Property as an AM/PM Gas Station and Convenience Store with

a McDonald's Fast Food Restaurant, as approved by Planning Commission Resolution No. ****, approving Site Plan Review #2011-03, unless the City, by mutual written agreement of the parties, approves an amendment to this Agreement.

As to the 1.3 acre Remainder Parcel: The City has no duty to approve tentative subdivision maps, issue building permits, or grant any other development approvals or permits unless the City, by mutual written agreement of the parties, approves an amendment to this Agreement or approves a separate Development Agreement as to the Remainder Parcel.

To the extent that Developer, prior to execution of this Agreement, possesses vested rights under the authority of the Subdivision Map Act or common law, Developer expressly waives any and all rights thereto, and agrees that any claim to a vested right is defined solely by the Development Agreement.

Section 2.2. Permitted Uses and Development Standards. Subject to Section 2.1 herein, the permitted uses, the density and intensity of use, the maximum height and size of proposed buildings for the Subject Property shall be those set forth for the pre-zoning district regulations as set forth in the City Zoning Ordinance in effect on the date of approval of this Agreement.

Section 2.3. Application, Processing and Inspection Fees. Application fees, processing fees, and inspection fees that are revised during the term of this Agreement shall apply to the development pursuant to this Agreement, provided that such revised fees apply generally to similar private projects or works within City and are in compliance with State and federal law.

Section 2.4. Obligation and Rights of Mortgage Lenders. The holder of any mortgage, deed of trust or other security instrument with respect to the Subject Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but, in the event said holder takes title to the Subject Property through foreclosure of a mortgage or a deed of trust, or deed-in-lieu of such foreclosure, said holder shall be bound by all of the terms and conditions of this Agreement which pertain to the Subject Property or such portion thereof in which it holds an interest. Any such holder who comes into possession of the Subject Property, or any portion thereof, pursuant to a foreclosure of a mortgage or a deed of trust, or deed in lieu of such foreclosure, shall take the Subject Property, or such portion thereof, subject to any pro rata claims for payments or charges against the Subject Property, or such portion thereof, which accrue prior and subsequent to the time such holder comes into possession. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote the Subject Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

ARTICLE 3

DEFAULT

Section 3.1. General Provisions. Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Agreement to perform any term or provision of this Agreement, shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party or Landowner not less than sixty (60) days notice in writing specifying the nature of the alleged default and the manner in which said default may be cured. During any such sixty (60) day period, the party or Landowner charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the sixty (60) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Landowner to this Agreement may, at his option, institute legal proceedings pursuant to this Agreement or give notice of its intent to terminate this Agreement pursuant to California Government Code section 65868 and any regulations of the City implementing said Government Code section. Following notice of intent to terminate, or prior to instituting legal proceedings, the matter shall be scheduled for consideration and review in the manner set forth in Government Code sections 65865, 65867, and 65868 and City regulations implementing said sections by the City within thirty (30) calendar days.

Following consideration of the evidence presented in said review before the City and an additional 30-day period to cure, either party alleging the default by the other party or Landowner may institute legal proceedings or may give written notice of termination of this Agreement to the other party; provided, however, a Landowner may only give such notice with respect to such portion of the Subject Property in which Landowner owns an interest.

Section 3.2. Annual Review. City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by Developer and Landowner with the terms of this Agreement. Such periodic review by the Director, unless referred to the Planning Commission or City Council shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code section 65865.1. Each said review shall be completed within sixty (60) days of the first meeting of the Planning Commission and the City Council, respectively, at which such review is undertaken, unless said period is extended by mutual consent of City and Developer. Failure to complete said review within the prescribed period shall be deemed a finding of good faith substantial compliance. Notice of such annual review shall include the statement that any review may result in amendment or termination of this Agreement. City may charge, and Developer shall pay a fee for such annual review to defray the cost to the City to process and conduct such annual review.

City shall deposit in the mail or fax to Developer and/or Landowner a copy of all staff reports and, to the extent practical, related exhibits concerning contract performance at least seven (7) calendar days prior to such periodic review. The Developer or Landowner shall be entitled to appeal a determination of the Director to the Commission and then to the Council. Any appeal must be filed within ten (10) days of the decision to the Director, or the Commission, as the case may be. Developer or Land owner shall be permitted an opportunity to be heard orally and/or in writing regarding its performance under this Agreement before the Commission, Council, and/or Director, as the case may be.

Section 3.3. Developer Default Limited to Property/Entity; Separate Obligations of Owners. Except as specified herein in Section 3.1, no default hereunder in performance of a covenant or obligation with respect to a particular portion of the Subject Property shall constitute a default applicable to any other portion of the Subject Property, and any remedy arising by reason of such default shall be applicable solely to the portion of Subject Property where the default has occurred. Similarly, the obligations of the Developer and Landowners shall be severable and no default hereunder in performance of a covenant or obligation by any one of them shall constitute a default applicable to any other owner who is not affiliated with such defaulting owner, and any remedy arising by reason of such default shall be solely applicable to the defaulting owner and the portion of the Subject Property owned thereby.

Section 3.4. Default by City. In the event City does not accept, review, approve or issue necessary development permits or entitlements for use in a timely fashion as defined by this Agreement, or as otherwise provided in this Agreement, or the City otherwise defaults under the terms of this Agreement, Developer and/or Landowner may give written notice thereof to the City and if not cured within sixty (60) days following receipt of such notice, Developer shall have all rights and remedies provided herein or under applicable law, including without limitation the right to pursue actions for mandamus, specific performance, or injunctive or declaratory relief to enforce this Agreement. Notwithstanding the foregoing sentence, the City, Developer and Landowner each waives any and all rights to seek monetary damages from any other party as a result of any breach or alleged breach of such other party's obligations hereunder. In the event City is in default under the terms of this Agreement, any resulting delays in Developer's performance caused thereby shall not constitute grounds for termination or cancellation of this Agreement.

Section 3.5. Cumulative Remedies of Parties/Waiver of Right to Damages. In addition to any other rights or remedies, City, Developer and any Landowner may institute legal or equitable proceedings to cure, correct or remedy any default, to specifically enforce any covenant or agreement herein, to enjoin any threatened or attempted violation of the provisions of this Agreement. Notwithstanding the foregoing sentence, the City, Developer and Landowner each waives any and all rights to seek monetary damages from the other party as a result of any breach or alleged breach of such other party's obligations hereunder.

Section 3.6. Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either party or Landowner hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, State or federal laws, regulations, decisions or orders which conflict with this Agreement, or judicial or other governmental agency decisions or orders, directing the City, or which have the effect of requiring the City, to take actions or refrain from taking actions which conflict with the obligations under this Agreement. Any and all extensions of the time of performance shall be limited to thirty-six (36) months. This section 3.6 shall not apply to the twenty-four (24) month term within which this Agreement is required to take effect.

ARTICLE 4

TERMINATION

Section 4.1. Termination Upon Completion of Development. This Agreement shall terminate upon the expiration of the term. Upon termination of this Agreement, the City shall record a notice of such termination in substantially the form attached hereto as **Exhibit "D."**

Section 4.2. Effect of Termination on Developer Obligations. Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City general plan and the terms and conditions of any applicable zoning, or subdivision map or other land use entitlements approved with respect to the Subject Property, any other covenants or any other development requirements specified in this Agreement to continue after the termination of this Agreement, or obligations to pay assessments, liens, fees, or taxes.

Section 4.3. Effect of Termination on City. Upon any termination of this Agreement, as provided for under the terms and conditions of this Agreement, as to the Developer of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the Subject Property affected by such termination (provided vesting of entitlements, conditions or fees applicable to the Subject Property shall be governed by planning and zoning law) and the City shall no longer be limited, by this Agreement, to make any changes or modifications to such entitlements, conditions or fees applicable to such property.

ARTICLE 5

STANDARD TERMS AND CONDITIONS

Section 5.1. Venue. Venue for all legal proceedings shall be in the Superior Court for the County of Merced.

Section 5.2. Waiver. A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

Section 5.3. Completeness of Instrument. This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

Section 5.4. Supersedes Prior Agreements. It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, discussions, commitments, representations

or agreements, written or oral, between the parties hereto.

Section 5.5. Captions. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

Section 5.6. Number and Gender. In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

Section 5.7. Mandatory and Permissive. "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

Section 5.8. Term Includes Extensions. All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

Section 5.9. Successors and Assigns. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

Section 5.10. Modification. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification is in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

Section 5.11. Counterparts. This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

Section 5.12. Other Documents. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

Section 5.13. Partial Invalidity. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5.14. Controlling Law. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

Section 5.15. Time Is of the Essence. Time is of the essence of this Agreement and each covenant and term a condition herein.

Section 5.16. Authority. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

Section 5.17. Document Preparation. This Agreement will not be construed against the party preparing it, but will be construed as if prepared by all parties.

Section 5.18. Advice of Legal Counsel. Each party acknowledges that it has reviewed this agreement with its own legal counsel, and based up on the advice of that counsel, and freely entered into this Agreement.

Section 5.19. Estoppel Certificate. Within thirty (30) days following any written request which either party may make from time to time, and upon payment of a fee to the City to reimburse the City for its reasonable expenses associated herewith, the other party to this Agreement shall execute and deliver to the requesting party a statement certifying that:

(a) this Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications; and

(b) there are not current uncured defaults under this Agreement or specifying the date, nature of any default and manner of cure.

This certificate may be executed by the City Manager, or his or her designee.

Section 5.20. Attorneys Fees and Costs. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs, which may be set by the Court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such party may be entitled.

Section 5.21. Consent/Subordination. Unless waived in writing by the City Attorney, Developer shall furnish proof satisfactory to the City, prior to approval of the Agreement, that all persons possessing a legal interest in the property have consented to the recording of this Agreement. Unless waived in writing by the City Attorney, the City shall require subordination by all lenders of record as a condition precedent to the City approval of the Agreement. The City shall have no duty to subordinate its interest in this Agreement.

IN WITNESS WHEREOF, this Agreement was executed by the parties thereto on the dates set forth below.

CITY OF LOS BANOS
A municipal corporation

By:_____ Dated_____
Mayor

ATTEST:

_____ Dated_____
City Clerk

APPROVED AS TO FORM:

_____ Dated_____
City Attorney

CALIFORNIA GOLD DEVELOPMENT CORPORATION

By:_____ Dated:_____

Its:_____

SIGNATURES MUST BE NOTARIZED

EXHIBIT A

SUBJECT PROPERTY

[Legal Description begins on next page]

EXHIBIT B

[SAMPLE FORM]

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (hereinafter "this Agreement") is entered into this _____day of _____, 200__, by and between _____ (hereinafter called "Owner") and, (hereinafter "Assignee").

RECITALS

A. On _____, 200__, the City of Los Banos and Owner entered into that certain agreement entitled "Pre-Annexation Development Agreement," approved by Ordinance _____ (hereinafter "Agreement"), relative to the development known as the _____ (hereinafter "Subject Property").

B. Owner entered into a purchase and sale agreement whereby a portion of the Subject Property will be sold to Assignee, which portion of the Subject Property is identified and described in **Exhibit "A,"** attached hereto and incorporated herein by this reference (hereinafter the "Assigned Parcel(s)").

C. Owner desires to assign all of its interests, rights and obligations under the Agreement with respect to the Assigned Parcel(s).

D. Assignee desires to assume all Owner's rights and obligations under the Agreement with respect to the Assigned Parcel(s).

NOW, THEREFORE, Owner and Assignee hereby agree as follows:

1. Owner hereby assigns, effective as of Owner's conveyance of the Assigned Parcel(s) to Assignee, all of the rights, interest, burdens and obligations of Owner under the Agreement with respect to the Assigned Parcel(s). Owner retains all the rights, interest, burdens and obligations under the Agreement with respect to all other property within the Subject Property owned thereby.

2. Assignee hereby assumes all of the burdens and obligations of Owner under the Agreement, and agrees to observe and fully perform all of the duties and obligations of Owner under the Agreement, and to be subject to all the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both Owner and Assignee that, upon the execution of this Agreement and conveyance of the Assigned Parcel(s) to Assignee, Assignee shall be come substituted for Owner as the "Developer" under the Agreement with respect to the Assigned Parcel(s).

3. All of the covenants, terms, and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ASSIGNOR / OWNER

By:_____

By:_____

ASSIGNEE

By:_____

By:_____

SIGNATURES MUST BE NOTARIZED

EXHIBIT C

DEVELOPER OBLIGATIONS/SPECIAL CONDITIONS AND REQUIREMENTS

1. Financially Self Sustaining Development. The intent of the parties to this Agreement is that the development of the Subject Property will be financially self sustaining, so that it imposes no additional financial burden on the residents, property owners or taxpayers in other areas of the City, by providing for the payment of all costs for the public facilities and services necessary to serve such development.

2. Reimbursement Owing to Summitt Development Corporation. Pursuant to the terms of that certain Reimbursement Agreement for an Existing Area of Benefit dated September 3, 2008 between the City of Los Banos and Summitt Development Corporation, Developer shall pay to the City of Los Banos the sum of $11,830.46 (calculated as of 11/02/2011) plus interest calculated pursuant to the terms of that agreement at the earliest of either issuance of a building permit or approval by the City of a final map as to the Subject Property.

3. Storm Drain Easement Agreement. Prior to the issuance of a building permit Developer shall provide City for approval by the City Attorney an Easement Agreement, to be recorded, allowing Developer to construct, use, and maintain a temporary Storm Drainage Basin on the Remainder Parcel for the benefit of Parcel 1, as said parcels are denoted on the Parcel Map, until such time as the Subject Property is connected to the Storm Drainage Master Plan Improvements as set forth in the Los Banos Master Plan for Storm Drainage System as amended.. The Easement Agreement shall contain such owner and lender consents as the City Attorney determines to be reasonably necessary to assure implementation of the Easement Agreement.

4. Maintenance and Operation of the temporary Storm Drainage Basin. To the satisfaction of the City, Developer shall prepare a plan for the perpetual maintenance and operation of the temporary Storm Drainage Basin. Upon City approval, such maintenance and operation plan shall be implemented at Developer's sole cost, prior to issuance of Certificate of Occupancy for the proposed Parcel 1 improvements. Developer's obligation to maintain the temporary Storm Drainage Basin, in accordance with the plan, shall terminate upon actual future connection of the Subject Property to the Master Plan Improvements.

5. TIF Reimbursement. The cost of the Badger Flat Road and Pacheco Blvd (SR 152) intersectional improvements (center two lanes on Badger Flat Road north of Pacheco Blvd (SR152), traffic signal improvements, northwest corner return improvements/curb, gutter, sidewalk) shall be reimbursable from the City TIF funds subject to the following terms and conditions:

A. The maximum amount of reimbursement shall be limited and in no event exceed the amount of the traffic impact fee paid by the Developer for the parcel one improvements.

B. Prior to commencement of the construction of the required intersection improvements, Developer shall obtain written approval of the City Engineer, of the cost of the improvements subject to reimbursement.

C. Reimbursement payments otherwise due to the Developer will not be made until all of the following requirements are met:

1. Construction of the intersectional improvements, are completed and accepted by the City; and
2. Forty five (45) days have past since acceptance by the City to ensure that no claims of nonpayment have been filed with the City by any contractor or subcontractor.

D. No interest shall be paid by the City to the Developer on any reimbursement obligation.

6. Participation in a Community Facilities District. Prior to approval of any final or parcel map, the Developer shall form or annex the Subject Property to a community facilities district created for the purposes of funding public safety, as authorized by Government Code section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

7. Participation in a Lighting and Landscaping District. Prior to approval of any final or parcel map, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part s of Division 15 of the California Streets and Highways Code, and Article XIIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping district, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

8. Fair Share Contribution to Storm Drain System Master Plan Improvement Costs. Prior to approval of any final map, or improvement plan, the Developer shall pay the fair share of the anticipated cost of the future Storm Drain Master Plan Improvements that will serve the Project as outlined in the Los Banos Master Plan for Storm Drainage System as amended. The Developer shall obtain written approval of the City Engineer of the cost of the improvements subject to reimbursement.

EXHIBIT D

[SAMPLE FORM]

NOTICE OF TERMINATION

THIS NOTICE OF TERMINATION (hereinafter "this Notice") is given this day of_____, 200__, by the City of Los Banos (hereinafter called "City") for the benefit of _____, (hereinafter "Owner").

1. On_____, 200__, the City of Los Banos and _____ entered into that certain agreement entitled "Pre Annexation Development Agreement," approved by Ordinance_____ (hereinafter "Agreement"), relative to the development known as the _____ (hereinafter "Subject Property").

2. Owner has fully performed all its duties with respect to that portion of the Subject Property, which portion of the Subject Property is identified and described in **Exhibit "A,"** attached hereto and incorporated herein by this reference (hereinafter the "Released Property").

3. Pursuant to Section of the Pre Annexation Development Agreement, the Pre Annexation Development Agreement is no longer in effect with respect to the Released Property.

CITY OF LOS BANOS

By: _____
City Manager or Designee

SIGNATURES MUST BE NOTARIZED

PROPERTY OWNER'S CONSENT
[APN081-140-013]

I/We, the undersigned am/are the owner(s) of record of APN 081-140-013 that property described in Exhibit A to this Pre Annexation Agreement by and between the City of Los Banos and California Gold Development Corporation, relative to the project known as the AM/PM & McDonald's Annexation. I/We hereby consent to all the terms and conditions of said agreement and agree that my/our property as described herein shall be bound by all of the terms and conditions of said agreement.

Dated: _____

Dated: _____

Dated: _____

Dated: _____

SIGNATURES MUST BE NOTARIZED

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS REQUESTING ANNEXATION (ANX#2011-01) OF THE NORTHWEST CORNER OF BADGER FLAT AND PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 081-140-013

WHEREAS, California Gold initiated consideration of an Annexation (ANX#2011-01) and submitted said application; and,

WHEREAS, the City Council of the City of Los Banos has reviewed the Annexation and Site Plan submitted to the City; and,

WHEREAS, the City Council of the City of Los Banos finds that the property is within the Los Banos Sphere of Influence and that annexation of the property as conditioned is consistent with the Los Banos General Plan; and,

WHEREAS, the City Council of the City of Los Banos finds that the annexation of the property as conditioned is consistent with the annexation policies of Merced County LAFCO; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, this project was evaluated in a Mitigated Negative Declaration (SCH#2011101054); and,

WHEREAS, the Mitigated Negative Declaration determined that the annexation would result in less than significant impacts in all categories and less than significant with mitigation incorporated in transportation/traffic; and,

WHEREAS, the Planning Commission of the City of Los Banos scheduled and duly advertised a public hearing to consider and take testimony regarding these matters on December 14, 2011 and recommended approval; and,

WHEREAS, the City Council of the City of Los Banos authorized a Pre-annexation Agreement/Development Agreement (Ordinance No. ____) for the subject territory with a first reading on January 4, 2012 and the second reading on January 18, 2012; and,

WHEREAS, the City Council of the City of Los Banos Pre-zoned the subject territory to Highway Commercial (Ordinance No. ____) with a first reading on January 4, 2012 and the second reading on January 18, 2012; and,

WHEREAS, the Los Banos City Council scheduled and duly noticed a public hearing in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project

boundaries on December 23, 2011 to consider and take testimony regarding these matters on January 4, 2012 and continued the hearing to January 18, 2012; and,

WHEREAS, the City Council of the City of Los Banos has received written conditions (incorporated herein by reference as Exhibit A),

THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos finds that the property known as the Northwest Corner of Badger Flat and Pacheco Boulevard Annexation is within Los Banos' Sphere of Influence and that the annexation as conditioned, is consistent with the goals and policies of the Los Banos General Plan; and,

BE IT FURTHER RESOLVED that the City Council of the City of Los Banos approves the Northwest Corner of Badger Flat and Pacheco Boulevard and requests the Merced County Local Agency Formation Commission approves the annexation of approximately 3.4 acres; and,

BE IT FURTHER RESOLVED that the City Council of the City of Los Banos makes findings in support of these approvals (Exhibit B incorporated herein by reference) and said approvals are subject to conditions of approval (Exhibit A incorporated herein by reference).

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 18th day of January 2012, 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

CONDITIONS OF APPROVAL FOR THE AM/PM & MCDONALD'S AT THE NORTHWEST CORNER OF BADGER FLAT AND PACHECO BOULEVARD PLAN ANNEXATION

General:

1. The Site Plan, Vesting Tentative Parcel Map and any development shall be in substantial conformance with the Development Agreement and conditions of approval.

2. Infrastructure, including, but not limited to, streets, water, sewer, storm drainage, and other utilities, shall be consistent with the Utility Plan. A revised plan shall be approved by the Planning Commission and City Council in conjunction with any infrastructure that is not is substantial conformance with the plan, as determined by the Public Works Director

3. Entitlements approved contemporaneously with the Annexation and Prezone shall become effective upon recordation of the Certificate of Completion for the annexation by Merced County LAFCO.

4. The developer shall pay the then current development impact fees at the issuance of building permits, or as included in the pre-annexation development agreement.

5. The applicant or successor(s) in interest agrees as a condition and in consideration of the approval of this and related approvals that it shall defend, indemnify and hold harmless the City of Los Banos or its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable.

6. The applicant or successor(s) in interest shall reimburse the City for any court costs and attorney's fees that the City may be required by a court to pay as a result of such action. City may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of City Council concurrent with the issuance of permits or use of the property, whichever occurs first and as applicable. The City shall promptly notify the applicant of any such claim, action or proceeding, and the City shall cooperate fully in the defense thereof. If the City fails to promptly notify the applicant of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, the applicant shall not thereafter be responsible to defend, indemnify, or hold the City harmless.

Utilities:

7. Existing utility easements shall be preserved if applicable. If existing utilities and/or easements are relocated for the benefit of a developer, that developer shall be fully responsible for the relocation including all expenses. Water flows within community irrigation or drainage ditches shall be preserved if needed by any user(s).

Sewer:

8. Developer shall construct all on-site and off-site sewer facilities necessary to serve the Project, subject to reimbursement for over-sizing, as determined by the Public Works Director. Developer shall pay any applicable sewer reimbursements as determined by the Public Works Director.

EXHIBIT B

PROJECT FINDINGS FOR THE AM/PM & MCDONALD'S AT THE NORTHWEST CORNER OF BADGER FLAT AND PACHECO BOULEVARD PLAN ANNEXATION AND PREZONE (2011-01),

THE CITY OF LOS BANOS CITY COUNCIL HEREBY FINDS AS FOLLOWS:

1. The Los Banos General Plan was adopted by the City on July 15th of 2009 and the Project was prepared pursuant in accordance with it;

2. The Project is within the adopted Sphere of Influence of the City of Los Banos;

3. The proposed Project 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 additional retail choices for the residents.

4. The proposed commercial 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 and will not result in detrimental effects to neighboring properties or to City services;

5. The proposed annexation is within the City's Sphere of Influence, land development and conversion of agricultural land is not anticipated as the property is not currently used for farming and has compacted soils;

6. The proposed annexation is consistent with LAFCO annexation policies. The City has adequate fire and police services and a fee program that ensures continued adequate services. The City provides wastewater services, and there is adequate capacity at the City's wastewater treatment plant and the City has initiated a two phase expansion and study of the fee structure to ensure that adequate capacity and funding to finance the expansion will be available before the existing capacity is exhausted. The City provides water services, and the quantity of the City's groundwater reserves is adequate for planned growth within the Sphere of Influence. The City requires developers to improve street frontages and to pay a traffic impact fee to ensure that the City's transportation infrastructure is adequate to the extent feasible. The majority of significant transportation deficiencies in the City involve Pacheco Boulevard, and improvements to traffic conditions on Pacheco Boulevard are contingent on the State's construction of the State Route 152 bypass, which is outside the control of the City. The annexation will result in development of the Badger Flat/Pacheco intersection and does not impact agricultural uses

7. The Project, as conditioned, will provide for minimum water flow rates and fire response times, and meet the requirements of the Los Banos Fire Department;

8. The Project will provide adequate storm water detention; Storm water will be detained on-site; and

9. The Project and its design and proposed improvements, as conditioned, are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.

Notice of Completion

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2011101054

Project Title: Northwest Corner of Badger Flat Road and Pacheco Blvd. Annexation and Site Plan

Lead Agency: City of Los Banos — Contact Person: Paula Fitzgerald, AICP
Mailing Address: 520 J Street — Phone: (209)827-7000 ext. 114
City: Los Banos — Zip: 93635 — County: Merced

Project Location: County: Merced — City/Nearest Community: Los Banos
Cross Streets: Badger Flat Road and Pacheco Blvd. — Zip Code: 93635
Longitude/Latitude (degrees, minutes and seconds): ____° ____′ ____″ N / ____° ____′ ____″ W Total Acres: ____
Assessor's Parcel No.: 081-140-013 — Section: ____ Twp.: ____ Range: ____ Base: ____
Within 2 Miles: State Hwy #: 152 — Waterways: ____
Airports: Los Banos Municipal Airport — Railways: ____ Schools: ____

Document Type:

CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☒ Mit Neg Dec
☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ____ Other: ____
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other: ____

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☒ Site Plan
☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☒ Annexation ☐ Redevelopment ☐ Coastal Permit ☐ Other: ____

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☒ Commercial: Sq.ft. 6800 Acres 1.73 Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational: ____
☐ Recreational: ____
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type ____
☐ Mining: Mineral ____
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type ____
☐ Other: ____

Project Issues Discussed in Document:

☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☒ Drainage/Absorption
☐ Economic/Jobs
☐ Fiscal
☒ Flood Plain/Flooding
☐ Forest Land/Fire Hazard
☒ Geologic/Seismic
☒ Minerals
☒ Noise
☒ Population/Housing Balance
☒ Public Services/Facilities
☒ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☒ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☒ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation
☐ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Growth Inducement
☒ Land Use
☐ Cumulative Effects
☐ Other: ____

Present Land Use/Zoning/General Plan Designation:

Land Use: Commercial; Current Zoning: General Agriculture (A-1); General Plan Designation: Commercial

Project Description: *(please use a separate page if necessary)*

The project proposes a co-branded structure with a McDonald's fast food restaurant with a drive-thru and an AM/PM gas station with a convenience store and 18 gas pumps. Implementation of the project would result in the development of 6,800 square feet of commercial use.

The proposed project would provide 59 parking spaces in accordance with the Los Banos Municipal Code. Further, the required six (6) car stacking distance relating to the drive-thrus has also been met. Exhibit A, Site Plan, displays the conceptual Site Plan for the project.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

_____ Air Resources Board
_____ Boating & Waterways, Department of
_____ California Emergency Management Agency
_____ California Highway Patrol
_____ Caltrans District # 10
_____ Caltrans Division of Aeronautics
_____ Caltrans Planning
_____ Central Valley Flood Protection Board
_____ Coachella Valley Mtns. Conservancy
_____ Coastal Commission
_____ Colorado River Board
_____ Conservation, Department of
_____ Corrections, Department of
_____ Delta Protection Commission
_____ Education, Department of
_____ Energy Commission
_____ Fish & Game Region # _____
_____ Food & Agriculture, Department of
_____ Forestry and Fire Protection, Department of
_____ General Services, Department of
_____ Health Services, Department of
_____ Housing & Community Development
_____ Native American Heritage Commission

_____ Office of Historic Preservation
_____ Office of Public School Construction
_____ Parks & Recreation, Department of
_____ Pesticide Regulation, Department of
_____ Public Utilities Commission
_____ Regional WQCB # _____
_____ Resources Agency
_____ Resources Recycling and Recovery, Department of
_____ S.F. Bay Conservation & Development Comm.
_____ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____ San Joaquin River Conservancy
_____ Santa Monica Mtns. Conservancy
_____ State Lands Commission
_____ SWRCB: Clean Water Grants
_____ SWRCB: Water Quality
_____ SWRCB: Water Rights
_____ Tahoe Regional Planning Agency
_____ Toxic Substances Control, Department of
_____ Water Resources, Department of

_____ Other: _____
_____ Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date October 20, 2011 Ending Date November 29, 2011

Lead Agency (Complete if applicable):

Consulting Firm: _____
Address: _____
City/State/Zip: _____
Contact: _____
Phone: _____

Applicant: _____
Address: _____
City/State/Zip: _____
Phone: _____

Signature of Lead Agency Representative: _____ **Date:** 10/19/11

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Fiscal Impact Analysis

California Gold Los Banos Retail Development Fiscal Impact Analysis

Prepared for:

California Gold Development Corp.

Prepared by:

ALH | ECON

ALH Urban & Regional Economics

November 2011

ALH ECON
ALH Urban & Regional Economics

2239 Oregon Street
Berkeley, CA 94705
510-704-1599
aherman@alhecon.com

November 15, 2011

Scot L. Patterson
President/Principal Broker
California Gold Development Corp.
Prudential California Realty
133 Old Wards Ferry Rd., Sonora, CA 95370

Re: California Gold Los Banos Retail Project Fiscal Impact Analysis

Dear Mr. Patterson:

ALH Urban & Regional Economics (ALH Economics) is pleased to present this fiscal impact analysis of the McDonalds and **ampm** planned project in the City of Los Banos. This analysis was prepared to provide an overview of the project's prospective fiscal impacts on the City of Los Banos' General Fund assuming annexation of the underlying land into the City of Los Banos.

This report includes three Appendices. Appendix A includes the exhibits documenting the fiscal impact analysis. Appendix B includes introductory materials for ALH Economics while Appendix C includes my resume as the firm's Principal.

It has been a pleasure working with you on this interesting project. Please let me know if there are any questions or comments on the analysis included herein.

Sincerely,

Amy L. Herman, AICP
Principal

C:\ALH Econ\2011 Projects\1114 California Gold\Report\1114.r03.doc

TABLE OF CONTENTS

I. INTRODUCTION AND SUMMARY OF FINDINGS 1

INTRODUCTION 1
SUMMARY OF FINDINGS 1

II. METHODOLOGY AND DATA RESOURCES 4

METHODOLOGY 4
DATA RESOURCES 4

III. FISCAL ASSUMPTIONS AND REVENUE AND EXPENDITURE ESTIMATES 6

FISCAL ASSUMPTIONS 6
FISCAL REVENUE ESTIMATES 7
FISCAL EXPENDITURE ESTIMATES 9

IV. FISCAL IMPACT FINDINGS 11

NET FISCAL IMPACT ANALYSIS OF CALIFORNIA GOLD PROJECT GROSS SALES 11
SENSITIVITY ANALYSIS FISCAL IMPACT FINDINGS 11
FISCAL IMPACT IMPLICATIONS OF EXISTING MCDONALDS RESTAURANT 12
FISCAL IMPACT LIMITATIONS 13

ASSUMPTIONS AND GENERAL LIMITING CONDITIONS 15

APPENDIX A: EXHIBITS

APPENDIX B: FIRM INTRODUCTION

APPENDIX C: RESUME

I. INTRODUCTION AND SUMMARY OF FINDINGS

INTRODUCTION

ALH Urban & Regional Economics ("ALH Economics") prepared a fiscal impact analysis of the planned California Gold Los Banos Retail Development in Merced County, California. The proposed project is located at the intersection of Badger Flat Road and Highway 152 in Merced County, adjacent to the border of the City of Los Banos. This project is planned to include a McDonalds restaurant, an **ampm** convenience store, and an Arco gas station with 9 pumps, or 18 fueling stations (the "Project"). The Project will be located on 80,000 square of land that California Gold Development Corp. and the City of Los Banos seek to annex into the City of Los Banos. If successfully annexed, the Project will comprise the first gas station encountered by travelers heading east on Highway 152 through Los Banos. The purpose of this analysis is to demonstrate the net fiscal impacts of the Project relative to the City of Los Banos General Fund assuming annexation into the City of Los Banos.

The McDonalds restaurant planned for the Project will be relocating from elsewhere in Los Banos, on West Pacheco Boulevard. For a variety of reasons, this restaurant location will be closing by October, 2012. Unless this restaurant successfully relocates to the Project it is likely that the City of Los Banos will lose the net fiscal benefits associated with this restaurant. These net fiscal benefits are also estimated in this analysis for informational purposes.

The fiscal impact analysis is based on key Project information and select assumptions developed by ALH Economics. All relevant information and assumptions are cited in the report or the back up documentation. All dollar figures cited are in 2011 dollars. Due to the nature of the development planning process, assumptions relevant to the fiscal impact analysis may change over time. This dynamic nature suggests that study findings should be considered general rather than detailed indications of the Project's forecasted performance.

SUMMARY OF FINDINGS

Fiscal Impact Analysis

Gross Sales Fiscal Impact Findings. The Project's net fiscal impact findings are presented in Exhibit 1 (see following page). When fully developed, the Project's restaurant, **ampm,** and gas station uses are projected to generate 54.25 full-time equivalent (FTE) jobs. The fiscal impact findings indicate that on an annual basis, assuming annexation, the Project is estimated to generate $132,430 in gross revenue to the City of Los Banos General Fund. The largest annual General Fund revenue component is incremental retail sales tax estimated at $118,590 per year. All other annual General Fund revenues are much lower, with property tax in lieu of VLF (vehicle license fees) comprising the next largest General Fund revenue source at $8,730, followed by property taxes at $4,600. There are likely to be yet additional General Fund revenues generated by the Project, but the most substantial revenue sources are reflected in the $132,430 annual estimate, which also includes franchise fees, business license fees, and fines, fees and forfeitures.

The marginal cost General Fund expenditures estimated to be attributable to the Project total $12,391 annually. This reflects costs anticipated by City staff to provide Police, Fire, Street, and Maintenance services to the Project. City of Los Banos staff do not anticipate any other significant service costs attributable to the Project.

Exhibit 1
California Gold Los Banos Retail Development
Annual Net Fiscal Impact Analysis of Incremental New Development (1)
City of Los Banos General Fund and Public Safety Fund
FY 2010-11 Dollars

	Gas Station and ampm Sensitivity Analysis (2)		
General Fund Revenues and Expenditures Categories	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**
Percent Gas/ampm Sales Net New to Los Banos (2)	**100%**	**75%**	**50%**
Revenues (3)			
Property Taxes (4)	$4,600	$4,600	$4,600
Property Tax in Lieu of VLF (5)	$8,730	$8,730	$8,730
Business License Fees (6)	$160	$160	$160
Incremental Retail Sales Taxes (6)	$118,600	$90,020	$61,440
McDonald's	$4,275	$4,275	$4,275
ampm	$9,180	$6,885	$4,590
Gas Station	$105,140	$78,855	$52,570
Franchise Fees (6)	$290	$290	$290
Fines, Fees & Forfeitures (6)	$60	$60	$60
Sub-total	$251,035	$193,875	$136,715
Expenditures (7)			
Administration	$0	$0	$0
Planning	$0	$0	$0
Police	($2,327)	($2,327)	($2,327)
Fire	($2,064)	($2,064)	($2,064)
Building	$0	$0	$0
Street	($8,000)	($8,000)	($8,000)
Animal Control	$0	$0	$0
Maintenance	inc. in Street	inc. in Street	inc. in Street
Community Center	$0	$0	$0
Contingency	$0	$0	$0
Sub-total (8)	($12,391)	($12,391)	($12,391)
Net Impact (9)	**$238,644**	**$181,484**	**$124,324**
Additional Measure P Sales Tax Revenues to to Public Safety Fund (10)			
McDonald's	$2,250	$2,250	$2,250
ampm	$4,830	$3,622.50	$2,415
Gas Station	$55,340	$41,505	$27,670
Sub-total	**$62,420**	**$47,378**	**$32,335**
Total Annual Revenues, General Fund and Public Safety Fund	**$301,064**	**$228,862**	**$156,659**

Source: ALH Urban & Regional Economics.

Notes:
(1) Includes revenues above the existing revenue base generated by the property in its current state. All revenue figures are rounded to the nearest $10.
(2) Sensitivity analysis varying the amount of gas station and ampm sales that are net new to Los Banos, assuming that some portion of sales may be diverted away from existing Los Banos gas station and convenience stores. The McDonald's net increment in sales are assumed to be all new to Los Banos.
(3) Includes the most substantial revenues anticipated to accrue to the City of Los Banos General Fund resulting from the Project's stabilized operations. However, there may be yet additional revenues flowing to the General Fund pursuant to the Project's operations.
(4) See Exhibit 4.
(5) See Exhibit 5.
(6) See Exhibit 7.
(7) See Exhibit 8.
(8) This estimated total is greater than the total estimated service costs based on the average cost approach documented in Exhibit 9. Pursuant to Exhibit 8 the estimated service cost per employee is $136.56. Based upon the Project's estimated 54.25 employees pursuant to Exhibit 2, the total service cost on an average cost basis is $7,408.
(9) Comprises revenues less expenditures.
(10) See Exhibit 7.

The net result of the Project's fiscal impact at stabilized operations is a projected $120,039 annual contribution to the City of Los Banos' General Fund. This represents an annual contribution net of estimated City costs to service the Project equivalent to just over 1.0% of the City's General Fund expenditures. In addition, the City of Los Banos has a ½ cent sales tax (Measure P), the proceeds of which are dedicated to a special Public Safety Fund. These revenues are estimated at $62,420, thereby boosting the total net revenue impact to the City of Los Banos to $182,459.

Sensitivity Analysis Fiscal Impact Findings. The City of Los Banos already has 6 gas stations. It is likely that some increment of Project sales will be diverted from existing Los Banos gas stations and convenience stores. Because the McDonald's is a relocation of an existing store, any net increment in McDonald's sales are assumed to be unique to McDonald's, and not the result of sales diverted from other Los Banos fast food restaurants.

Exhibit 1 presents estimates of the net fiscal impact of the Project assuming a range of sales diverted from existing Los Banos gas stations and convenience stores. This range is presented as a sensitivity analysis. The analysis assumes that some portion of Project sales will be net new to Los Banos because of several factors. These factors include the potential for the typical low pricing at Arco to serve to recapture sales from area residents seeking low pricing at gas stations not in Los Banos and the potential for automobile travelers passing through Los Banos to gas up at a relatively inexpensive Arco station when they might otherwise wait to gas up further along in their trip after passing through Los Banos. The net fiscal impact analysis summarized in Exhibit 1 presents sensitivity analysis assuming 50% or 75% of Project gasoline and convenience store sales are net new to Los Banos.

The results of the sensitivity analysis indicate that if 75% of the Project's gasoline and convenience store sales are net new to Los Banos then the net fiscal impact will decline from $238,644 annually to $181,484. At a 50% assumption of net new sales, then the annual net fiscal impact will decline to $124,324. With the Measure P sales taxes incorporated in the figures, the Project's net fiscal impact will decline from $301,064 per year to $228,862 assuming 75% of sales are net new and $156,659 assuming 50% of sales are net new.

Existing McDonald's Restaurant Fiscal Impact Findings. If the McDonalds restaurant does not relocate to the Project and instead leaves the City of Los Banos, the net fiscal revenues to the City's General Fund are estimated to decline by $12,153. An additional $9,500 in Measure P sales tax proceeds will also not accrue to the Public Safety Fund, bringing the total loss to $21,653 at minimum. The General Fund net revenue loss could be even higher if the property tax revenues on the property decline. However, on the assumption that an eventual tenant will locate in the space, the analysis assumes property tax revenues remain constant, and thus will not decline with the departure of the McDonalds restaurant.

Limitations of Findings

The foregoing findings are intended to give a general sense of the net fiscal impacts of the Project. The figures are not precise estimates and changes will occur if the City of Los Banos fiscal revenue and expenditure factors or other assumptions are developed with more precision or change. Nonetheless, the findings suggest a very strong likelihood that the California Gold Los Banos Retail Development Project will result in a significant net positive fiscal impact to the City's General Fund and the Public Safety Fund.

II. METHODOLOGY AND DATA RESOURCES

METHODOLOGY

ALH Economics developed an approach to the California Gold Los Banos Retail Development Project fiscal impact analysis designed to provide an understanding of the Project's net fiscal impact on the City of Los Banos' General Fund using specific Project information as much as possible. This includes estimates of revenues generated by the Project that accrue to the City's General Fund as well as service costs incurred by the City funded through the General Fund. As noted in the Introduction, the analysis assumes the Project is successfully annexed into the City of Los Banos.

The analysis is grounded in the City's budget and existing revenue bases and performance estimates for the Project's various components. The analysis is structured to examine the Project's impacts upon full build out and assumed stabilization. To facilitate the analysis and interpretation of the results, the findings are presented in 2011 dollars.

The City expenditures analysis was conducted using two approaches – the marginal cost, or case study approach and the average cost approach. The marginal cost approach involves obtaining detailed estimates from City department representatives based on project specifics, such as new building area, number of employees, and type of operations. This approach is often perceived as the more accurate approach to estimating expenditures, because it is based on expectations of actual service requirements and associated City costs. For the purpose of this study, queries about marginal costs were directed to City department representatives through the Planning Department and relayed to ALH Economics. The alternative approach to expenditures is an average cost approach. This is typically the most expeditious approach for a fiscal impact analysis but is also one that can result in under or over estimation of both project-related costs and revenues. In this approach, costs are derived by determining an average cost to provide existing services on a per capita basis for the relevant population served, which is then applied to the comparable population base for the project under study. The average costs in this study are based on the City of Los Banos' annual budget, which for this analysis included the Adopted Budget for 2011-2012.

Wherever possible, efforts were made throughout the analysis to develop assumptions or estimates in a conservative manner, in order to not overstate potential net revenues attributable to the Project. The analysis was conducted in a series of linked excel-based worksheets. Exhibits generated from these worksheets are included in Appendix A.

DATA RESOURCES

The fiscal impact analysis relied upon a number of key resources. These resources are all identified in the sources and notes to the exhibits developed to support the analysis and provide the results. These resources are as follows:

- ***Materials provided by California Gold Development Corp.*** These materials include the Project's Assessor's Parcel Number (APN), the Project description, estimated construction costs and timing, and other development-related parameters.

- ***Materials provided by other Project representatives.*** McDonalds Corporation and BP representatives provided information about the restaurant, **ampm**, and gas station

components, including estimated sales, operational characteristics, and additional Project cost information.

- *City of Los Banos resources.* These include the City's website, the City of Los Banos 2011-2012 Adopted Budget, the Planning Department and other departmental representatives, City Ordinance documents, and the City of Los Banos Business License Fee schedule. Other outside City representatives also provided information, including the City's Attorney (outside counsel) and the City's property tax consultant.

- *Third party resources.* A number of third party resources were referred to for information important to the analysis. These sources include RealQuest; the American Petroleum Institute; californiagasprices.com; and the California State Board of Equalization, Fuel Taxes Division.

All of these resources are identified as warranted in the series of exhibits that document the fiscal impact analysis as well as the fiscal and economic impact text. The cited exhibits can be found in Appendix A.

III. FISCAL ASSUMPTIONS AND REVENUE AND EXPENDITURE ESTIMATES

FISCAL ASSUMPTIONS

The assumptions and building blocks underlying the fiscal impact analysis are presented in Exhibits 2 and 3, which can be found in Appendix A. A summary of these exhibits and their primary purpose follows.

- ***Exhibit 2, Project Description, Employment, and Service Population Estimates.*** This exhibit summarizes the California Gold Los Banos Retail Development program. This program is based on information provided by California Gold Development Corp., McDonalds Corporation, and BP. Stabilized employment estimates are provided for full-time equivalency employment by use. These provide a basis for estimating the Project's "service population." This service population estimate, which totals 27.10, comprises one-half the 54.25 estimated full-time equivalent employees, on the assumption that employees do not require the same level of service as residents. This is an industry-standard assumption, and is relevant to the calculation of average cost City expenditures, provided as an alternative to the City's estimated marginal service costs.

- ***Exhibit 3, City of Los Banos Demographic, Employment, and Tax Characteristics.*** This exhibit contains many of the baseline assumptions and information necessary to generate estimates of City of Los Banos revenues and expenses applicable to the Project. These include population and employment estimates used to generate the size of the City's existing service population for the purpose of deriving existing average cost expenditures and some per capita revenues. These estimates include a population base of 34,327 and an employment base of 7,234.

  This exhibit also includes key tax-related information unique to Los Banos, such as property and sales tax rates, vehicle in lieu of property tax revenues, secured and unsecured property assessed valuation, and unsecured property tax revenues, all of which are germane to the fiscal impact analysis as noted in other exhibits. Most relevant is the City's approximately 8% share of the basic 1% property tax rate collected by the County. This is the estimated rate applicable to annexed properties, pursuant to a tax sharing agreement between Merced County and the City of Los Banos. Absent a tax sharing agreement, the City receives an estimated 16% of the 1% property tax rate for properties not previously annexed into the City.

  In addition, most cities in the State of California receive at least 1.0% of taxable sales in sales tax revenues, but the City of Los Banos' basic sales tax rate is 0.95%, pursuant to an Ordinance regulating the allocation of the City's sales tax proceeds between the City and Merced County. Finally, the City has a special ½ cent sales tax first implemented in 2004, which proceeds go to fund a special Public Safety Fund.

FISCAL REVENUE ESTIMATES

The revenue calculations for the fiscal impact analysis are presented in Exhibits 4 through 7. A summary of these exhibits and their primary purpose follows.

- ***Exhibit 4, Incremental Property Valuation and Annual Property Tax, Property Valuation Pursuant to the Cost Approach, City of Los Banos, 2011 Dollars.*** This exhibit presents the assumptions and conclusions regarding the property valuation of the Project upon the completion of development and the estimated property tax revenues that will accrue to the City of Los Banos General Fund.

  The total valuation is estimated as well as the increment net of the existing property value. When complete, the Merced County Assessor will value the property for property tax purposes using three approaches to value: cost; income; and comparables. For the purpose of this analysis, ALH Economics prepared a cost approach based upon currently available information, such as land acquisition cost, estimated construction costs, estimated improvement costs such as decor, fixtures and signage, and an estimate for soft costs and financing fees and interest. The financing cost assumptions include financing of 70% of construction costs with a 60% draw, a 6% interest rate, an 8-month construction period, and a 1% financing fee. The result is an estimated value of $5.8 million.

  California Gold Development Corp. is purchasing 80,000 square feet of land for this Project. This property is part of a larger parcel totaling 3.4 acres with a 2010 assessed valuation of $22,778 according to RealQuest, a real estate property and ownership database. After applying the 2% annual allowable increase in property value, to bring the value to year 2011, the current valuation of the 80,000 square feet being acquired by California Gold Development Corp. totals $12,550. Because this current value is relatively low, the net increase in value following Project development continues to round to $7.6 million.

  Assuming annexation of the property, the incremental annual property tax revenues that will accrue to the Los Banos General Fund are estimated at $4,600. This is based on the City of Los Banos receiving 8% of the basic 1% property tax proceeds, which is consistent with expectations for properties annexed into the City of Los Banos pursuant to a revenue sharing agreement with the County of Merced.

- ***Exhibit 5, Property Tax in Lieu of VLF Estimates, Project Stabilization, Net New or Incremental Valuation Attributable to the California Gold Los Banos Retail Development, FY 2010-11 Dollars.*** This revenue component, Property Tax in Lieu of Vehicle License Fees (VLF), is derived from the Project's anticipated contribution to increased property valuation throughout the City of Los Banos. This is the method by which such tax revenues are estimated by the State of California and redistributed to local jurisdictions. The results of these calculations indicate that the incremental value associated with the Project is estimated to increase the City's assessed valuation by 0.69%, a nominal but noticeable increase. This will provide an estimated revenue increase of $11,523 to the City of Los Banos.

- ***Exhibit 6, Estimated Taxable Retail Sales, Project Stabilization, FY 2010-11 Dollars.*** Retail sales tax revenues generated by the Project will comprise a major revenue source to the City of Los Banos. There will be three generators of taxable retail sales – the McDonalds, the ampm, and the gasoline sales. McDonalds Corporation provided an annual sales estimate for

the new restaurant totaling $2,350,000. This equates to $587.50 per square foot. ALH Economics finds this to be a high sales volume in general for the McDonalds chain based upon data reported by Retail Maxim, a retail industry resource, but within reason for a strong fast food operation. Based upon figures also provided by McDonalds regarding current restaurant sales of $1.9 million, relocation of the restaurant will result in a net increment of $450,000 in annual taxable sales.

BP provided sales estimates for the **ampm** convenience store. This estimate includes $115,000 in monthly total sales, with 30% non taxable. This reflects a $1,380,000 annual sales estimate, or $460 per square foot, with $966,000 taxable. Convenience stores of this nature typically achieve high sales volumes, thus ALH Economics deems this sales figure to be reasonable.

Gasoline sales are also taxable. BP has estimated monthly gasoline sales of 350,000 per month. This has been represented to ALH Economics as a conservative estimate, with some potential for yet higher sales. ALH Economics prepared an estimate of taxable sales associated with this volume of gasoline sales. Preparing the estimate required two steps: 1) estimating an average per gallon gasoline price; and 2) determining the taxable basis of the gasoline. Gasoline prices are highly volatile. For study purposes, a conservative average per gallon price was selected, reflecting an approximate average price throughout California over the last five years, inflation-adjusted. This figure is $3.30 per gallon. This is lower than recent rates, which BP indicates averaged $3.70 from January through mid-September 2011 at a comparable Central Valley gas station. Hence the study rate is likely very conservative with the potential for greater gasoline sales taxes than estimated.

In order to determine the taxable basis of the per gallon price it was necessary to back out fuel taxes, which are currently estimated per gallon at $0.18 for Federal fuel tax, $0.357 for State fuel tax, and $0.20 for State underground storage tank fee. In addition, there is a State 2.25% sales tax rate on fuel (excluding diesel) and most local jurisdictions also receive 1% of the taxable sales price. Based upon these taxes, ALH Economics estimates that the taxable basis of the estimated gasoline price is $2.64. Based on this taxable basis, and the 350,000 gallons per month sales estimate, the gas station operation will generate an estimated $11.1 million annually in retail sales tax to the City of Los Banos.

- ***Exhibit 7, Assorted City of Los Banos General Fund Revenues, Project Stabilization, FY 2010-11 Dollars.*** There are four revenue sources identified in this exhibit along with the corresponding revenues estimated to be generated by the Project. These revenue sources include business license fees, retail sales taxes, franchise taxes, and fees, fines and forfeitures. There are yet other revenues that will be generated by the Project that will accrue to the General Fund, but ALH Economics believes the four cited revenues are likely to comprise the most substantial revenue sources, aside from the previously referenced property tax and property tax in lieu of VLF revenues.

  As presented in this exhibit, the Project is estimated to generate $156 annually in recurring business license fee revenues. This is based on the City's current fee of $78 per business, with the McDonalds comprising one business and the **ampm** and gas station together comprising a second business. There will be additional one-time registration fees, but these will not occur on a regular basis. Based on Exhibit 6 estimates, taxable retail sales are projected to total $12.7 million in 2011 dollars, net of the existing McDonalds sales. Based upon the City's

0.95% retail sales tax rate, these sales will generate $120,866 annually in retail sales tax proceeds for the Los Banos General Fund. In addition, pursuant to the City's ½ cent Measure P sales tax for public safety, an additional $63,614 will be generated annually for the City's Public Safety Fund. Together these revenues will comprise a sizeable contribution to the fiscal wherewithal of the City of Los Banos.

While much smaller in comparison, the Project is also estimated to generate approximately $286 annually in franchise fees related to several services provided to Los Banos businesses and residents. Even smaller is the $61 annual estimate in fees, fines and forfeitures revenues associated with fees and fines collected by the City of Los Banos for various local transgressions.

FISCAL EXPENDITURE ESTIMATES

As discussed in the Methodology section, fiscal impact studies typically engage in two methods to estimate project-based service costs. One is the average cost approach, typically implemented in the absence of detailed service provision and cost information, and one is the marginal, or case study approach, which derives estimated service costs based on expectations of service demands and associated actual service delivery costs.

The City of Los Banos provided estimates of the marginal costs to provide services to the California Gold Retail Development Project. These estimates are presented in Exhibit 8. In an effort to present a conservative analysis, Exhibit 9 also includes the average cost approach, to determine if the average cost estimates would result in higher estimates than the marginal cost estimates.

- ***Exhibit 8, City of Los Banos Estimated Marginal Service Costs, 2011Dollars.*** Information about the Project was shared with the City of Los Banos for the purpose of estimating the marginal cost to serve the Project. Cost estimates were requested for the nine major City departments funded through the General Fund – Administration, Planning, Police, Fire, Building, Street, Animal Control, Maintenance, and Community Center. Through the Los Banos Planning Department, which served as an informational conduit, information was provided suggesting that of these nine departments, four anticipate marginal costs associated with the Project. These departments are Police, Fire, Street, and Maintenance. As detailed in Exhibit 8, each department estimated the type and level of services that would be required and prepared corresponding annual operational cost estimations. The results are estimated costs of $2,327.13 for Police services, $2,063.76 for Fire services, and $8,000 for combined Street and Maintenance services. These cost estimates total $12,390.89 annually to provide City services to the Project.

- ***Exhibit 9, City of Los Banos General Fund Average Cost Expenditures, FY 2010-2011 Projected Adopted Budget, Fiscal Impact Factors.*** In this exhibit the City of Los Banos' General Fund Expenditures are expressed as average costs relative to key populations, e.g., the City's service population or the City's resident population. Of the nine major City departments funded through the General Fund, referenced above, ALH Economics assumes that all but two of these departments serve both the City's resident population and the work force. The two categories assumed to serve only the City's resident population are Animal Control and Community Center. For the seven departments assumed to serve the City's workforce, plus the City's Contingency, the average cost per employee is $136.56. Based upon the Project's estimated count of 54.25 FTE jobs, the average service costs total $7,408.

This figure is lower than the Exhibit 8 marginal cost estimate of $12,390.89, and thus is conservatively not factored into the fiscal impact analysis.

Exhibit 9 is structured to facilitate analysis of the City's expenditures on a fixed and variable cost basis. Using this approach, some of the City's departmental expenditures are assumed to be fixed regardless of the size of the population served. The balance of the expenditures is then deemed to be variable, i.e., to change with the size of the population served. While Exhibit 9 is structured to accommodate a fixed versus variable analysis, the analysis conservatively assumes that all costs are variable. This means all of the departmental expenditures are spread across the City's service population. As stated, this is a conservative approach, and serves to provide a maximum estimate of average service costs associated with development of the California Gold Los Banos Development Project.

IV. FISCAL IMPACT FINDINGS

NET FISCAL IMPACT ANALYSIS OF CALIFORNIA GOLD PROJECT GROSS SALES

The results of the California Gold Los Banos Retail Development Project fiscal impact analysis are presented in Exhibit 10 (which is a duplicate of the earlier referenced Exhibit 1). These findings present the estimated annual revenues and expenditures accruing to the City of Los Banos' General Fund at build out of the Project, assuming all Project gasoline and convenience store sales are net new to the City of Los Banos. The analysis assumes only a portion of the McDonald's sales are net new to the City of Los Banos.

Summary of Revenues

The fiscal impact findings indicate that on an annual basis, assuming annexation, the Project is estimated to generate $132,430 in gross revenue to the City of Los Banos General Fund. The largest General Fund revenue component is incremental retail sales tax estimated at $118,500 per year, assuming all gasoline and convenience store sales are net new to Los Banos. All other General Fund revenues are much lower, with property tax in lieu of VLF (vehicle license fees) comprising the next largest General Fund revenue source at $8,730, followed by property taxes at $4,600. There are likely to be yet additional General Fund revenues generated by the Project, but the most substantial revenue sources are reflected in the $132,430 estimate, which also includes franchise fees, business license fees, and fines, fees and forfeitures. In addition, the Project's City of Los Banos Measure P sales tax proceeds dedicated to a special Public Safety Fund are estimated at $62,420.

Summary of Expenditures

The marginal cost General Fund expenditures estimated to be attributable to the Project total $12,391 annually. This reflects costs anticipated by City staff to provide Police, Fire, Street, and Maintenance services to the Project. City of Los Banos staff do not anticipate any other significant service costs attributable to the Project. This figure is higher than the results from the average cost analysis, which suggested City service costs totaling $7,408. To maximize the conservative nature of the analysis the City's marginal cost estimates are reflected in the net fiscal impact analysis.

Net Fiscal Impact Summary

The net result of the Project's fiscal impact at stabilized operations, assuming all gasoline and convenience stores sales are net new to Los Banos, is a projected $120,039 annual contribution to the City of Los Banos' General Fund. This represents an annual contribution net of estimated City costs to service the Project equivalent to just over 1.0% of the City's General Fund expenditures.

Factoring in the Measure P ½ cent sales tax proceeds, which are dedicated to a special Public Safety Fund, boosts the Project's total net revenue impact to the City of Los Banos to $182,459.

SENSITIVITY ANALYSIS FISCAL IMPACT FINDINGS

The City of Los Banos has 6 existing gas stations, including 7-11, Circle K, Shell, Valero, and 2 Chevron stations. The Project's planned Arco station will be the first in Los Banos. Typically, gas prices at Arco are lower than most competitors in the immediate region. For example, on a day in early November, 2011, unleaded gas prices in Los Banos ranged from $3.73 to $3.95 a gallon. On this

same day, the Arco price in Santa Nella, the nearest Arco station, was $3.59 a gallon. Whether or not this price differential persists when the Project's Arco station opens, it is likely that some increment of Project sales will be diverted from existing Los Banos gas stations and convenience stores. Because the McDonald's is a relocation of an existing store, any net increment in McDonald's sales are assumed to be unique to McDonald's, and not the result of sales diverted from other Los Banos fast food restaurants.

Exhibit 10 presents estimates of the net fiscal impact of the Project assuming a range of sales diverted from existing Los Banos gas stations and convenience stores. ALH Economics does not believe all Project gasoline and convenience store sales will be diverted from existing operations. It is likely that some increment of sales will be recaptured from other nearby Arco stations, such as in Santa Nella, with area residents traveling to Santa Nella specifically for lower cost gasoline or incorporating a trip to Santa Nella for this purpose into work, family, or errand-related car trips. In addition, automobile travelers passing through Los Banos might choose to gas up at a relatively inexpensive Arco station when they might otherwise wait to gas up further along in their trip after passing through Los Banos. It is analytically challenging to estimate the potential share of Project gasoline and convenience stores sales that might be diverted from existing Los Banos operations. The analysis summarized in Exhibit 10 therefore assumes a range, estimating the net fiscal impacts if only 50% or 75% of Project gasoline and convenience store sales are net new to Los Banos.

The results of the sensitivity analysis indicate that if 75% of the Project's gasoline and convenience store sales are net new to Los Banos then the net fiscal impact will decline from $238,644 annually to $181,484. At a 50% assumption of net new sales, then the annual net fiscal impact will decline to $124,324. These figures do not include the Measure P sales taxes. With the Measure P sales taxes incorporated in the figures, the Project's net fiscal impact will decline from $301,064 per year to $228,862 assuming 75% of sales are net new and $156,659 assuming 50% of sales are net new. Even with this potential decline in the Project's net fiscal impacts is some Project sales occur to the detriment of existing operations, the City of Los Banos will benefit from a net infusion of General Fund revenues, which will enable the City of Los Banos to maintain or increase provision of important City services.

FISCAL IMPACT IMPLICATIONS OF EXISTING MCDONALDS RESTAURANT

The existing McDonalds restaurant on West Pacheco Boulevard is slated for closure by October 2012. If this restaurant does not relocate to the Project and instead leaves the City of Los Banos, there will be a net loss of revenue to the City of Los Banos. The amount of the lost revenues is estimated in Exhibit 11. This exhibit takes much of the preceding fiscal impact analysis findings and applies them to the characteristics of the existing McDonalds restaurant. These characteristics include comparable employment to the level estimated for the new restaurant, or 41.25 FTE employees (see Exhibit 2), and taxable retail sales of $1.9 million (see Exhibit 6).

City of Los Banos General Fund revenues associated with the existing McDonalds restaurant are estimated at $18,350. This includes estimates for business license fees, retail sales taxes, franchise fees, and fines, fees and forfeitures. This revenue estimate does not include an allocation for property taxes or property tax in lieu of VLF revenues. This is because the building where the McDonalds restaurant is located will remain after it is vacated by McDonalds. The value of the property may decline temporarily while vacant, but assuming the space is backfilled, which market research suggests is an eventual likelihood, there will likely not be a material decline in property tax revenues accruing to the City of Los Banos. Thus, the analysis conservatively excludes consideration of lost property tax revenues associated with the closure of this McDonalds restaurant.

While revenues will decline if this McDonald's restaurant closes, then it is possible that City service costs to the property will decline as well. This will largely depend upon the reuse potential of the property and the identity of the ultimate tenant. Separate marginal cost estimates for providing services to the existing McDonalds restaurant were not obtained from the City of Los Banos. For the sake of the analysis, it is assumed that the existing McDonalds requires one-half the service costs estimated for the California Gold Los Banos Retail Development, considering that the McDonalds will be occupying approximately one-half the space developed on the property. Therefore, conservatively assuming that service costs would decline, ALH Economics estimates these costs could be around $6,195. Thus, the net fiscal revenues to the City's General Fund associated with the McDonalds restaurant are estimated to decline by $12,153 if the restaurant closes and does not relocate elsewhere in Los Banos. The net General Fund loss could be even higher if the property tax revenues on the property decline.

An additional $9,500 in Measure P sales tax proceeds will also not accrue to the Public Safety Fund following closure of the McDonald's restaurant. Adding in these revenues brings the total prospective loss in revenues to at least $21,653.

FISCAL IMPACT LIMITATIONS

The foregoing fiscal impact analysis is intended to give a general sense of the net fiscal impact of the California Gold Los Banos Retail Development Project. The figures are not precise estimates and changes will occur if the revenue and expenditure factors or other assumptions are developed with more precision. Nonetheless, the findings suggest a strong likelihood that the Project will result in a significant net positive fiscal impact to the City's General Fund. However, some limitations to the analysis, listed below, may affect the degree of the Project's estimated net benefit and change the net fiscal impact balance.

General Limitations

- The analysis is benchmarked to estimated stabilized operations. The net impacts during the development period will vary from the stabilized operations estimate. However, the Project has a very short development timeframe, comprising 8 months, thus it will not take long before the City benefits from the Project's estimated net positive fiscal impacts.

- The analysis may not be inclusive of all revenue and cost estimates. Major categories associated with ongoing revenues and costs are included, but there may be other less significant categories excluded from the analysis.

One-time Revenues and Appropriations

- The fiscal impact analysis does not include one-time fees that may be assessed by the City of Los Banos. These fees are typically assessed on a cost recovery basis and are thus excluded from the analysis. Other potential fees, such as impact fees, are also excluded as they too are designed to provide a nexus with the services provided.

- Depending upon how construction contracts are structured, there may be the potential for the City of Los Banos to benefit from construction-related sales and use taxes associated with the

construction effort. These revenues are excluded from the analysis but could comprise a strong source of one-time revenues.

- Another one-time revenue that could benefit the City of Los Banos during the construction period includes retail sales tax revenues resulting from construction worker spending in Los Banos.

Ongoing Revenue and Appropriation Factors

- The analysis does not include any increase in valuation, such that would occur with the maximum 2% allowable increase pursuant to Proposition 13 or that would occur based upon increased valuation upon sale.

- The analysis does not take into account long-term service cost inflation, which may or may not be greater than the estimated rate of inflation.

- The California Gold Retail Development Project may trigger the need for additional services not accounted for in this analysis. The costs associated with these services could be meaningful, both for amortized capital and operating expenditures, and could reduce the estimated net positive annual impacts. The likelihood of such additional costs being high, however, is deemed to be low.

In summary, the California Gold Los Banos Retail Development Project net fiscal impact findings estimated above may change as more information and factors are considered. The results, however, suggest a very strong likelihood that the California Gold Los Banos Retail Development Project will result in a significant net positive fiscal impact to the City's General Fund and the Public Safety Fund.

ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

ALH Urban & Regional Economics has made extensive efforts to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including interviews with government officials, review of City and County documents, and other third parties deemed to be reliable. Although ALH Urban & Regional Economics believes all information in this study is correct, it does not warrant the accuracy of such information and assumes no responsibility for inaccuracies in the information by third parties. We have no responsibility to update this report for events and circumstances occurring after the date of this report. Further, no guarantee is made as to the possible effect on development of present or future federal, state or local legislation, including any regarding environmental or ecological matters.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. In turn, these assumptions, and their relation to the projections, were developed using currently available economic data and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during the projection period will likely vary from the projections, and some of the variations may be material to the conclusions of the analysis.

Contractual obligations do not include access to or ownership transfer of any electronic data processing files, programs or models completed directly for or as by-products of this research effort, unless explicitly so agreed as part of the contract.

APPENDIX A: EXHIBITS

Exhibit 1
California Gold Los Banos Retail Development
Annual Net Fiscal Impact Analysis of Incremental New Development (1)
City of Los Banos General Fund and Public Safety Fund
FY 2010-11 Dollars

	Gas Station and ampm Sensitivity Analysis (2)		
General Fund Revenues and Expenditures Categories	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**
Percent Gas/ampm Sales Net New to Los Banos (2)	**100%**	**75%**	**50%**
Revenues (3)			
Property Taxes (4)	$4,600	$4,600	$4,600
Property Tax in Lieu of VLF (5)	$8,730	$8,730	$8,730
Business License Fees (6)	$160	$160	$160
Incremental Retail Sales Taxes (6)	$118,600	$90,020	$61,440
McDonald's	$4,275	$4,275	$4,275
ampm	$9,180	$6,885	$4,590
Gas Station	$105,140	$78,855	$52,570
Franchise Fees (6)	$290	$290	$290
Fines, Fees & Forfeitures (6)	$60	$60	$60
Sub-total	$251,035	$193,875	$136,715
Expenditures (7)			
Administration	$0	$0	$0
Planning	$0	$0	$0
Police	($2,327)	($2,327)	($2,327)
Fire	($2,064)	($2,064)	($2,064)
Building	$0	$0	$0
Street	($8,000)	($8,000)	($8,000)
Animal Control	$0	$0	$0
Maintenance	inc. in Street	inc. in Street	inc. in Street
Community Center	$0	$0	$0
Contingency	$0	$0	$0
Sub-total (8)	($12,391)	($12,391)	($12,391)
Net Impact (9)	**$238,644**	**$181,484**	**$124,324**
Additional Measure P Sales Tax Revenues to to Public Safety Fund (10)			
McDonald's	$2,250	$2,250	$2,250
ampm	$4,830	$3,622.50	$2,415
Gas Station	$55,340	$41,505	$27,670
Sub-total	**$62,420**	**$47,378**	**$32,335**
Total Annual Revenues, General Fund and Public Safety Fund	**$301,064**	**$228,862**	**$156,659**

Source: ALH Urban & Regional Economics.

Notes:
(1) Includes revenues above the existing revenue base generated by the property in its current state. All revenue figures are rounded to the nearest $10.
(2) Sensitivity analysis varying the amount of gas station and ampm sales that are net new to Los Banos, assuming that some portion of sales may be diverted away from existing Los Banos gas station and convenience stores. The McDonald's net increment in sales are assumed to be all new to Los Banos.
(3) Includes the most substantial revenues anticipated to accrue to the City of Los Banos General Fund resulting from the Project's stabilized operations. However, there may be yet additional revenues flowing to the General Fund pursuant to the Project's operations.
(4) See Exhibit 4.
(5) See Exhibit 5.
(6) See Exhibit 7.
(7) See Exhibit 8.
(8) This estimated total is greater than the total estimated service costs based on the average cost approach documented in Exhibit 9. Pursuant to Exhibit 8 the estimated service cost per employee is $136.56. Based upon the Project's estimated 54.25 employees pursuant to Exhibit 2, the total service cost on an average cost basis is $7,408.
(9) Comprises revenues less expenditures.
(10) See Exhibit 7.

Exhibit 2
California Gold Los Banos Retail Development
Project Description, Employment, and Service Population Estimates

Land Use	Planned Sq. Ft.	Estimated Stabilized FTE Employment (1)	Service Population (2)
Restaurant	4,000	41.25	20.60
Retail	3,000	13.00	6.50
Gas Station	8 pumps 16 fueling stations	inc. above	inc. above
Total		54.25	27.10

Sources: California Gold Development Corp.; McDonalds Corporation; BP; and ALH Urban & Regional Economics.

Notes:
(1) Employment estimates provided by McDonald's Corporation and BP. The McDonald's figure is anticipated to be a minimum FTE, with employment increasing seasonally. ALH Economics calculated the FTE figure for McDonalds based upon estimated full-time and part-time positions provided by McDonalds.

(2) All employees are assumed to be equivalent to one-half a resident for City average service cost purposes. This is a standard fiscal impact analysis assumption.

Exhibit 3
California Gold Los Banos Retail Development
City of Los Banos Demographic, Employment, and Tax Characteristics

Data Point	Value	Measurement
Population and Employment Base, 2011 estimates		
City of Los Banos Population (1)	34,327	annual
City of Los Banos Employment Base (1)	7,234	annual
Estimated Service Population (2)	37,944	annual
City of Los Banos Tax Rates and Select Tax Revenues		
General Fund Property Tax Rate (3)		of 1.0% of property value
Annexed Properties	8.0%	
Los Banos Properties Not Previously Annexed	16.0%	
Sales Tax Rate (4)		
Basic Sales Tax Rate, General Fund	0.95%	of taxable sales amount
Measure P - Public Safety, Special Fund	0.5%	of taxable sales amount
Vehicle in Lieu of Property Tax Revenues (5)		
FY 2011-2012 Adopted	$1,680,000	
Property Tax Revenues (6)		
Unsecured Property Tax Revenues, Budgeted FY 2011/12	$124,000	annual
Assessed City of Los Banos Valuation, FY 2010/11 (6)		
Secured Property	$1,100,201,762	
Unsecured Property	$8,833,419	
Business License Fees		
Commercial Fee (7)	$78.00	per business

Sources: "City of Los Banos 2011-2012 Adopted Budget;" City of Los Banos Business License Fees schedule; Communication with the City of Los Banos, Planning Department (Paula Fitzgerald); Don Fraser, Fraser and Associates; City of Los Banos Ordinance No. 512, passed October 30, 1974; and ALH Urban & Regional Economics.

Notes:
(1) Data provided by the City of Los Banos, Planning Department indicate City population totaled 33,508 in 2010, and is projected to total 37,810 in 2015. ALH Economics interpolated these figures to derive a 34,327 estimate for 2011. The employment figure for 2011 was provided by the City of Los Banos, Planning Department.
(2) The service population is equivalent to the residential population plus 1/2 the employment base. This is a standard fiscal impact assumption.
(3) On October 21, 1997 the City of Los Banos entered into a property tax sharing agreement with the County of Merced for areas annexed into the City of Los Banos. Pursuant to this tax sharing agreement, the City of Los Banos General Fund does not receive its otherwise typical share of property taxes generated by properties located in Los Banos. According to Don Fraser of Fraser and Associates, the City of Los Banos' property tax consultant, the City of Los Banos' share of the 1% basic property tax rate absent any property tax sharing agreements is approximately 16% (i.e., 16% of 1%, or .0016% of property value). For the properties subject to the property tax sharing agreement, Mr. Fraser indicates the City's share of property taxes is somewhat graduated over time, with a likely rate of approximately 8% relevant to the California Gold Los Banos Retail Development project.
(4) The sales tax rate is inclusive of the triple flip, i.e., sales taxes diverted temporarily by the State of California but returned via other fiscal means. Pursuant to City of Los Banos Ordinance No. 512 the City retains 95% of the local 1% share of sales taxes, with the balance accruing to Merced County. The City has an additional 1/2 cent sales tax rate for Measure P - Public Safety, the full proceeds of which go to a Special Fund.
(5) See "City of Los Banos 2011-2012 Adopted Budget" page 44.
(6) Data provided by the City of Los Banos, Planning Department.
(7) Reflects annual fee for commercial businesses, not one-time administrative fees.

Exhibit 4
California Gold Los Banos Retail Development
Incremental Property Valuation and Annual Property Tax
Property Valuation Pursuant to the Cost Approach (1)
City of Los Banos, 2011 Dollars

Item	Amount
Property Valuation	
California Gold Project Property Valuation	
Land Acquisition (2)	$1,080,000
McDonald's Construction Costs (3)	$1,200,000
McDonald's Franchisee Improvement Costs (4)	$1,050,000
ampm Construction Costs (3')	$1,900,000
Select Soft Costs (5)	$400,000
Financing Fees and Interest (6)	$134,000
Total	$5,764,000
Existing Land Valuation (7)	$12,550
Incremental Property Valuation	$5,751,450
Incremental Property Tax (8)	
Basic County Tax Rate	1.00%
City of Los Banos Share of Basic Tax Amount Assuming Annexation	8.00%
Los Banos General Fund Property Tax Revenues, Annual	$4,600

Sources: California Gold Development Corp.; McDonalds Corporation; BP; RealQuest; and ALH Urban & Regional Economics.

Notes:
(1) The County Assessor will value the property for property tax purposes using three approaches to value: cost; income; and comparables. For the purpose of this analysis, ALH Economics prepared a cost approach based upon currently available information. The final value upon completion determined by the County Assessor will likely differ from this value. However, based upon information available at the present time, this value and approach are believed to present a reasonable proxy for analytical purposes.
(2) Negotiated land acquisition price for 80,000 square feet of land area.
(3) California Gold Development Corp. estimated approximately $1.2 million construction cost for the McDonald's and $1.9 million for the ampm. ALH Economics believes these figures to be reasonable.
(4) Estimate provided by McDonalds Corporation, to include Franchisee costs for décor, fixtures, signage, etc.
(5) Estimate prepared by ALH Economics based upon information provided by California Gold Development Corp. Includes architectural services, other consultant services, and Project fees other than financing.
(6) Reflects financing of all prior costs, assuming 70% financed, 60% draw, 6% interest rate, 8-month construction period (i.e., interest for 8 months), and a 1% financing fee (% of loan).
(7) To determine the net incremental property valuation it is necessary to net out the existing land valuation. RealQuest indicates the Project's underlying land is valued at $22,778 for the 2010 Assessed Year. The property totals 3.4 acres, and is therefore valued at $0.154 per square foot. California Gold Development Corp. will be acquiring 80,000 square feet for Project purposes. Therefore, the current value of the portion of the property required for the Project is $12,304, multiplied by the 2% annual allowable increase in property value, to bring the value to year 2011. This value is then netted out of the total developed property valuation to determine the net increment in property valuation attributable to the Project.
(8) See Exhibit 3 for the City of Los Banos property tax rate for properties annexed. The tax is estimated off the incremental value under the assumption the County retains full property tax from the initial value.

Exhibit 5
California Gold Los Banos Retail Development
Property Tax in Lieu of VLF Estimates
Project Stabilization
Net New or Incremental Valuation Attributable to the California Gold Los Banos Retail Development
City of Los Banos, FY 2010-11 Dollars

Category	Value
Assessed Value Change	
City of Los Banos Secured Property Assessed Valuation (1)	$1,100,201,762
City of Los Banos Unsecured Property Assessed Valuation (1)	$8,833,419
Total	$1,109,035,181
Property Valuation Increment Attributable to California Gold Development (2)	$5,764,000
Total Projected Property Valuation	$1,114,799,181
Percent Increase in Property Valuation Attributable to California Gold Development	0.52%
VLF in Lieu Revenue	
FY 2010-2011 actual (1)	$1,680,000
City Increase (Annual)	
Percent Assessed Value	0.52%
VLF In Lieu Revenue Attributable to California Gold Los Banos Retail Development	$8,731

Source: ALH Urban & Regional Economics.

Notes:
(1) See Exhibit 3.
(2) See Exhibit 4. Reflects total Project valuation since the property is currently not within the City of Los Banos boundaries. Thus, the total Project valuation will comprise an incremental addition to the City of Los Banos property assessed valuation.

Exhibit 6
California Gold Los Banos Retail Development
Estimated Taxable Retail Sales
Project Stabilization
City of Los Banos, FY 2011-12 Dollars

Project Component	Figure	Measure
McDonald's (1)		
California Gold Development Site McDonalds Restaurant	$2,350,000	annual taxable sales
Less Existing McDonalds Restaurant	($1,900,000)	annual taxable sales
Net Increment in McDonald's Restaurant Sales	$450,000	annual taxable sales
ampm Convenience Store		
Projected Total Sales (2)	$115,000	monthly total sales
Non-taxable Share of Sales (2)	30%	share of total sales
Taxable Sales Estimate	$966,000	annual taxable sales
Gasoline Sales		
Number of gallons sold (3)	350,000	monthly gallons sold
Sale Price per Gallon of Gasoline (4)	$3.30	per gallon
Fuel Taxes (5)		
Federal Fuel Tax	$0.184	tax per gallon
State Fuel Tax	$0.357	tax per gallon
State Underground Storage Tank Fee	$0.020	tax per gallon
State Sales Tax (6)	2.25%	rate per gallon
Local Fuel Tax (7)	1.00%	rate per gallon
Taxable Base Sales Price per Gallon (8)	$2.64	per gallon
Taxable Gasoline Sales	$11,067,529	annual taxable sales

Sources: McDonalds Corporation; BP; California Gold Development Corp.; American Petroleum Institute (API); californiagasprices.com; California State Board of Equalization, Fuel Taxes Division - Tax Rates (see http://www.boe.ca.gov/sptaxprog/spftdrates.htm); California State Board of Equalization, "Auto Repair Garages and Services Stations," Publication 25, August 2011; and ALH Urban & Regional Economics.

Notes:
(1) Sales figures provided by McDonalds Corporation. Figures checked for reasonableness by ALH Urban & Regional Economics.
(2) Sales for the ampm Convenience store were estimated by BP. The 30% share of non-taxable sales was also provided by BP and deemed reasonable by ALH Urban & Regional Economics.
(3) Estimate provided by BP pursuant to a market study conducted for the site. The cited figure is conservatively at the low end of the range estimated for the site.
(4) Gas prices are highly volatile. For study purposes, a conservative rate was selected, reflecting an approximate average price throughout California over approximately the last tw years, inflation-adjusted (e.g., mid-2008 - mid-2011). See www.californiagasprices.com/retail_price_chart.aspx. Please note this price is highly conservative, since the average cost of a gallon of regular gas at a comparable Central Valley gas station from January through mid-September 2011 was $3.70 based upon price data provided by BP, with premium gas prices averaging $3.92.
(5) Gas prices at the pump are fully loaded with all relevant taxes. To estimate the taxable cost per gallon it is necessary to deduce the taxable base by backing out all applicable taxes. The effective date of the cited taxes is July 1, 2011 according to the State of Calfornia Board of Equalization.
(6) State sales tax rate per the State of California Board of Equalization. See page 22 of Publication 25, August 2011.
(7) While the Los Banos sales tax rate is higher than 1.00%, the purpose of this estimate is to back out the share of local taxes reflected in the average cost of gasoline in the State of California.
(8) Given the estimated sale price per gallon of gasoline, this is the estimated taxable portion less all applicable taxes.

Exhibit 7
California Gold Los Banos Retail Development
Assorted City of Los Banos General Fund Revenues
Project Stabilization
City of Los Banos, FY 2011-12 Dollars

Business License Fees

Project Component	*Number*	*Fee Per Business*	*Annual Revenue*
Commercial Location (1)	2	$78	$156

Retail Sales Tax

Retail Sales, Inflation, and Tax Information	*Parameters and Annual Revenue*
Project Taxable Retail Sales, 2011 Dollars (2)	$12,483,529
City of Los Banos General Fund Sales Tax Rate (3)	0.95%
Annual General Fund Sales Tax Revenue Generated by the Project	$118,594
Measure P - Public Safety, Special Fund Sales Tax Rate (3)	0.5%
Additional Measure P Sales Tax Revenues to Public Safety Fund	$62,418

Franchise Tax

Franchise Tax Revenues and Population Basis Data	*Parameters and Annual Revenue*
City of Los Banos FY 2011/12 Franchise Tax Revenues (4)	$400,000
City Service Population (5)	37,944
Franchise Tax Revenues Per Service Population (6)	$10.54
Project Service Population (7)	27.1
Project Franchise Tax Revenues (8)	$286

Fees, Fines & Forfeitures

Fees, Fines & Forfeitures Revenues and Population Basis Data	*Parameters and Annual Revenue*
City of Los Banos FY 2011/12 Fee, Fines & Forfeitures (9)	$85,000
City Service Population (5)	37,944
Fees, Fines & Forfeitures Revenues Per Service Population (10)	$2.24
Project Service Population (7)	27.1
Project Fees, Fines & Forfeitures Tax Revenues (11)	$61

Sources: "City of Los Banos Adopted Budget 2011-2012;" and ALH Urban & Regional Economics.

Notes:
(1) See Exhibit 3 for the Business License Fee Schedule. The McDonald's and the ampm will each comprise a separate business for business license purposes.
(2) See Exhibit 6 for the taxable retail sales estimates. This figure reflects only net new McDonald's sales, i.e., the net increment over sales at the existing McDonald's restaurant that would otherwise be closing and leaving Los Banos.
(3) See Exhibit 3.
(4) See "City of Los Banos Adopted Budget 2011-2012," page 44.
(5) See Exhibit 3.
(6) Franchise tax revenues calculated on a per service population basis.
(7) See Exhibit 2.
(8) Calculated by multiplying the Franchise Tax Revenues Per Service Population by the estimated Project service population.
(9) See "City of Los Banos Adopted Budget 2011-2012," page 45.
(10) Fees, Fines & Forfeitures revenues calculated on a per service population basis.
(11) Calculated by multiplying the Fees, Fines & Forfeitures Revenues Per Service Population by the estimated Project service population.

Exhibit 8
California Gold Los Banos Retail Development
City of Los Banos Estimated Marginal Service Costs (1)
City of Los Banos, 2011 Dollars

City Department	Anticipated Annual Project Cost	Explanatory Comments
Administration	$0.00	None
Planning	$0.00	None
Police	$2,327.13	The Police Department would assume responsibility of the newly annexed property. Assumed additional calls are based upon the calls at the existing McDonald's and at an existing gas station. It is assumed that there would be 62 calls, coming to 39 hours of Police services time, which would amount to $2,327.13 on an annual basis.
Fire	$2,063.76	The Fire Department would assume responsibility of the newly annexed property. The Department would expect to see additional calls for service, i.e., fires, fuel spills, medical aids. The new structure would require yearly fire and safety inspections. It is assumed that there would be six (6) visits to the site yearly, including inspections. These visits are estimated to be two hours for each visit and personnel would include a captain, engineer, and fire fighter and the annual Fire services cost would be $2,063.76.
Building	$0.00	None
Street	$8,000.00	The estimated annual cost of $8,000 includes both Street and Maintenance Departments.
Animal Control	$0.00	None
Maintenance	inc. in Street	Annual Maintenance costs are reflected in the estimate for Streets.
Community Center	$0.00	None
Contingency	$0.00	None
Total	$12,390.89	

Sources: City of Los Banos, Departmental estimates conveyed by Paula Fitzgerald, Planning Director; and ALH Urban & Regional Economics.

Notes:
(1) These costs are estimated on a marginal cost, or case study basis. This means cost estimates were prepared based upon the level of service anticipated to be provided to the Project and the corresponding cost by Department as estimated by Department representatives.

Exhibit 9
California Gold Los Banos Retail Development
City of Los Banos General Fund Average Cost Expenditures
FY 2011-2012 Adopted Budget
Fiscal Impact Factors City of Los Banos

City Department	FY Budget	Percent Fixed (1)	Allocable Expenditures (2)	Population Factor (3)	Expenditure per Service Population (4)	Expenditure per Resident (5)	Expenditure per Employee (6)
Administration	$1,078,330	0%	$1,078,330	Service Population	$28.42	$28.42	$14.21
Planning	$523,583	0%	$523,583	Service Population	$13.80	$13.80	$6.90
Police	$5,863,936	0%	$5,863,936	Service Population	$154.54	$154.54	$77.27
Fire	$1,093,179	0%	$1,093,179	Service Population	$28.81	$28.81	$14.41
Building	$300,157	0%	$300,157	Service Population	$7.91	$7.91	$3.96
Street (7)	$837,016	0%	$837,016	Service Population	$22.06	$22.06	$11.03
Animal Control	$105,836	0%	$105,836	Resident Population	$0.00	$3.08	$0.00
Maintenance	$591,759	0%	$591,759	Service Population	$15.60	$15.60	$7.80
Community Center	$166,966	0%	$166,966	Resident Population	$0.00	$4.86	$0.00
Contingency	$75,000	0%	$75,000	Service Population	$1.98	$1.98	$0.99
Total	$10,635,762	0%	$10,635,762		$76.35	$281.06	$136.56

Sources: "City of Los Banos Adopted Budget 2011-2012," page 27; and ALH Urban & Regional Economics.

Notes:
(1) Fiscal impact studies that examine municipal expenditures on an average cost basis, such as this analysis, often assume a portion of City expenditures are fixed and will not vary with a change in the population served. The resulting variable expenditures are then allocated across the relevant population served, which could include just residents, just employees, or the service population, which includes both residents and an allocation for employees. For the purpose of this analysis, all City expenditures are conservatively assumed to be variable. In this manner, the greatest possible expenditures will be allocated to the estimated service population generated by the Project for the categories anticipated to serve employees.
(2) Comprises the share of the General Fund expenditures assumed to be allocable to the population served, i.e., total expenditures less fixed expenditures. In this case, as all expenditures are assumed to be variable, the allocable expenditures are equal on a department by department basis to each department's budget.
(3) The analysis assumes all expenditures except Animal Control and Community Center are spread across the resident and employment base, i.e., the service population. This will most likely result in maximum service cost estimates since it is unlikely given the infill nature of the Project that the City of Los Banos will need to increase its service capacity to sufficiently service the Project.
(4) Equal to allocable expenditures divided by the service population with the exception of Animal Control and Community Center, which are assumed to only be allocable to residents.
(5) The expenditure per resident is equal to the expenditure per service population, with the exception of Animal Control and Community Center, where the cost per resident is calculated directly.
(6) The expenditure per employee is equal to one half the expenditure per service population.
(7) The City's Adopted Budget 2011-2012 shows the Street Salaries & Benefits, and Services & Supplies as a "Charge Out," thus reducing the expenditure total for the category to $0. The analysis assumes these expenditures are General Fund expenditures, in order to appropriately account for Street-related costs.

Exhibit 10
California Gold Los Banos Retail Development
Annual Net Fiscal Impact Analysis of Incremental New Development (1)
City of Los Banos General Fund and Public Safety Fund
FY 2010-11 Dollars

	Gas Station and ampm Sensitivity Analysis (2)		
General Fund Revenues and Expenditures Categories	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**	**Revenue/ (Expenditure)**
Percent Gas/ampm Sales Net New to Los Banos (2)	**100%**	**75%**	**50%**
Revenues (3)			
Property Taxes (4)	$4,600	$4,600	$4,600
Property Tax in Lieu of VLF (5)	$8,730	$8,730	$8,730
Business License Fees (6)	$160	$160	$160
Incremental Retail Sales Taxes (6)	$118,600	$90,020	$61,440
McDonald's	$4,275	$4,275	$4,275
ampm	$9,180	$6,885	$4,590
Gas Station	$105,140	$78,855	$52,570
Franchise Fees (6)	$290	$290	$290
Fines, Fees & Forfeitures (6)	$60	$60	$60
Sub-total	$251,035	$193,875	$136,715
Expenditures (7)			
Administration	$0	$0	$0
Planning	$0	$0	$0
Police	($2,327)	($2,327)	($2,327)
Fire	($2,064)	($2,064)	($2,064)
Building	$0	$0	$0
Street	($8,000)	($8,000)	($8,000)
Animal Control	$0	$0	$0
Maintenance	inc. in Street	inc. in Street	inc. in Street
Community Center	$0	$0	$0
Contingency	$0	$0	$0
Sub-total (8)	($12,391)	($12,391)	($12,391)
Net Impact (9)	**$238,644**	**$181,484**	**$124,324**
Additional Measure P Sales Tax Revenues to to Public Safety Fund (10)			
McDonald's	$2,250	$2,250	$2,250
ampm	$4,830	$3,622.50	$2,415
Gas Station	$55,340	$41,505	$27,670
Sub-total	**$62,420**	**$47,378**	**$32,335**
Total Annual Revenues, General Fund and Public Safety Fund	**$301,064**	**$228,862**	**$156,659**

Source: ALH Urban & Regional Economics.

Notes:
(1) Includes revenues above the existing revenue base generated by the property in its current state. All revenue figures are rounded to the nearest $10.
(2) Sensitivity analysis varying the amount of gas station and ampm sales that are net new to Los Banos, assuming that some portion of sales may be diverted away from existing Los Banos gas station and convenience stores. The McDonald's net increment in sales are assumed to be all new to Los Banos.
(3) Includes the most substantial revenues anticipated to accrue to the City of Los Banos General Fund resulting from the Project's stabilized operations. However, there may be yet additional revenues flowing to the General Fund pursuant to the Project's operations.
(4) See Exhibit 4.
(5) See Exhibit 5.
(6) See Exhibit 7.
(7) See Exhibit 8.
(8) This estimated total is greater than the total estimated service costs based on the average cost approach documented in Exhibit 9. Pursuant to Exhibit 8 the estimated service cost per employee is $136.56. Based upon the Project's estimated 54.25 employees pursuant to Exhibit 2, the total service cost on an average cost basis is $7,408.
(9) Comprises revenues less expenditures.
(10) See Exhibit 7.

Exhibit 11
Existing McDonald's Restaurant (1)
Estimated Annual Net Fiscal Impact Analysis (2)
City of Los Banos General Fund and Public Safety Fund
FY 2010-11 Dollars

General Fund Revenues and Expenditures Categories	Revenue/ (Expenditure)
Select Revenues (3)	
Property Taxes (4)	NA
Property Tax in Lieu of VLF (4)	NA
Business License Fees (5)	$80
Retail Sales Taxes (5)	$18,050
Franchise Fees (5)	$220
Fines, Fees & Forfeitures (5)	$50
Sub-total	$18,350
Expenditures (6)	
Administration	$0
Planning	$0
Police	($1,164)
Fire	($1,032)
Building	$0
Street	($4,000)
Animal Control	$0
Maintenance	inc. in Street
Community Center	$0
Contingency	$0
Sub-total (7)	($6,195)
Net Impact (8)	**$12,155**
Additional Measure P Sales Tax Revenues to Public Safety Fund (9)	**$9,500**
Total Annual Revenues, General Fund and Public Safety Fund	**$21,655**

Source: ALH Urban & Regional Economics.

Notes:
(1) Reflects estimates pertaining to the existing McDonalds restaurant anticipated to relocate to the California Gold Retail Project. Absent this new development project it is anticipated that the McDonalds store will close by October 2012 when the lease expires. Therefore, this analysis identifies the foregone net revenue impact of the store if it is not able to relocate elsewhere in Los Banos, such as the California Gold Retail Project.
(2) All revenue figures are rounded to the nearest $10.
(3) Includes the most substantial revenues estimated to accrue to the City of Los Banos General Fund due to the McDonald's restaurants operations. However, there may be yet additional revenues flowing to the General Fund pursuant to the restaurant's operations.
(4) Property-tax related revenues are not estimated because the building where the McDonalds restaurant is located will remain after it is vacated by McDonalds. The value of the property may decline temporarily while vacant, but assuming the space is backfilled there will likely not be a material decline in property tax revenues accruing to the City of Los Banos.
(5) Revenues estimated assuming the existing McDonalds' level of employment is comparable to the level estimated for the new restaurant at the California Gold Los Banos Retail Development and taxable retail sales of $1.9 million.
(6) Separate marginal cost estimates for providing services to the existing McDonalds restaurant were not obtained from the City of Los Banos. For the sake of the analysis, it is assumed that the existing McDonalds requires one-half the service costs estimated for the California Gold Los Banos Retail Development, considering that the McDonalds will be occupying approximately one-half the space developed on the property.
(7) This estimated total is greater than the total estimated service costs based on the average cost approach documented in Exhibit 9. Pursuant to Exhibit 9 the estimated service cost per employee is $136.56. Based upon the existing restaurant's estimated 41.25 FTE employees pursuant to Exhibit 2, the total service cost on an average cost basis is $5,633.
(8) Comprises revenues less expenditures.
(9) Reflects the 0.5% Public Safety Sales Tax applied to the estimated existing restaurant taxable sales.

APPENDIX B: FIRM INTRODUCTION

ALH URBAN & REGIONAL ECONOMICS
FIRM HISTORY AND SELECT QUALIFICATIONS

FIRM INTRODUCTION

ALH Urban & Regional Economics (ALH Economics) is a recently formed sole proprietorship devoted to providing urban and regional economic consulting services to clients throughout California. Until early summer 2011, Amy L. Herman, Principal of ALH Economics, was a Senior Managing Director with CBRE Consulting in San Francisco, a division of the real estate services firm CB Richard Ellis. CBRE Consulting was the successor name of Sedway Group, a well established urban economic and real estate consulting firm acquired by CB Richard Ellis in the late 1990s. Ms. Herman's tenure with Sedway Group and then CBRE Consulting's land use and economics practice totaled more than 20 years. During that time Ms. Herman established a strong professional network and client base providing a range of services such as economic development and redevelopment, market feasibility analysis, fiscal and economic impact analysis, location analysis, strategic planning, and policy analysis. Ms. Herman's client base includes governmental clients, transportation agencies, corporations, environmental consultants, educational and health institutions, non-profits, and developers.

In early 2011, CBRE chose to restructure the land use and economics practice area within CBRE Consulting. Ms. Herman took this opportunity to establish her own firm, through which she can continue to serve her existing client base and expand her practice in areas that suit her professional and personal interests. Examples of clients with whom ALH Economics is already under contract include the following: University of California at Berkeley; LSA Associates; Jack Faucett Associates; Hanna Novato, LLC; Terry Margerum & Associates; Raney Planning and Management, Inc.; Sedway Consulting; University of California at Riverside; During Associates; Lamphier-Gregory, Environmental Services Associates (ESA); Arcadia Development Co.; and Catellus.

During her tenure with CBRE Consulting Ms. Herman developed a strong practice area involving the conduct of fiscal impact studies. A description of this service and recent projects conducted by Ms. Herman during her tenure with CBRE Consulting follows.

EXPERIENCE CONDUCTING FISCAL IMPACT STUDIES

Ms. Herman has a strong history of conducting fiscal impact studies for government agencies, universities, real estate developers, retailers, and corporations. She has prepared fiscal impact analyses to determine project-related costs and benefits pertinent to local or county government and related servicing agencies. Clients use studies managed by Ms. Herman to garner project entitlements, evaluate alternative land-use plans, support EIR documents, or gain support for project expansions/relocations.

Ms. Herman's fiscal impact models are designed to facilitate sensitivity analysis, such as assessing the impact of changes in pricing, density or land-use mix. Because she constantly monitors actual and anticipated changes in local and state regulations, her work reflects actual service-cost and revenue distribution, while her grounding in market analysis helps her produce achievable, market-based development assumptions. Further, she queries local government representatives to assure that key project assumptions, backed by thorough independent research, are deemed reasonable and credible.

Following are descriptions of select fiscal impact studies managed by Ms. Herman, primarily during her tenure with CBRE Consulting.

- ***City of Concord, Concord Naval Weapons Station.*** After the Navy mothballed Concord Naval Weapons Station (CNWS) it became a BRAC (Base Realignment and Closure) military base. CBRE Consulting was on the prime consultant ARUP's planning and design team selected to develop a reuse plan for the property on behalf of the City of Concord. CBRE Consulting's team role pertained to the overarching goals of creating an economically viable and sustainable development for the 5,170-acre site that has some brownfield issues. Accordingly, CBRE Consulting conducted an analysis of potential opportunities and constraints related to the following: economic and market conditions; the ability of the City and Agency to ensure that new development at the CNWS site would be financially feasible from the perspective of a master developer; and the fiscal sustainability of development relative to the City's General Fund. The fiscal sustainability portion of the assignment was managed by Amy Herman. Up to seven project alternatives were analyzed in a broad fashion, with a select number of alternatives selected for more detailed analysis. CBRE Consulting conducted a long-term market assessment for land uses of interest to the Local Reuse Authority (LRA) including institutional uses and transit-oriented development, looking at the CNWS property relative to the local region and its current and potential future role in the regional economy. As part of this complex process, the consulting team addressed the numerous applications for public benefit conveyances, such as California State University's request to build a four-year campus and East Bay Regional Parks' interest in acquiring the land. CBRE Consulting participated in a series of public workshops and public hearings pertinent to the project. Pursuant to the public process, a preferred alternative was selected by the City of Concord for development of the CNWS. Ms. Herman, along with other former CBRE Consulting employees, is now engaged through ALH Urban & Regional Economics in updating the market, financial, and fiscal impact analysis of this preferred alternative, including fiscal impact analysis of the public transit agency's ability to provide services given estimated project-based ridership projections.

- ***San Francisco Mayor's Office of Economic and Workforce Development, Parkmerced Rebuild.*** One of the most significant non-redevelopment project proposals in San Francisco is the rebuild of the Parkmerced apartment complex. Currently consisting of 3,221 rent-controlled apartment units, the developer has proposed renovating 1,683 units, replacing 1,538 units, and building 5,679 new units of for-sale and apartment product. Additionally, the proposal includes 230,000 square feet of retail space, 80,000 square feet of office space, a 64,000-square-foot fitness/ amenity center, a school site, recreation fields, an organic farm, three new light rail stations, and other substantial public improvements. As part of its negotiations of a development agreement with the developer, the City of San Francisco asked CBRE Consulting to conduct fiscal and economic impact analyses of the project, which was managed by Amy Herman. The fiscal analysis included a detailed component evaluating the project's impact on the local transit authority. This project was approved during Spring 2011 by the San Francisco Board of Supervisors.

- ***Stanford Hospitals, Stanford University Medical Center Renewal and Expansion Project.*** CBRE Consulting was retained by Lucile Packard Children's Hospital, Stanford Hospital and Clinics, and Stanford University to evaluate the impact the planned Stanford University Medical Facilities Renewal and Replacement Project (SUMC Project) in Palo Alto, California would have on the City's fiscal budgets, both during construction and upon full operations. The SUMC Project involves the construction of 2.5 million square feet of new building area, including new hospital,

clinic, office, and research space and since a significant portion of these facilities is intended to replace existing facilities, the overall program also includes the demolition of 1.2 million square feet. The net result of the SUMC Project is an additional 1.3 million square feet by 2025. Ms. Herman managed this analysis, and assisted Stanford through the Development Agreement negotiations process with the City of Palo Alto. The EIR and Development Agreement for this project were unanimously approved by the Palo Alto City Council in June 2011.

- ***General Electric/Economic and Fiscal Impact Analysis.*** CBRE Consulting was retained by General Electric Company (GE) to provide analysis pertaining to GE's General Plan Amendment application to the City of San Jose to convert approximately 55 acres from Heavy Industrial to General Commercial. Ms. Herman managed the analysis, which focused on assessing the suitability of the property for commercial versus heavy industrial use, and the relative fiscal impacts of such a conversion. The results indicated that prospects for heavy industrial use were dim, while the need for retail space was very strong. This meant that the City of San Jose was not capturing prospective retail sales taxes. The study determined that as a commercial site, this property would address substantial unmet retail needs and comprise a significant revenue source to the City of San Jose. General Electric successfully won their application for a change in land use from Heavy Industrial to General Commercial and developed The Plant, a now successful retail center.

- ***KB Homes/Market Analysis and Fiscal Impact of Proposed Industrial Land Conversion of Evergreen Industrial Campus Site***. CBRE Consulting was retained by Yerba Buena OCPO to conduct an analysis of a 320-acre residential development on the Campus Industrial portion of the Evergreen Visioning Project in San Jose, California. Under Ms. Herman's direction, CBRE Consulting provided an analysis of the comparative demand for industrial and residential land in South San Jose and projected the fiscal impacts to the City's General Fund resulting from the proposed residential development scenario compared with the fiscal impacts estimated to be derived from the industrial development of the properties from a 30-year standpoint. The analyses additionally included site assessment, economic and demographic trends and forecasting impacts of site development, industrial and residential market trends within the Evergreen area and the larger San Jose metropolitan area (Silicon Valley), and projected estimates of the revenues and service-related costs associated with the site at build out, including the fiscal impacts generated by the development of the site for industrial use versus potential revenues and costs if converted to residential use. The study assisted the owners of the Campus Industrial area in presenting information to the City of San Jose in support of the proposed conversion.

APPENDIX C: RESUME

ALH ECON

ALH Urban & Regional Economics

PROFESSIONAL PROFILE

AMY L. HERMAN, AICP
PRINCIPAL

ALH Urban & Regional Economics
Berkeley, California
www.alhecon.com

T 510.704.1599

aherman@alhecon.com

OTHER CLIENTS PREVIOUSLY SERVED

- A.G. Spanos Companies
- Bohannon Development Company
- Essex Property Trust
- Forest City Enterprises
- Gresham Savage Nolan & Tilden
- Lawrence Berkeley National Laboratory
- Lennar
- Merlone Geier Partners
- Michael Brandman Associates
- Mills Corporation
- City of Mountain View
- Port of San Francisco
- The Presidio Trust
- Pulte Homes
- Santa Clara Valley Transportation Authority
- City of Santa Rosa
- Shea Properties
- Sheppard Mullin Richter & Hampton LLP
- Simon Property Group
- The Sobrato Organization
- Southbay Development
- City of Sunnyvale
- Sunset Development Co.
- Transbay Joint Powers Authority
- University of Phoenix
- Westfield Corporation

Amy L. Herman, Principal of ALH Urban & Regional Economics, has provided urban and regional consulting services for almost 30 years. During this time she has been responsible for directing assignments for corporate, institutional, non-profit, and governmental clients in key service areas, including fiscal and economic impact analysis, economic development and redevelopment, feasibility analysis, location analysis, strategic planning, policy analysis, and transit-oriented development. Her award-winning economic development work has been recognized by the American Planning Association, the California Redevelopment Association, and the League of California Cities.

Prior to forming ALH Urban & Regional Economics, Ms. Herman's professional tenure included 20 years with Sedway Group, inclusive of its acquisition by CB Richard Ellis and subsequent name change to CBRE Consulting. Her prior professional work experience includes 5 years in the Real Estate Consulting Group of the now defunct accounting firm Laventhol & Horwath (L&H), preceded by several years with the real estate consulting firm Land Economics Group, which was acquired by L&H.

Following are descriptions of select consulting assignments managed by Ms. Herman during the course of her career.

ECONOMIC DEVELOPMENT AND REDEVELOPMENT

City of Morgan Hill. Reviewed the City's economic development practices and compared them with "best practices" to other competitive Bay Area cities.

Solano County Cities. Managed a regional labor market study for Solano County cities designed to enhance the recognition of Solano County's competitiveness as a business location to prospective businesses and corporate site selectors.

City of San Jose Redevelopment Agency. Prepared a study analyzing the costs and benefits associated with creating a bioscience incentive zone in the Edenvale industrial redevelopment area.

City of Lake Forest. Prepared a commercial revitalization plan for the El Toro Corridor, including strategies to attract retail tenants, improve design standards, and create a community focal point. Led a series of community workshops and assessed the existing retail market.

City of Palo Alto. Conducted a retail study targeting six of Palo Alto's retail business districts for revitalization, including the identification of barriers to revitalization and recommended strategies tailored to the priorities established for each of the individual target commercial areas.

East Bay Municipal Water District. Managed economic, demographic, and real estate data analysis in support of developing market-sensitive adjustments to long-term water demand forecasts.

Redwood City Redevelopment Agency. Conducted a business attraction, retention and expansion study designed to preserve and strengthen Redwood City's industrial and retail bases. Outlined a program of economic development incentives, formulated implementation strategies, and recommended an organizational structure for a new economic development department.

ECONOMIC IMPACT ANALYSIS

University of California. Conducted economic impact studies for five University of California campuses: Berkeley, Davis, Riverside, San Francisco, and San Diego. Prepared models suitable for annual updates by campus personnel.

Various EIR Firms. Managed numerous assignments analyzing the potential for urban decay to result from development of major big box and other shopping center retailers. The analysis comprises a required Environmental Impact Report component pursuant to CEQA.

Apple Computer Inc., Hewlett Packard Corporation, and Tandem Computers, Inc. Conducted collaborative economic impact analysis demonstrating net economic benefits associated with office and R&D expansion pursuant to General Plan buildout in Cupertino, CA and related entitlements.

Bay Area Rapid Transit District. Conducted an economic impact study demonstrating BART's regional economic benefits, focusing on quality of life, regional competitiveness, smart growth, and development impacts.

Kaiser Permanente. Managed economic impact analysis for planned Kaiser facilities in Modesto (hospital) and Lancaster, California (medical office campus). The analyses included multiplier impacts for local and regional employment, wages, and vendor expenditures.

ALH | ECON

ALH Urban & Regional Economics

PROFESSIONAL PROFILE

AMY L. HERMAN, AICP
Principal

FISCAL IMPACT ANALYSIS

Stanford Management Company and Stanford Hospitals. Managed numerous assignments involving fiscal impact analysis for planned facilities developed by Stanford Management Company or Stanford Hospitals, including a satellite medical campus in Redwood City, a hotel and office complex in Menlo Park, and expansion of the hospital complex and the Stanford School of Medicine in Palo Alto.

Google. Preparing a fiscal impact analysis of the master planning effort for Google's expanded headquarters presence in the City of Mountain View.

City of Concord. Structured and managed fiscal impact analysis designed to test the net fiscal impact of multiple land use alternatives pertaining to the reuse of the 5,170-acre former Concord Naval Weapons Station, leading to possible annexation into the City of Concord, California.

General Electric Company. Conducted industrial market, retail demand, and comparative fiscal impact analysis to support changing 55.1 acres of heavy industrial land to commercial use in San Jose, California. The resulting regional shopping center met with strong market acceptance.

Exxon Mobil Corporation. Prepared a fiscal and economic impact report demonstrating the role of general industry, including Exxon Mobil, on the quality of life in Benicia, California. This was performed relative to the City's General Plan Update.

Catellus (now ProLogis). Demonstrated the fiscal and economic benefits of San Francisco's 303-acre planned multi-use Mission Bay development over the 30-year projected build-out period as a precondition of City/County and Redevelopment Agency plan approval.

CORPORATE LOCATION ANALYSIS

Toyota Motor Corporation. Conducted a location analysis study for a distribution facility in the San Francisco Bay Area, designed to minimize travel time distance to the majority of area dealerships.

Cisco Systems. Managed multiple corporate location studies for Cisco Systems, headquartered in San Jose, California. These studies focused on the formulation of both a regional and a North American location strategy.

Starbucks Coffee Company. Directed analysis examining alternative locations for a new coffee roasting plant in the Western United States. A variety of economic, business, and labor market data were collected. The roasting plant was successfully sited in Sparks, Nevada.

Sacramento Regional Transportation District (RTD). Managed a consultant team assisting the RTD in planning for its immediate and long-term administrative office space needs, and in developing a strategy for maximizing the value of the existing RTD complex.

Hines. Managed comparative analysis highlighting business and employee costs associated with business locations in three competitive Bay Area locations.

DEVELOPMENT FEASIBILITY

ChevronTexaco. Conducted a regional market analysis of an 8,400-acre oil field retired from active oil production in the New Orleans, Louisiana metropolitan area.

City of San Jose. Managed alternative City Hall location analysis, focused on recommending a long-term occupation strategy for the City. Following relocation of City Hall conducted a study examining the feasibility of redeveloping the City's former City Hall location and nearby parking facilities for residential, retail, and civic land uses.

Ford Motor Land Corporation. Managed the market analysis component pertinent to the redevelopment of Ford's 157-acre Ford auto assembly plant site in Milpitas. Ford ultimately disposed of the property for the purpose of retail development through adaptive reuse.

General Motors Corporation. Managed reuse studies for closed manufacturing facilities in Indiana (250 acres, 14 sites) and New Jersey (80 acres). Studies focused on the long term reuse and redevelopment potential of the closed manufacturing sites.

AMY L. HERMAN, AICP
Principal

PROFESSIONAL AFFILIATIONS

- American Planning Association (APA) and its Economic Development Division
- American Institute of Certified Planners (AICP)
- International Economic Development Council (IEDC)
- California Association for Local Economic Development (CALED), former Board Member
- State of California, Real Estate Salesperson License, License #01821384

EDUCATION

- Ms. Herman holds a Bachelor of Arts degree in urban studies, magna cum laude, from Syracuse University. She also holds a Master of Community Planning degree from the University of Cincinnati. She has also pursued advanced graduate studies in City and Regional Planning at the University of California at Berkeley.

VOLUNTEER ACTIVITIES

- Neighborhood Captain for Earthquake Preparedness, Berkeley, California
- President, Diablo Pacific Short Line, 501 (c)(3) Portable Modular Train Organization
- Volunteer, Swanton Pacific Railroad, Santa Cruz County, California
- Volunteer, Redwood Valley Railway, Tilden Regional Park, California

Traffic Impact Analysis

TRAFFIC IMPACT ANALYSIS

For

McDONALD'S / AM-PM GASOLINE SALES PROJECT
Los Banos, CA

Prepared for:

California Gold Development Corp.
133 Old Wards Ferry Rd., Sonora, CA 95370

McDonald's Corporation
Oak Brook, IL 60523

Prepared by:

KDAnderson & Associates, Inc.
3853 Taylor Road, Suite G
Loomis, CA 95650
(916) 660-1555

May 17, 2011

1253-05

TRAFFIC IMPACT ANALYSIS FOR McDONALD'S / AM-PM

TABLE OF CONTENTS

INTRODUCTION **1**
Study Scope 1

EXISTING SETTING **4**
Existing Street System 4
Existing Study Intersections 5
Transit Service 5
Pedestrian / Bicycle Facilities 5
Existing Traffic Volumes 6
Level of Service Calculation 8
Daily Traffic Volumes 11
Current Peak Hour Traffic Conditions 12

STANDARDS OF SIGNIFICANCE **13**
Regulatory Framework 13

PROJECT CHARACTERISTICS **17**
Trip Generation 17
Trip Distribution and Assignment 18
Traffic Volumes Generated by the Project 19

EXISTING PLUS McDONALD'S/AM-PM CONDITIONS **21**
Traffic Volume Forecasts 21
Existing Plus Project Intersection Levels of Service 21
Existing Plus Project Roadway Segment Levels of Service 21
Left Turn Lane Channelization 25
Impacts to Alternative Transportation Modes 26

EXISTING PLUS APPROVED PROJECTS PLUS PROJECT CONDITIONS **28**
Background Characteristics 28
Background Circulation System Improvements 28
Existing Plus Approved Projects – No Project Traffic Conditions 28

EPAP PLUS McDONALD'S / AM-PM **33**
Traffic Volume Forecast and Level of Service 33

CUMULATIVE TRAFFIC IMPACTS **35**
Methodology / Assumptions 35
Daily Traffic Volume Forecast and Level of Service 40

ACCESS / INTERNAL CIRCULATION **41**
Level of Service 41
Queue Length 41
Driveway Throat Depth 42
Right Turns at Driveways 43
Truck Access/Circulation 43
Drive-Thru Queuing 44

APPENDIX **45**

KDA

TRAFFIC IMPACT ANALYSIS FOR
McDONALD'S / AM-PM
Los Banos, CA

INTRODUCTION

This report summarizes **KDAnderson & Associates'** analysis of the potential traffic impacts associated with development of a McDonald's Restaurant and AM-PM convenience market / gasoline sales proposed along SR 152 (Pacheco Blvd) at the Badger Flat Road intersection in western Los Banos. The project will replace an existing restaurant that is located on the south side of SR 152 near West I Street. Figure 1 identifies the project's location of the Stonecreek North Commercial Area within the larger Stonecreek North Area Plan. Figure 2 is the project site plan.

Study Scope

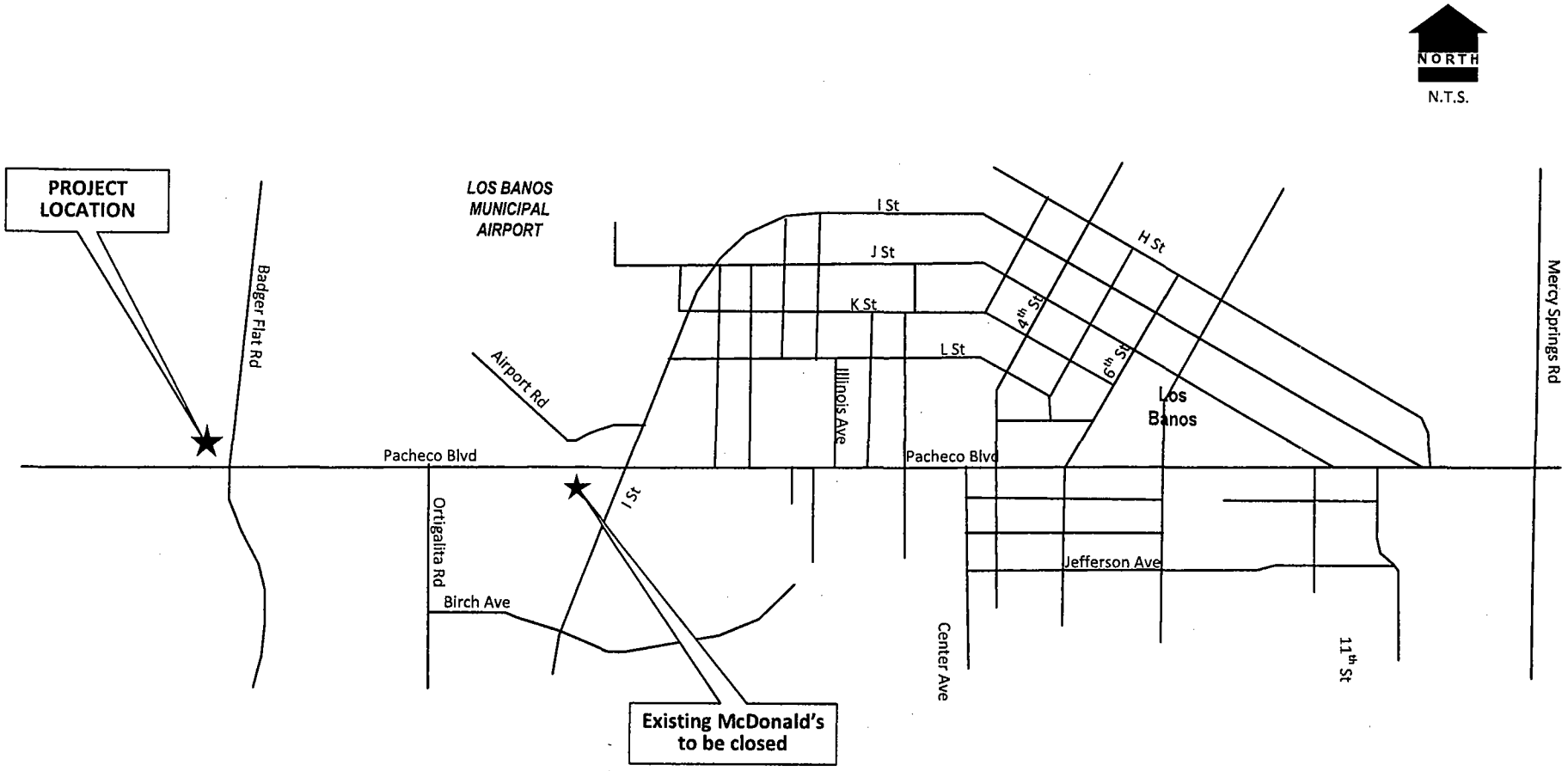
The purpose of this analysis is to identify potential project specific and cumulative traffic impacts that could accompany implementation of the project. The analysis includes an evaluation of existing circulation conditions in the area based on recent data. Project impacts have been evaluated within the context of existing background traffic and under a short-term "Existing Plus Approved Projects" scenario that assumes other approved but as yet unconstructed projects. To assess traffic impacts, the characteristics of the proposed project have been determined, including estimated trip generation, and the directional distribution / assignment of the project traffic. "Existing Plus Project" and "Existing Plus Approved Projects Plus McDonald's & AM-PM" conditions were then evaluated.

To address cumulative impacts this study considers long term conditions occurring in year 2030 under the City of Los Banos General Plan. The City of Los Banos General Plan envisions the development of a SR 152 Los Banos Bypass and this improvement is reasonably certain by 2030. The cumulative analysis is based on the results of the City's Transportation Master Plan (TMP) travel demand forecasting model.

The study area includes one adjoining intersection and the project's proposed access points onto SR 152 and onto Badger Flat Road. The existing study intersection is:

1. Pacheco Blvd (SR 152) / Badger Flat Road

Traffic operations were also considered on key segments of the streets providing access to the project, including Pacheco Blvd (SR 152), Badger Flat and Ingomar Grade Road.

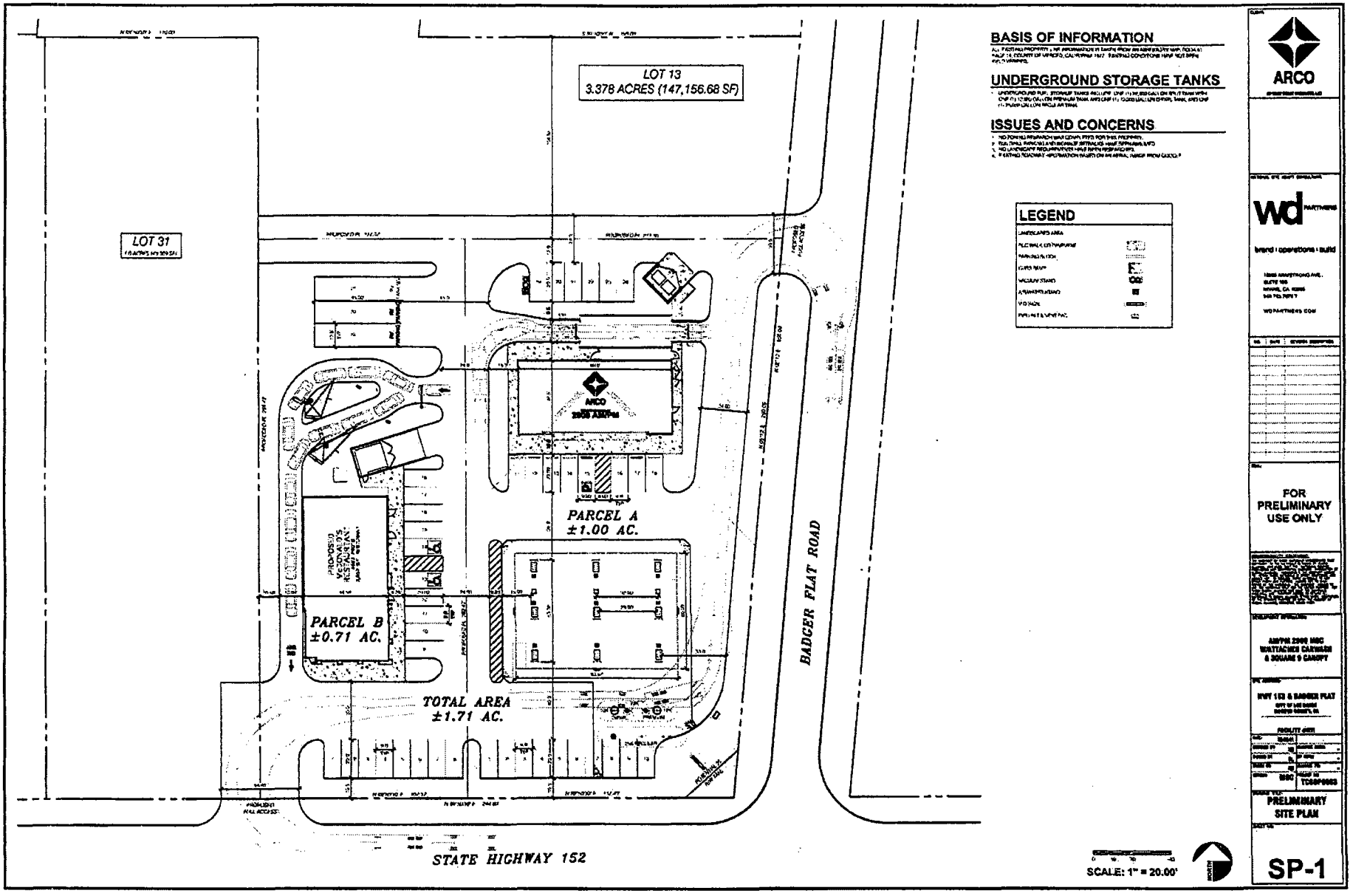


KD Anderson & Associates, Inc.
Transportation Engineers

1253-05.VSD 5/16/2011

VICINITY MAP

figure 1



KD Anderson & Associates, Inc.
Transportation Engineers

1253-05.VSD 5/16/2011

SITE PLAN

figure 2

EXISTING SETTING

Existing Street System

Regional access to Los Banos is provided by State Route 152 (Pacheco Boulevard) and State Route 165 (Mercey Springs Road) and to a lesser extent by Pioneer Road and Ingomar Grade Road. Primary local access to the McDonald's / AM-PM project will be via new driveways on SR 152 and on Badger Flat Road.

The text that follows describes these existing and proposed facilities. Functionally, the Los Banos General Plan Circulation Element classifies study area streets as Arterials, Collectors or Local Streets.

Two state highways serve Los Banos:

Pacheco Boulevard (SR 152). SR 152 is a major roadway providing important east/west circulation through Los Banos. This highway also provides regional access to the community, as the highway extends from an intersection with Highway 1 in Watsonville on the Pacific Coast easterly to an interchange on Highway 99 near Chowchilla. In between, the highway connects Los Banos residents with Interstate 5, which lies about 6 miles west of the City. Through Los Banos, Pacheco Boulevard is a four lane Arterial street controlled by traffic signals at major intersections. In the area west and east of Los Banos, SR 152 becomes a divided four-lane expressway with limited access. The most recent daily traffic counts reported by Caltrans (2009) indicate that SR 152 carried an *Annual Average Daily Traffic (AADT)* volume of 28,000 to 33,500 vehicles per day through the City, with the volume west of Ortigalita Road near the project dropping to 22,700 AADT.

Mercey Springs Road (SR 165). SR 165 is an Arterial road providing north/south circulation to the eastern portion of Los Banos. The highway also provides regional access to the north to SR 99 and the City of Turlock and to the south to an interchange on Interstate 5.

The study area includes important city streets:

Badger Flat Road is a north-south Arterial street that intersects SR 152 in western Los Banos. Today Badger Flat Road extends northerly from the Stonecreek South Master Plan area across SR 152 along the west side of the Los Banos Airport to Ingomar Grade Road. The southern portion of Badger Flat Road has been improved to a four lane street, but the portion north of SR 152 has not yet been widened beyond its two lane width. The Los Banos General Plan and the Stonecreek South Master Plan anticipate that Badger Flat Road will be extended southerly to Pioneer Road. The General Plan notes that Badger Flat Road is also to be widened to a 4 lane road north of Pacheco Blvd to Ingomar Grade Road. Daily traffic counts conducted for this study in October 2010 indicated that Badger Flat Road carried 7,750 ADT between SR 152 and Ingomar Grade Road.

KDA

Ingomar Grade Road is an east-west arterial that links Los Banos (H Street) with the Merced County communities of Volta and Santa Nella to the west. Ingomar Grade Road also links the northern Los Banos area with SR 152 via Badger Flat Road. Ingomar Grade Road is a two lane rural road with shoulders of varying width. New traffic counts made for this study in October 2010 reported 4,975 ADT on Ingomar Grade Road west of the Badger Flat Road intersection, with this volume increasing to 8,650 ADT between Badger Flat Road and Overland Avenue and 4,950 ADT east of the Overland Avenue intersection.

Existing Study Intersections

The geometric configuration and traffic controls at study intersections are discussed in the text which follows.

The **Pacheco Blvd (SR 152) / Badger Flat Road** intersection is controlled by an actuated traffic signal. The intersection features left turn lanes on the SR 152 approaches, and an eastbound right turn lane exists on the state highway as well. The northbound Badger Flat Road approach includes separate left turn, through and right turn lanes (three approach lanes), but the southbound approach is a single lane. The width of the intersection's departure lanes are too narrow to u-turns in the northbound to southbound, southbound to northbound, eastbound to westbound directions. Overhead utility lines run along the north side of SR 152 and along the west side of Badger Flat Road.

Transit Service

Merced County Transit (MCT) operates both regularly scheduled Fixed Route and Dial-A-Ride (door-to-door) transit services throughout all of Merced County. Transportation centers include the park-n-ride lot, the Greyhound Bus Station and the Los Banos Airport. The transit service, called "The Bus" operates 15 route lines and demand response services with two fixed city routes as well as a connector route to the City of Merced. The Bus offers service within the City of Los Banos via five routes. One route (Route 14) passes the project site on SR 152 on its way to Merced College.

The Bus service generally runs from Monday through Friday, 7 a.m. to 6 p.m. and on Saturday from 9:30 a.m. to 5:30 p.m. There is no service on Sunday. The frequency between buses during both peak and off-peak hours of operation is 30 minutes. The MCT equipped all fixed route transit buses with bike racks that provide bicycle riders with greater transit access and connectivity. Many of the outlying residential areas are not served by transit.

Pedestrian / Bicycle Facilities

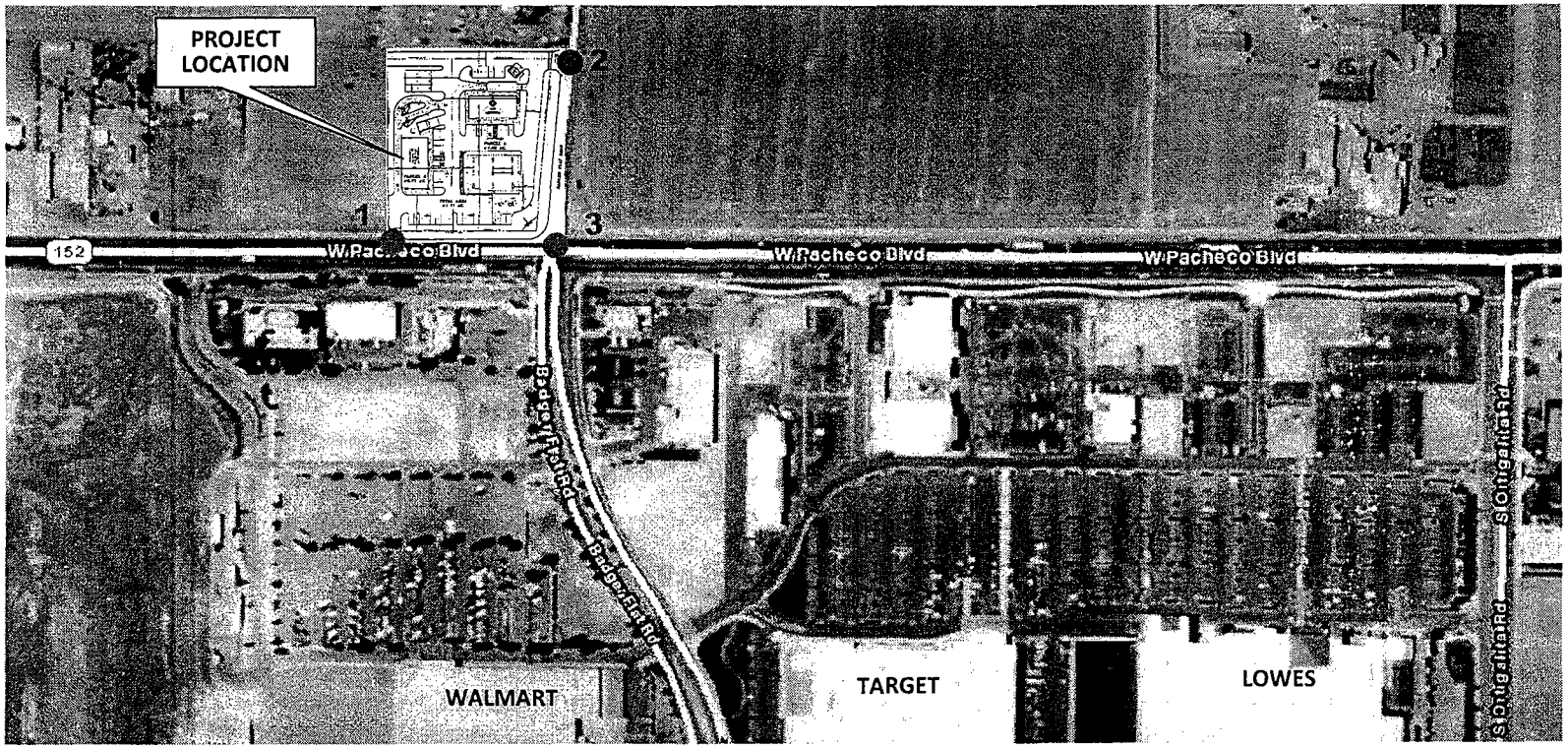
Today pedestrian and bicycle facilities are limited on the roads abutting the McDonald's / AM-PM project. South of SR 152, sidewalks exist in the newly developed residential areas. Sidewalk has been installed along SR 152 where commercial development has proceeded. However, there are no sidewalks along the north side of SR 152 or along Badger Flat Road.

There are three Bikeway classifications in Los Banos. A "Class I" bikeway, also referred to as a bike path or multi-use trail, is a right-of-way that is completely separated from any street. A "Class II" bikeway, or bike lane, is a one-way, striped, and signed lane on a street or highway. A "Class III" bike route shares the road with pedestrians and motor vehicle traffic and is marked only by signs.

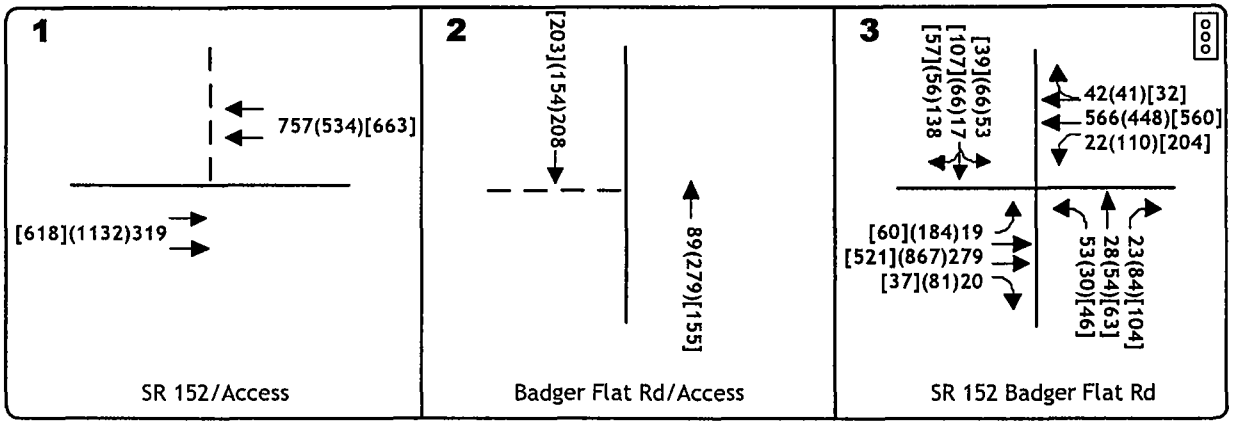
In Los Banos, existing and planned bikeways and bike parking facilities are identified in the Regional Bike Plan 2006. The General Plan also contains the goals and policies for providing bicycle facilities in Los Banos. The General Plan identifies 7 miles of existing bikeways and 65 miles of proposed bikeways in Los Banos. There are no existing bicycle lanes or paths in the immediate vicinity of the McDonald's / AM-PM project, and the closest lanes are on Ortigalita Road and West I Street east of the project. The City's plan indicates that bicycle lanes are planned on SR 152, Badger Flat Road and Ingomar Grade Road east of Badger Flat Road.

Existing Traffic Volumes

To quantify existing traffic conditions, weekday a.m. and p.m. peak hour and Saturday midday intersection turning movement counts were assembled for study intersections. Traffic counts presented in the Walmart Expansion DEIR (2010) were re-used. These peak hours were selected as being representative of "Worst Case" background traffic conditions, based on review of daily traffic counts in the City of Los Banos and based on the highest hour of project trip generation. Figure 3 displays the weekday a.m. and p.m. peak hour and midday Saturday counts at the study intersection.



NORTH
N.T.S.



KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 3

Level of Service Calculation

To quantitatively evaluate traffic conditions and to provide a basis for comparison of operating conditions with and without project generated traffic, "Levels of Service" were determined at study area intersections.

"Level-of-Service" (LOS) is a quantitative measure of traffic operating conditions whereby a letter grade "A" through "F" is assigned to an intersection. LOS "A" through "F" represents progressively worsening traffic conditions. The characteristics associated with the various LOS for intersections are presented in Table 1. LOS "E" and "F" are associated with severe congestion and delay and are unacceptable to most motorists.

TABLE 1
LEVEL OF SERVICE DEFINITIONS

Level of Service	Signalized Intersection	Unsignalized Intersection	Roadway (Daily)
"A"	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10.0 sec	Little or no delay. Delay ≤ 10 sec/veh	Completely free flow.
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh	Free flow, presence of other vehicles noticeable.
"C"	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh	Ability to maneuver and select operating speed affected.
"D"	Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 55.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh	Unstable flow, speeds and ability to maneuver restricted.
"E"	Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 55.0 sec and ≤ 80.0 sec	Very long traffic delays, failure, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh	At or near capacity, flow quite unstable.
"F"	Total breakdown, stop-and-go operation. Delay > 80.0 sec	Intersection blocked by external causes. Delay > 50 sec/veh	Forced flow, breakdown.
Sources: 2000 Highway Capacity Manual.			

KDA

Levels of Service were calculated for different intersection control types and roadway segments using the respective methods in the following sources.

- **Signalized and Unsignalized Intersections.** 2000 Highway Capacity Manual (HCM) using SYNCHRO software routine

- **Roadway Segments.** Daily traffic volume thresholds presented in the City of Los Banos General Plan Update, and Merced County General Plan Update 2007 Background Report

In addition, another measure of performance not directly related to formal Level of Service has been employed:

- **Individual Segments of City Streets.** Daily traffic volume thresholds as defined in the City of Los Banos Improvement Standards

Level of Service Thresholds for Segments. The City of Los Banos General Plan presents daily traffic volume for various Levels of Service on Arterial streets, as shown in Table 2.

TABLE 2
DAILY TRAFFIC LEVEL OF SERVICE THRESHOLDS

		Daily Traffic Volume				
		A	B	C	D	E
Description	**Lanes**	**<0.60**	**0.6-0.7**	**0.7-0.8**	**0.8-0.9**	**<1.00**
Rural Highway	4	21,500	25,000	28,500	32,500	N/A
Major Arterial	6	26,000	30,000	34,500	39,000	43,000
Major Arterial	4	17,500	20,000	23,000	26,000	28,500
Minor Arterial	4	15,000	17,500	20,000	22,500	25,000
Minor Arterial	2	7,500	8,500	10,000	11,500	12,500
Collector	2	6,500	7,500	8,500	9,500	10,500
Source: City of Los Banos General Plan EIR						

Local / Collector Street Segments. The City of Los Banos Improvement Standards suggest approximate daily traffic volume thresholds that are theoretically associated with satisfactory traffic operations. These thresholds are presented in Table 3.

TABLE 3
CITY OF LOS BANOS STREET STANDARDS

Street Classification	Width		Standard Configuration	Design Speed (in MPH)	Daily Traffic Volume Range	
	ROW	Pavement				
Private Residential			2 lanes	25	0	500
Local Residential	52	32	2 lanes	30	0	4,000
Minor Collector	60	40	2 lanes with parking	35	500	4,000
Minor Collector	60	34	2 lanes without parking	35	500	4,000
Major Collector	72	56	2 lanes with left turn lanes and parking	40	4,000	7,500
Major Collector	80	50	2 lanes without parking with walls	40	4,000	7,500
Industrial (local)	66	48	2 lanes	40	0	14,000
Minor Arterial	84	62	4 lanes no parking	50	7,500	---
Minor Arterial	100	62	4 lanes with no parking and walls	50	7,500	---
Major Arterial	106	80	4 lanes w/ left turn lane / median and no parking	55	---	25,000
Major Arterial	122	80	4 lanes with no parking with walls	55	---	25,000

Left Turn lanes on Rural Roads. The extent to which left turn lanes are needed on rural roads can be established using the guidelines employed by Caltrans District 10. The American Association of State Transportation and Highway Officials (AASHTO) has identified guidelines for the installation of left turn lanes in their publication *A Policy on Geometric Design of Highways and Streets*. These guidelines, which are presented in their Exhibit 9-75 bases the need for a left turn lane on the volume of traffic on the mainline road and the relative percentage of that traffic that turns left.

KDA

TABLE 4
AASHTO LEFT TURN LANE GUIDELINES

Opposing Volume (veh/h)	Advancing Volume4 (veh/h)			
	5% Left Turns	10% Left Turns	20% Left Turns	30% Left Turns
40-mph operating speed				
800	330	240	180	160
600	410	305	225	200
400	510	380	275	245
200	640	470	350	305
100	720	515	390	340
50-mph operating speed				
800	280	210	165	135
600	350	260	195	170
400	430	320	240	210
200	550	400	300	270
100	615	445	335	295
60-mph operating speed				
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240
Source: Exhibit 9-75 Guide for Left-Turn Lanes on Two-lane Highways				

Daily Traffic Volumes

Existing Levels of Service and the ability of existing roads to meet General Plan Levels of Service standards based on daily traffic volume thresholds has been reviewed using current daily traffic volumes on individual segments of study area streets. These volumes and the current Level of Service based on applicable daily traffic volume threshold identified for each street are presented in Table 5.

As indicated, the daily volume of traffic on SR 152 near the project west of Ortigalita Road is indicative of LOS C conditions for a 4 lane Arterial Street based on the City's General Plan volume thresholds. Currently, SR 152 carries up to 22,700 ADT, which is within the LOS C threshold of 23,000.

The volume of traffic on Badger Flat Road is much lower and is also indicative of LOS C or better conditions.

TABLE 5
EXISTING DAILY TRAFFIC VOLUMES AND LEVELS OF SERVICE

Road / Location	Class	Lanes	Existing	
			Volume	LOS
State Highways				
SR 152 (Pacheco Blvd)				
Merced College to Badger Flat Road	Rural Highway	4	22,700	B
Badger Flat Road to Ortigalita Road	Rural Highway	4	22,700	B
City Streets / County Roads				
Badger Flat Road				
SR 152 to Ingomar Grade Road	Minor Arterial	2	7,750	B

Bold values indicate condition in excess of the City's LOS C minimum
* Source: 2006 volume Merced County GPU Background Report

Current Peak Hour Traffic Conditions at Intersections

Levels of Service (LOS) were calculated at existing study intersections (Refer to Appendix for calculation worksheets) under "Existing" conditions. Current LOS at the study intersections are presented on Table 6. As shown, the signalized SR 152 / Badger Flat Road intersection currently operate within the Caltrans LOS C minimum standard and the City of Los Banos LOS D minimum standard.

The significance of Levels of Service at unsignalized intersections is also determined based on the extent to which existing or projected traffic volumes satisfy traffic signal warrant requirements. The volume of traffic at the planned unsignalized access intersections will be reviewed to determine whether either satisfies peak hour warrant requirements.

TABLE 6
EXISTING PEAK HOUR INTERSECTION LEVELS OF SERVICE

Location	Control	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
		Average Delay (sec / veh)	LOS	Average Delay (sec / veh)	LOS	Average Delay (sec / veh)	LOS
5. SR 152 / Badger Flat Road	Signal	16	B	23	C	33	C

Level of Service at unsignalized intersections is indicative of "worst case" conditions on side street approach

Bold values indicate conditions in excess of the City's LOS D minimum or Caltrans' minimum LOS C

KDA

STANDARDS OF SIGNIFICANCE

Regulatory Framework

The text which follows summarizes the circulation policies which govern the study area.

State

California Department of Transportation

In its ***Guide for the Preparation of Traffic Impact Studies***, Caltrans establishes an operational objective of the transition from LOS C to LOS D. In instances where a facility is operating below LOS C, Caltrans seeks to maintain the existing measure of effectiveness.

Caltrans plans / polices for its state highways are also presented in the **SR 152 Transportation Concept Report (SR 152 TCR)** and the **State Route 165 Transportation Concept Report. (SR 165 TCR).** The concept LOS on SR 152 for the 20-year planning horizon is "D" from Santa Clara-Merced County line (PM 0.00) to Santa Fe Grade (PM R24.00). This includes the area of the City of Los Banos. The concept LOS is "C" on SR 152 from Santa Fe Grade to SR-59 (PM 40.95) Merced-Madera County line.

The 20 year concept LOS for that portion of SR 165 south of Overland Avenue is LOS D. The 20 year concept LOS for the segment from Overland Avenue north to SR 152 is LOS D on a five lane conventional highway. The 20 year concept LOS for the area north of SR 152 to Henry Miller Road is LOS D on a five lane conventional highway.

In November 2003, the MCAG, the City of Los Banos, and Caltrans District 10 prepared, in a cooperative effort, **Los Banos Access Management Plan (LBAMP).** This Plan lays out land-use and transportation strategies that control the flow of traffic along SR-152 and SR-165. The LBAMP provides a foundation for local development and Caltrans through the Intergovernmental Review (IGR) and permit processes.

Local

Merced County Association of Governments

The **2011 Regional Transportation Plan (RTP)** for Merced County is a federally mandated, long-range transportation plan for the six incorporated cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced. The RTP specifies the policies, projects, and programs necessary over a 20-plus year period to maintain, manage, and improve the region's transportation systems. It establishes goals and objectives for the future system. It identifies the actions necessary to achieve these goals and describes a funding strategy and options for implementing the actions. The RTP is updated every 3 years. The present 2011 update concerns the period from 2011 to 2035.

To coordinate local planning efforts with other regional, state, and federal agencies, and to monitor and respond to policies that will affect the development and implementation of the RTP, the Merced County Association of Governments prioritizes transportation projects in a Regional Transportation Improvement Program for federal and state funding. The process is based on each project for need, feasibility, and adherence to federal transportation policies.

The RTP's Regional Road Network includes SR 152, SR 165, the Los Banos Bypass and Henry Miler Avenue north of Los Banos. The Los Banos Bypass is identified as a Tier 1 project in the RTP. Initial work for widening SR 165 through Los Banos is an unfunded Tier 2 project.

MCAG also administers the Regional Transportation Impact Fee (RTIF) program. A portion of the cost of the Los Banos Bypass will be funded through the RTIF.

Merced County

The Merced County General Plan notes that Merced County is directly responsible for the construction and maintenance of all roads in the county except for those within the six incorporated cities (Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced), Interstate Highways, and State Routes. The California Department of Transportation (Caltrans) is responsible for all State Routes and Interstates

LOS "C" has been identified in Merced County as the acceptable peak period level-of-service for roadways located within rural areas of the County. LOS "D" has been identified in Merced County to be the acceptable peak period level-of-service for roadways located within HICs, SUDPs of unincorporated areas and RRCs. The acceptable level-of-service for roadways within the SUDP of an incorporated city shall be as stipulated in the Circulation Chapter of the respective city general plan.

Level-of-service should not be the only consideration when deciding what improvements are necessary to mitigate impacts of growth. Each situation should be examined on its own merits. If improving the level-of-service for a minor component of the circulation system (such as a left turn movement from a local roadway), then the poor level-of-service for the minor component should be tolerated. Low volume movements at an intersection that may experience LOS "E" or worse should be considered to be acceptable if a high-volume through movement would be significantly compromised in the process of correcting the poor level-of-service of the minor low-volume movement. If a level-of-service worse than "E" occurs on a low volume movement of a high volume intersection, consideration should be given to restricting that movement from occurring. An example of such a restriction would be to construct a physical barrier, such as a raised center median, to eliminate turning movements or crossing maneuvers at an intersection.

The County is also concerned about maintaining future road rights-of-way free from the development of structures. The construction of buildings and other miscellaneous structures can increase the actual costs of purchasing the right-of-way in the future. It can also cause a major disruption in the operations of on-site activities, i.e., building relocation. Therefore, it is important to ensure new development is properly located outside road rights-of-way.

City of Los Banos

General Plan

The General Plan establishes the following guiding policies and implementing actions associated with transportation that are applicable to the proposed project:

- **Guiding Policy C-G-1:** Promote safe and efficient vehicular circulation.
- **Guiding Policy C-G-2:** Provide a wide variety of transportation alternatives and modes to serve all residents and businesses to enhance the quality of life.
- **Guiding Policy C-G-3:** Make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks and employment centers and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy.
- **Guiding Policy C-G-4:** Protect neighborhoods by discouraging through-traffic on local streets.
- **Guiding Policy C-G-5:** Improve the scenic character of transportation corridors in the city.
- **Guiding Policy C-G-6:** Maintain acceptable levels of service (LOS) C at street segments and LOS D at intersections and ensure that future development and the circulation system are in balance.
- **Guiding Policy C-G-7:** Continue to pursue creative sources of funding for transportation improvements.
- **Guiding Policy C-G-8:** Ensure that new development pays its proportionate share of the costs of transportation facilities.
- **Implementing Action C-I-3:** Require all new developments to provide right-of-way and improvements consistent with the General Plan street designations and City cross-street section standards.
- **Implementing Action C-I-5:** Develop a multi-modal transit system map integrating bicycle, public transportation, pedestrian and vehicle linkages within the city to ensure circulation gaps are being met.
- **Implementing Action C-I-10:** Develop and manage the roadway system to obtain segments at LOS C and intersections at LOS D or better for two hour peak periods (AM and PM.) on all major roadways and intersections in Los Banos. This policy does not extend to residential streets (i.e., streets with direct driveway access to homes) or state highways and their intersections, where Caltrans policies apply. Exceptions to LOS D policy may be allowed by the City Council in areas, such as Downtown, where allowing a lower LOS would result in clear public benefits.

- **Implementing Action C-I-12:** Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips).
- **Implementing Action C-I-14:** Continue to require that new development pays a proportionate share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels, consistent with State laws.
- **Guiding Policy C-G-9:** Promote the use of public transit for daily trips to schools, work and doctors appointments.
- **Implementing Action C-I-16:** Work with Merced County Transit to situate transit stops and hubs at locations that are convenient for transit users, and promote increased transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities.
- **Implementing Action C-I-17:** Ensure that new development is designed to make transit a viable choice for residents. Design options include:

  -- Have neighborhood focal points with sheltered bus stops;
  -- Locate medium-high density development whenever feasible near streets served by transit; and
  -- Link neighborhoods to bus stops by continuous sidewalks or pedestrian paths.
- **Guiding Policy C-G-11:** Promote bicycling and walking as alternatives to the automobile.
- **Implementing Action C-I-23:** Promote the requirement of bicycle facilities at large commercial and industrial employer sites.
- **Implementing Action C-I-24:** Develop a series of continuous walkways within new office parks, commercial districts, and residential neighborhoods so they connect to one another.
- **Implementing Action C-I-26:** Establish specific standards for pedestrian facilities to be accessible to physically disabled persons, and ensure that roadway improvement projects address mobility or accessibility for bicyclists or pedestrians.
- **Guiding Policy C-G-12:** Foster practical parking solutions.
- **Implementing Action C-I-33:** Designate truck and tractor vehicle overnight parking at key freeway-oriented locations to avoid truck parking in residential neighborhoods.
- **Guiding Policy C-G-15:** Improve commercial goods movement.

PROJECT CHARACTERISTICS

The characteristics of the project with regards to trip generation and distribution are discussed in this report section.

Trip Generation

Approach. To quantify the amount of vehicular traffic generated by the project, daily and a.m. / p.m. / Saturday peak hour trip generation rates presented in the Institute of Transportation Engineers (ITE) publication Trip Generation, 8th Edition, were employed. These rates are presented in Table 7.

The project contains two commercial uses which may attract the same customers. Thus, it is likely that some patrons of the AM-PM will also visit the McDonald's, and visa versa. However, there is little published data to quantify the actual relationship between complimentary highway commercial uses. The Caltrans Traffic Impact Study Guidelines permit the assumption that 5% of the trips generated by any mixed use project will remain internal, and this assumption has been made of this analysis.

The ITE Trip Generation Handbook, 2nd Edition includes data regarding the share of traffic drawn to commercial land use from the stream of traffic passing the project site. in the case of gasoline stations and fast food restaurants, roughly half of the external trips are expected to come from traffic already on adjoining roads.

TABLE 7
TRIP GENERATION RATES

ITE Code	Description	Unit	Trips per Unit									
			Daily	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
934	Fast Food with Drive Thru window	ksf	496.12	25.17	24.18	49.35	17.60	16.24	33.84	30.29	29.10	59.39
	Pass by	50%	248.06	12.59	12.09	24.68	8.80	8.12	16.92	15.15	14.55	29.70
	Net		248.06	12.58	12.09	24.67	8.80	8.12	16.92	15.14	14.55	29.69
944	Gasoline Sales	Position	168.56	6.20	5.96	12.16	6.94	6.93	13.87	10.10	10.11	20.21
	Pass By	50%	84.28	3.10	2.98	6.08	3.47	2.47	6.97	5.05	5.05	10.10
			84.28	3.10	2.98	6.08	3.47	3.47	6.94	5.05	5.06	10.11

As noted in Table 8, the project is projected to generate 2,334 new trips on a daily basis, with 421 new trips in the weekday a.m. peak hour, 181 trips in the weekday evening peak hour and 282 new trips generated during the highest volume hour on Saturday.

KDA

TABLE 8
TRIP GENERATION ESTIMATES

ITE Code	Description	Quantity	Trips									
			Daily	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
934	Fast Food with Drive Thru window	3.9 Ksf	1,935	98	94	192	69	63	132	118	113	231
944	Gasoline sales	18 positions	3,034	112	107	219	125	125	250	182	182	364
	Total Gross		4,969	210	211	421	194	188	382	300	295	595
	Internal	5%	248	11	11	22	10	9	19	15	15	30
	External		4,721	199	200	399	184	179	363	285	280	565
	Pass by from External		2,360	100	100	200	92	90	182	143	140	183
	Total New Trips		**2,334**	**99**	**100**	**199**	**92**	**89**	**181**	**142**	**140**	**282**

Trip Distribution and Assignment

The distribution of project trips will reflect the project's location along a major regional highway at the far western end of the City of Los Banos. As noted in the discussion of trip generation, roughly half of the project's external trips will be drawn from traffic already passing the site on SR 152 and on Badger Flat Road. The pass-by trip allocation noted in Table 9 was assumed based on the relative volume of traffic on each road but recognizing that motorists more frequently businesses that can be accessed by making right turns.

TABLE 9
PASS-BY TRIP DISTRIBUTION

Direction	Percent of Total pass-by traffic
Northbound on Badger Flat Road	10%
Southbound on Badger Flat Road	12%
Eastbound on SR 152	35%
Westbound on SR 152	43%
Total	100%

KDA

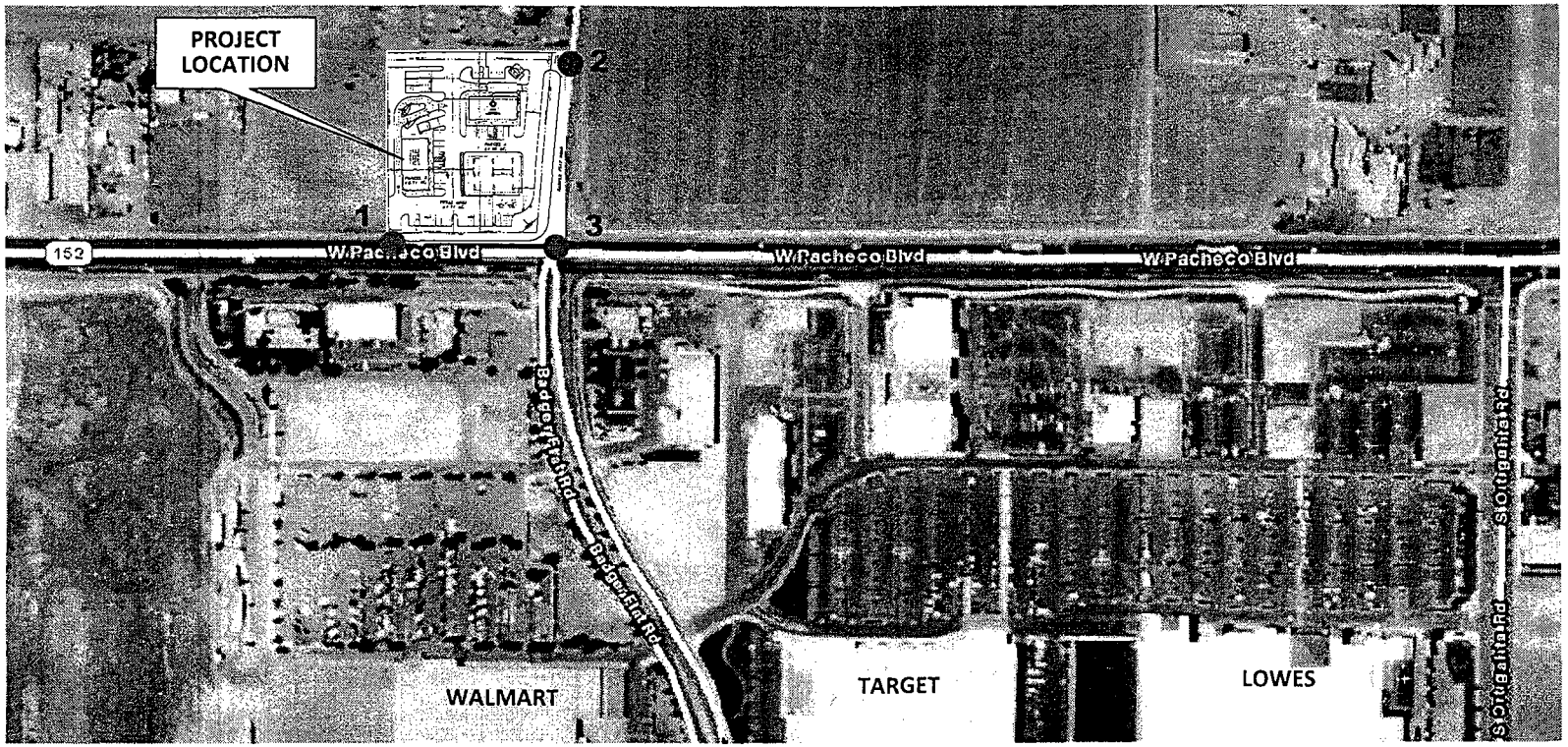
For this analysis, the new trip distribution was based on the project's location at the west end of Los Banos. As presented in Table 10, this analysis assumes that 75% of the new external trips generated by the project will be drawn from Los Banos using SR 152 east of the site, while 10% will be drawn from the north and south on Badger Flat Road. Because relatively little developed land use lies west of the site, the share of new trips arriving from that direction is low.

TABLE 10
DIRECTIONAL NEW TRIP DISTRIBUTION

Direction	Route	Percentage of New Trips
North	Badger Flat Road to Ingomar Grade Road	10%-
South	Badger Flat Road	5%
East	SR 152 east of Badger Flat Road	75%
West	SR 152 west of project	10%
Total		**100%**

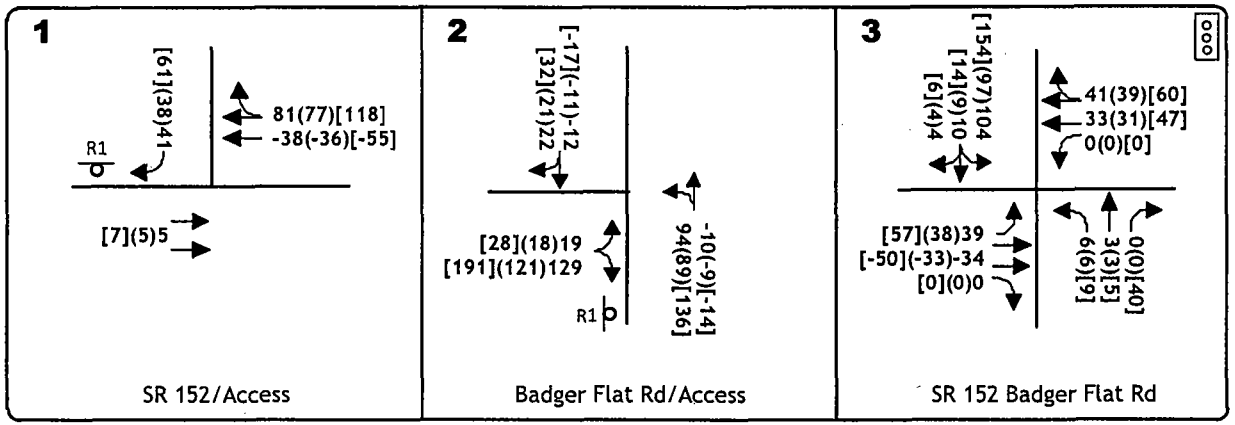
Traffic Volumes Generated by the Project

Using the trip generation and distribution assumptions described above, the trips generated by the proposed project were assigned to the study area street system. Figure 4 presents peak hour volumes accompanying development of the project.



NORTH

N.T.S.



Legend

XX	AM Peak Hour Volume
(XX)	PM Peak Hour Volume
[XX]	Saturday Peak Hour Volume
	Signal
R1	Stop Sign

KD Anderson & Associates, Inc.
Transportation Engineers

PROJECT ONLY TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 4

EXISTING PLUS McDONALD'S / AM-PM PROJECT CONDITIONS

Traffic Volume Forecasts

Project trips were superimposed onto current background traffic volumes to create the "Existing Plus Project" traffic peak hour volumes presented in Figure 5.

Existing Plus Project Intersection Levels of Service

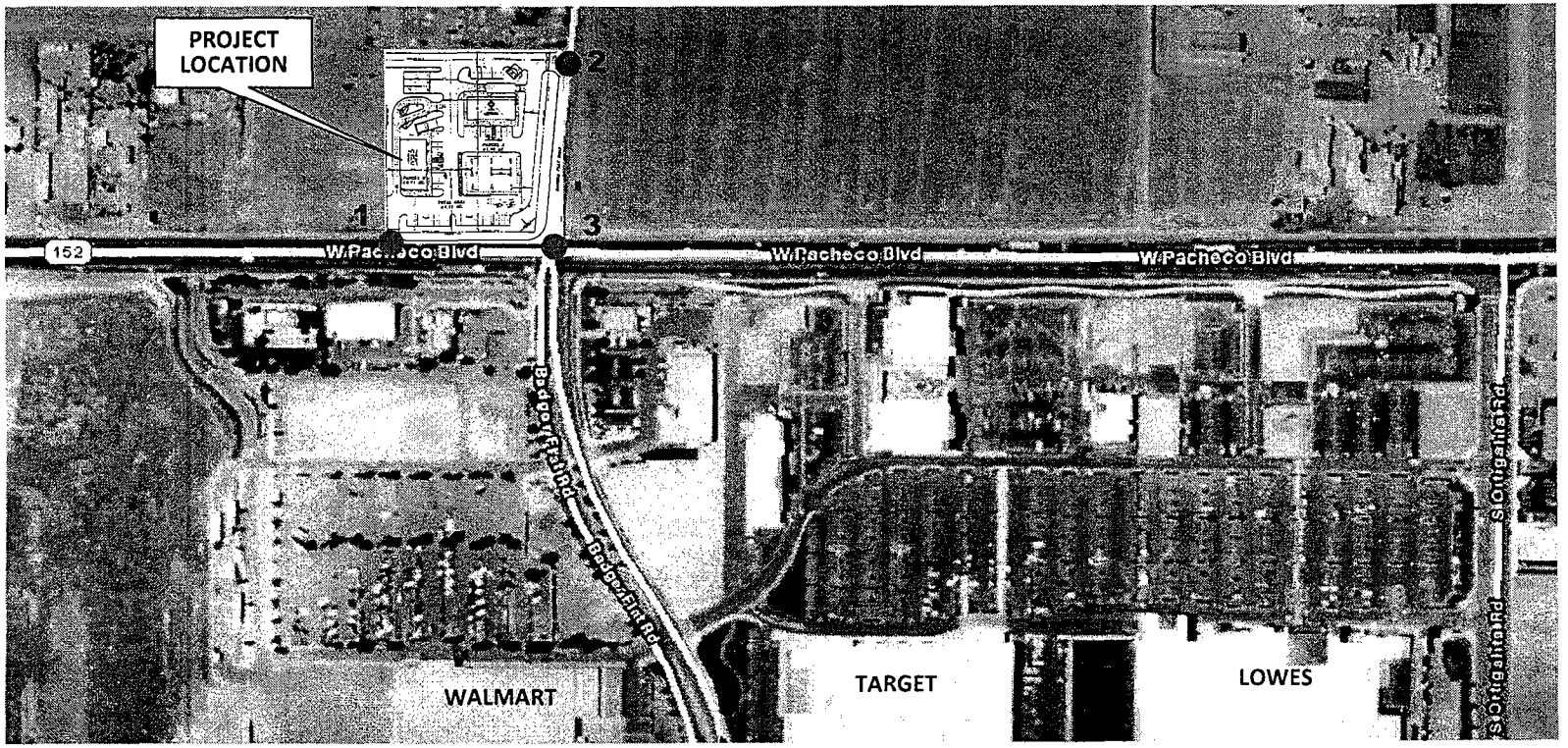
Table 11 summarizes the results of Level of Service calculations for study intersections under "Existing Plus Project" conditions. As noted, all three study intersections will operate at LOS C or better, and Caltrans minimum LOS C goal will be met.

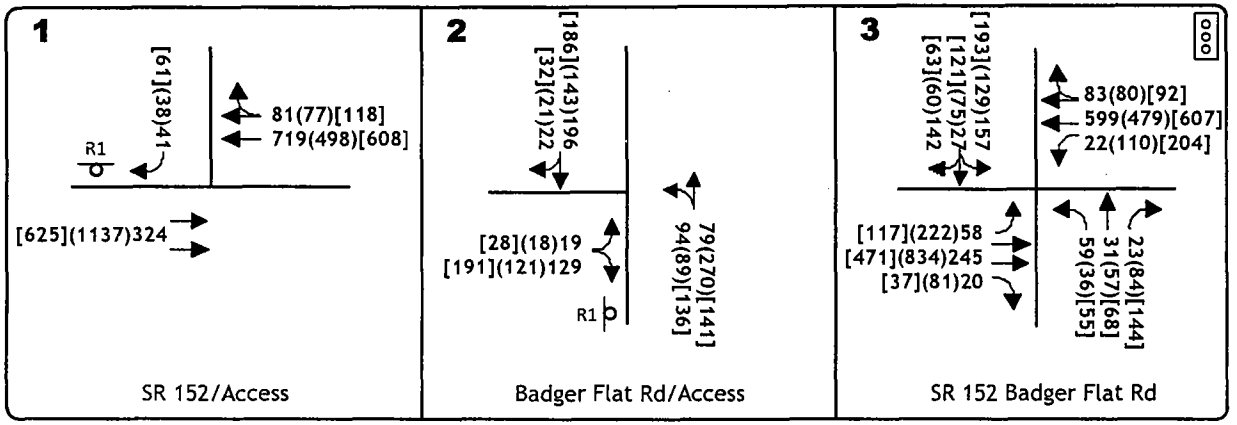
Existing Plus Project Roadway Segment Levels of Service

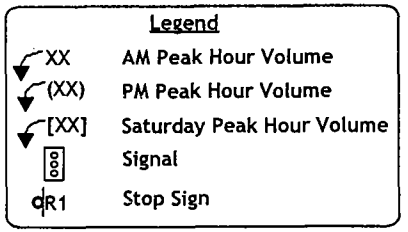
Table 12 identifies the daily traffic volume associated with the project and the resulting total volume occurring on study area roads under "Existing Plus Project" conditions. The table also notes the resulting Level of Service based on the thresholds presented in the Los Banos General Plan and Merced County standard. Based on City General Plan policy C-G-6, the minimum Level of Service on street segments in LOS Banos is LOS C. LOS C is also the minimum on Merced County roads west of the site.

As shown, development of the McDonald's / AM-PM project would add traffic to Badger Flat Road along the project frontage, and resulting traffic volumes would exceed the daily traffic volume thresholds associated with the City's minimum LOS C standard. The volume on all other roadways would remain within adopted minimum standards.

Meeting the City's minimum LOS C standard would require one of two improvement options. The first option would require widening Badger Flat Road to a 4 lane section (i.e., 2 through lanes in each direction. A 4 lane section would deliver LOS A, but would require improvements to the east side of Badger Flat Road where right of way may not yet be available. The second option would be to improve the SR 152 / Badger Flat Road intersection to permit eastbound to westbound u-turns. This work would involve widening the north side of SR 162 west of the intersection, and accommodating u-turns would result in a total daily traffic volume that was below the 10,000 ADT LOS threshold.







KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS PROJECT
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 5

TABLE 11
EXISTING PLUS PROJECT PEAK HOUR INTERSECTION LEVELS OF SERVICE

Location	Control	AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
		Existing		Existing Plus Project		Existing		Existing Plus Project		Existing		Existing Plus Project	
		Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
1. SR 152/Project Access	SB Stop												
SB right turn		-	-	10	B	-	-	10	B	-	-	10	B
2. SR 152/Badger Flat Rd	Signal	16	B	19	B	23	C	21	C	33	C	31	C
3. Badger Flat Rd/Access	EB Stop												
NB left turn				5	A			2	A			4	A
EB left+right turn				11	B			11	B			13	B

Level of Service at unsignalized intersections is indicative of "worst case" conditions on side street approach
Bold values exceed the adopted minimum LOS. Highlighted values are a significant impact.

KDA

TABLE 12
EXISTING PLUS PROJECT DAILY TRAFFIC VOLUMES AND LEVELS OF SERVICE

Road / Location	Class	Lanes	Existing		Existing Plus Project		
					Volume		
			Volume	LOS	Project Only	Total	LOS
State Highways							
SR 152 (Pacheco Blvd)							
Volta Road to site access	Rural Expressway	4	22,700	B	120	22,820	B
Site access to Badger Flat Road	Rural Highway	4	22,700	B	2,310	25,010	C
Badger Flat Road to Ortigalita Road	Rural Highway	4	22,700	B	1,770	24,470	C
City / County Streets							
Badger Flat Road							
SR 152 to access	Minor Arterial	2	7,750	B	2,475	**10,225**	**D**
Access to Ingomar Grade Road	Minor Arterial	2	7,750	B	240	7,990	B

Bold values exceed the adopted minimum LOS. **Highlighted** values are a significant impact

KDA

Impact 1: Development of the project will result in daily traffic volumes on Badger Flat Road along the project frontage which exceed the City of Los Banos' minimum LOS C threshold. This is a significant impact.

Mitigation 1: Development in the McDonald's AM-PM project will implement one of two mitigations.

A. Widen the portion of Badger Flat Road from SR 152 to the site access to a 4 lane Minor Arterial standard, or

B. Modify the SR 152 / Badger Flat Road intersection to accommodate eastbound to westbound u-turns.

With either option resulting conditions will be within the City's LOS C threshold and this impact is less than **significant.**

Left Turn Lane Channelization

Table 13 compares existing plus project peak hour traffic volumes with the thresholds established under AASHTO guidelines for left turn lane channelization. As indicate, as case can be made that the volume of traffic will satisfy these guidelines during the weekday p.m. peak hour and during the Saturday peak hour.

As was noted in the discussion of roadway segment Level of Service, improving the SR 152 / Badger Flat Road intersection to accommodate eastbound to westbound u-turns would reduce the number of left turns at the project's Badger Flat Road driveway. However, resulting volumes would continue to satisfy AASHTO guidelines for a left turn lane.

TABLE 13
LEFT TURN LANE WARRANT REVIEW
EXISTING PLUS PROJECT CONDITIONS

AASHO Left Turn Warrant Review					
		Opposing	**Advancing**	**% ADV in Left Turn**	**Left turn lane justified?**
Ex + Project	AM Pak Hour	218	173	54%	No
	PM Peak Hour	164	359	25%	Yes
	With U-turns	164	332	20%	Yes
	Saturday	218	277	49%	Yes
	With U-turns	218	237	40%	Yes
	AASHTO, Left Turn Warrant	100	340	30%	
		200	305	30%*	
* 30% is highest % considered by AASHTO guidelines					

KDA

Impact 2: Development of the project will result in traffic volumes at the Badger Flat Road driveway which satisfy AASHTO guidelines for left turn lane channelization, and without improvements conflicts between waiting and advancing traffic could create a safety problem. This is a significant impact.

Mitigation 2: The project proponents shall widen Badger Flat Road to create a northbound left turn lane at the driveway, subject to the satisfaction of the City Engineer. With this improvement the impact is less than significant.

Impacts to Alternative Transportation Modes

Development of the proposed project may result in increased demands for facilities serving alternative transportation modes, as noted in the text which follows.

Pedestrian Facilities. Development of the project will result in pedestrian traffic between the site and other locations in Los Banos. While it is likely that some pedestrians will travel between the site and the existing commercial areas immediately south of SR 152, the project is too far from existing development to attract appreciable pedestrians from the north or west. Because automobiles and pedestrians may mix in the immediate area of the project, the possibility of safety conflicts exists.

GP Implementing Action C-I-5 addresses pedestrian circulation and requires implementation of measures to reduce gaps in the multi-modal circulation system

Impact 3: Development of the project will create pedestrian impacts along SR 152 and Badger Flat Road near the project. This impact is significant.

Mitigation 3: The project proponents shall construct an all-weather pedestrian route from the site to the SR 152 / Badger Flat Road intersection. With this improvement the impact is less than significant.

Bicycle Facilities. Similarly, as with pedestrian facilities, there will be gaps in bicycle facilities between the site and the developed area of Los Banos. There is little paved shoulder available for bicycles on Badger Flat Road. There is paved shoulder of varying width on the north side of SR 152 near the project. As with pedestrian facilities the possibility for vehicle / bicycle conflicts exists on the rural roads between the project and the developed area of Los Banos, and this is a significant impact. However, it is not the responsibility of this project to improve Los Banos' city-wide bicycle network, although General Plan Action C-I-26 also requires bicycle parking facilities in the retail centers like this project.

Impact 4: Development of the project will result in increased bicycle traffic on area roads. This is a significant impact.

Mitigation 4: Development within the project will contribute its fair share to the cost of developing the regional bicycle system by paying adopted traffic impacts fees. In addition, project proponents shall address on site bicycle circulation by installing bicycle parking facilities. With this improvement the impact is less than significant.

Transit Service. Development of the proposed project may result in an incremental increase in the demand for transit services offered by **Merced County Transit (MCT)** throughout all of Merced County. Route 14 on "The Bus" passes the project site on SR 152 on its way to Merced College, and also servers the Walmart and Target Centers on the south side of SR 152.

Because transit service already exists and The Bus stops when requested, the incremental demands created by the proposed project can be addressed on a system-wide basis. The remaining issue is whether Route 14 should stop along SR 152. Today the route leaves SR 152 to serve the college and serves Walmart via Prairie Springs Drive, and Route 14 does not regularly stop along the highway in this area. However, according to a spokesman for Merced Transit, the bus would stop if an adequate landing area was available adjoining the project. Creating a bus stop would also address GP Implementing Action C-I-16 by working with Merced County transit to identify applicable locations for bus stops.

Impact 5: Development of the project will increase the demand for transit services in western Los Banos. This is a significant impact.

Mitigation 5: The McDonald's / AM-PM project will improve the shoulder along SR 152 to provide a landing area suitable for a bus-stop. With this improvement, the impact is less than significant.

EXISTING PLUS APPROVED PROJECTS (EPAP) PLUS McDONALD'S / AM-PM

Background Characteristics

For the purposes of this study, other projects already approved in Los Banos are assumed to have been occupied under an "Existing Plus Approved Projects" or EPAP background condition.

The City of Los Banos developed a list of "approved but not constructed" development proposals for use in the recent Walmart Expansion EIR. Two additional projects that had not proceeded by the Walmart EIR NOP date have been added (i.e., Fresh & Easy Store and Rally's Restaurant). This list is summarized in Table 14. As shown, all approved / pending projects could together generate about 14,586 new daily automobile trips, with 734 new trips generated in the a.m. peak hour, 1,454 new trips occurring in the p.m. peak hour and 2,109 new trips during the peak hour on Saturday.

Background Circulation System Improvements

The local circulation system may be improved under short term conditions. The list of probable intersection improvement projects was identified in the Walmart Expansion EIR and includes:

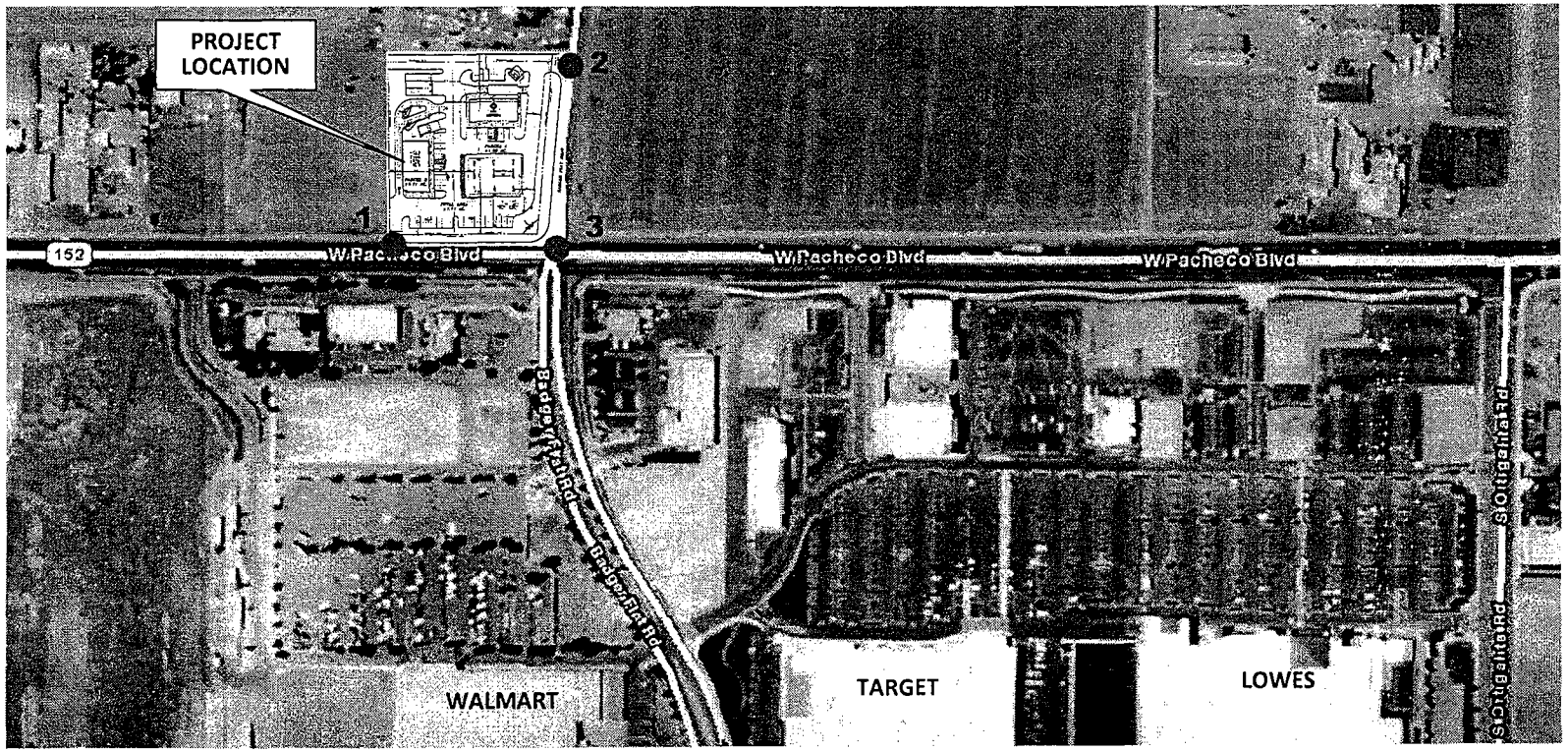
SR 152 (Pacheco Blvd) / Badger Flat Road. The Walmart Expansion EIR includes a mitigation measure requiring the project proponents to widen the southbound Badger Flat Road approach to provide separate left turn, through and right turn lanes. This improvement is assumed to have been implemented under Existing Plus Approved Projects conditions.

Figure 6 present the peak hour traffic volumes that result from full development of all approved projects (i.e., "Existing Plus Approved Projects") without the McDonald's / AM-PM.

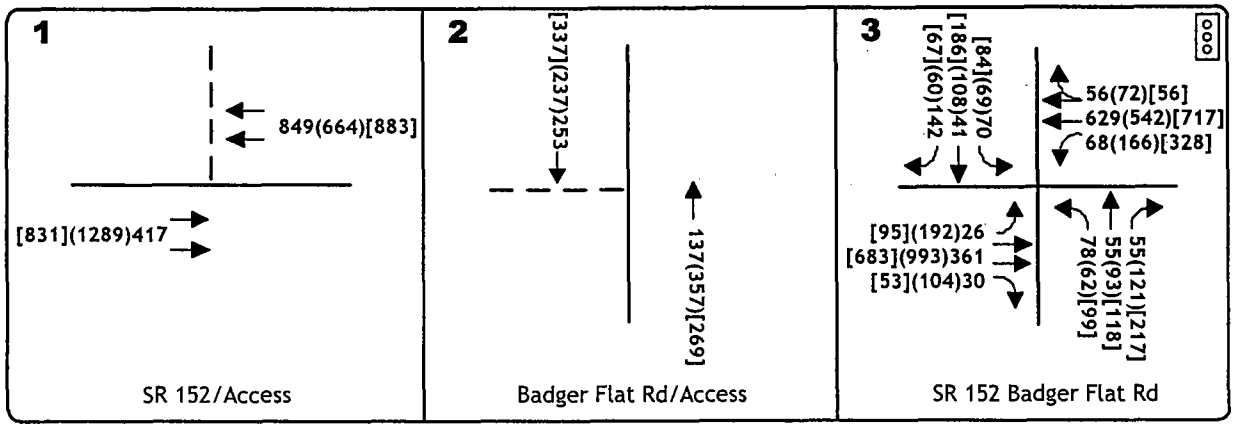
"Existing Plus Approved Projects - No Project" Traffic Conditions

Intersection Levels of Service. Levels of Service occurring under the baseline "Existing plus Approved Projects" condition have been calculated and are shown in Table 15. As noted, with the completion of assumed improvement the SR 152 / Badger Flat Road intersection will operate within the minimum LOS C threshold.

Daily Traffic Volumes. The daily traffic volumes associated with already approved but not constructed projects were superimposed onto current background traffic volumes, as noted in Table 16. As shown, the development of other approved projects will not result in Levels of Service in excess of the adopted LOS C standards at any location



NORTH
N.T.S.



Legend

XX	AM Peak Hour Volume
(XX)	PM Peak Hour Volume
[XX]	Saturday Peak Hour Volume
	Signal
R1	Stop Sign

KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS APPROVED PROJECTS NO PROJECT
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 6

TABLE 14
TRIP GENERATION ASSOCIATED WITH APPROVED PROJECTS

Project	Project Type	Net New Trips									
		Daily Volumes	AM Peak Hour			PM Peak Hour			Saturday Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
Walmart Expansion	139,195 sf shopping center expansion on SW corner of Pacheco / Badger Flat	4,131	115	103	218	116	121	237	268	264	532
The Villages at Stonecreek IV	192 Sf Residential Units	1,837	36	108	144	123	71	194	95	83	178
Stonecreek Plaza	120,193 sf shopping center on SW corner of Pacheco / Ortigalita	4,821	66	42	108	222	231	453	326	302	628
PMB Development	71,046 sf shopping center on SE corner of Pacheco / Ortigalita	3,100	44	28	72	140	146	286	214	198	412
Ballard Building Project	5,625 sf fast food restaurant on Pacheco between 4th and 6th	1,395	71	68	139	49	46	95	85	82	167
Fresh & Easy	13,960 sf retail store on NE corner of Pacheco / Mercey Springs	1,862	31	19	50	85	81	166	42	40	82
Rally's Restaurant	1,200 sf fast food restaurant replacing card lock gasoline sales on NW corner of Pacheco / Mercey Springs	230	2	1	3	13	10	23	10	10	20
Total All Approved / Pending Projects		14,586	365	369	734	748	706	1,454	1,040	979	2,019

KDA

TABLE 15
EXISTING PLUS APPROVED PROJECTS PLUS McDONALD'S/AM-PM
PEAK HOUR INTERSECTION LEVELS OF SERVICE

Location	Control	AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
		EPAP		EPAP Plus Project		EPAP		EPAP Plus Project		EPAP		EPAP Plus Project	
		Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	LOS
1. SR 152/Access	SB Stop												
SB right turn		-	-	11	B	-	-	10	B	-	-	10	B
2. SR 152/Badger Flat Rd	Signal	19	B	20	B	26	C	28	C	33	C	34	C
3. Badger Flat Rd/Access	EB Stop	-	-	13	B	-	-	18	C	-	-	26	D
NB left turn		-	-	4	A	-	-	2	A	-	-	4	A
EB left+right turn		-	-	12	B	-	-	12	B	-	-	16	C

Level of Service at unsignalized intersections is indicative of "worst case" conditions on side street approach
Bold values exceed the adopted minimum LOS. **Highlighted** values are a significant impact

KDA

TABLE 16
EXISTING PLUS APPROVED PROJECTS PLUS McDONALD'S/AM-PM
DAILY TRAFFIC VOLUMES AND LEVELS OF SERVICE

Road / Location	Class	Lanes	Existing + Approved Projects			EPAP Plus Project		
			Volume		LOS	Volume		LOS
			Approved/ Pending Projects Only	Total		McDonald's / AM-PM Project Only	Total	
State Highways								
SR 152 (Pacheco Blvd)								
Volta Road to Project Access	Rural Highway	4	2,100	24,800	B	120	24,920	B
Project Access to Badger Flat Road	Rural Highway	4	2,100	24,800	B	2,310	27,110	C
Badger Flat Road to Ortigalita Road	Rural Highway	4	2,900	25,600	C	1,770	27,370	C
City / County Streets								
Badger Flat Road								
SR 152 to Access	Minor Arterial	2	1,600	9,350	C	2,475	**11,825**	**E**
Access to Ingomar Grade Road	Minor Arterial	2	1,600	9,350	C	240	9,590	**C**

Bold values exceed the adopted minimum LOS. **Highlighted** values are a significant impact.

KDA

EPAP PLUS McDONALD'S / AM-PM PROJECT

Traffic Volume Forecasts and Levels of Service

The impacts of developing the McDonald's /AM-PM project have been quantified by superimposing project traffic onto the EPAP background condition. Figure 7 presents resulting weekday and Saturday peak hour traffic volumes for this scenario.

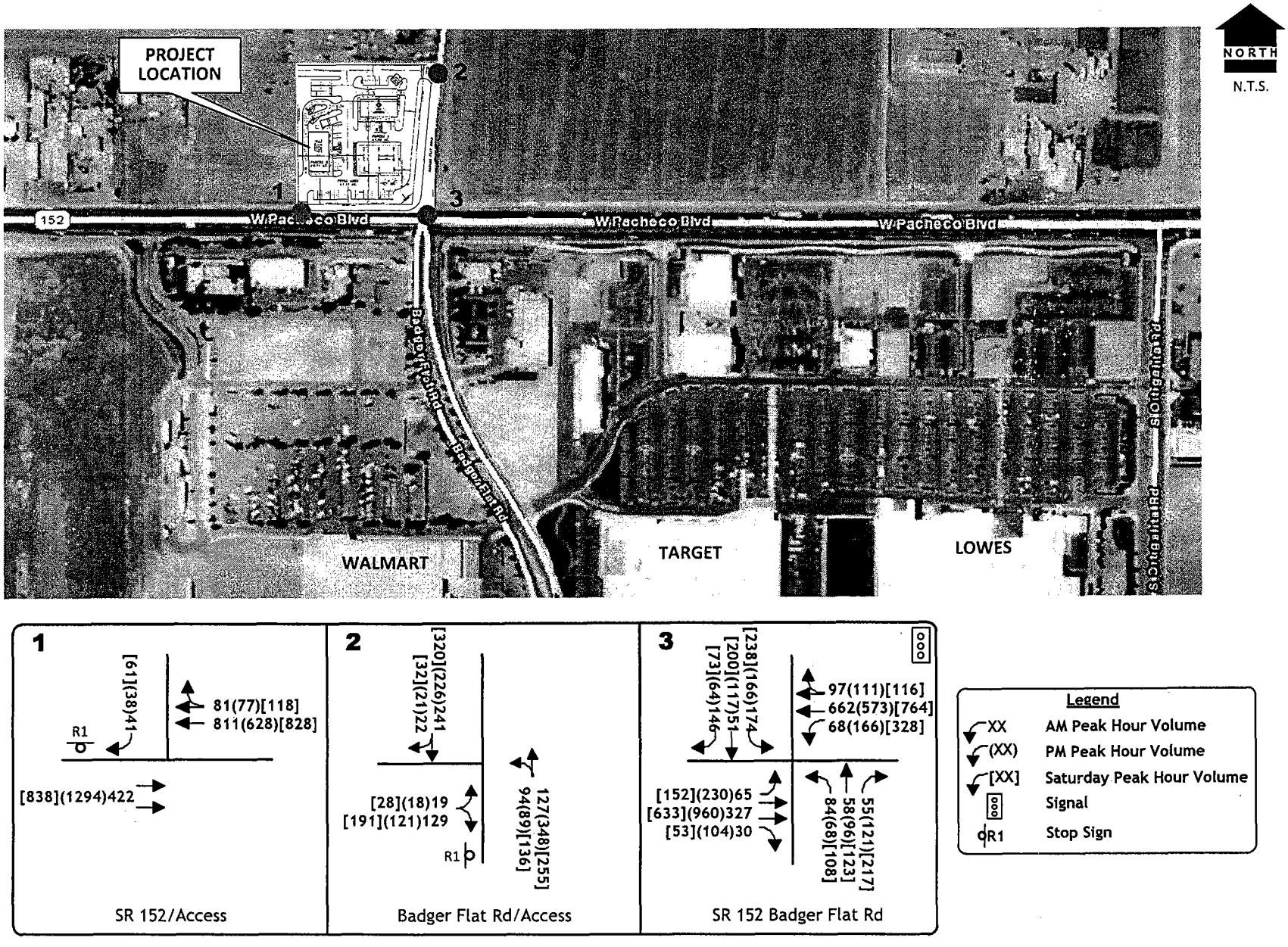
Intersection Levels of Service. Table 15 shown previously compares projected Levels of Service with development of all approved projects and with the addition of McDonald's / AM-PM traffic. As shown, assuming that improvements already required of approved projects have been installed, the addition of traffic generated by the McDonald's / AM-PM project will not result in conditions in excess of adopted standards.

At the **SR 152 / Badger Flat Road intersection** the McDonald's / AM-PM potential impact is addressed by the improvements already planned by the Walmart Expansion. Standard City of Los Banos policy requires that the McDonald's / AM-PM enter into a reimbursement agreement with the Walmart developer in order to contribute its "fair share" to the cost of improvements benefiting each project.

Level of Service on Roadway Segments. The segment of Badger Flat Road between SR 152 and the project access is projected to operate at LOS E under EPAP plus Project conditions, as was shown in Table 16. this deficiency is similar to that noted under "existing plus project conditions, but due to the additional traffic accompanying other approved projects cannot be mitigated by creating the opportunity to make u-turns.

Impact 6: Development of the project will result in conditions in excess of the City's LOS C minimum LOS C standard on Badger Flat Road between SR 152 and the project access. This is a significant impact.

Mitigation 6: Mitigation Measure 1 included options for addressing the project's impact to Badger Flat Road. To mitigate Impact 6, the proposed project would contribute its fair share to Option A, (widening to 4 lane standard) to address EPAP plus project impacts. With this mitigation, the segment would operate at LOS A, and the impact would be less than significant.



KD Anderson & Associates, Inc.
Transportation Engineers

EXISTING PLUS APPROVED PROJECTS PLUS PROJECT
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 7

CUMULATIVE TRAFFIC IMPACTS

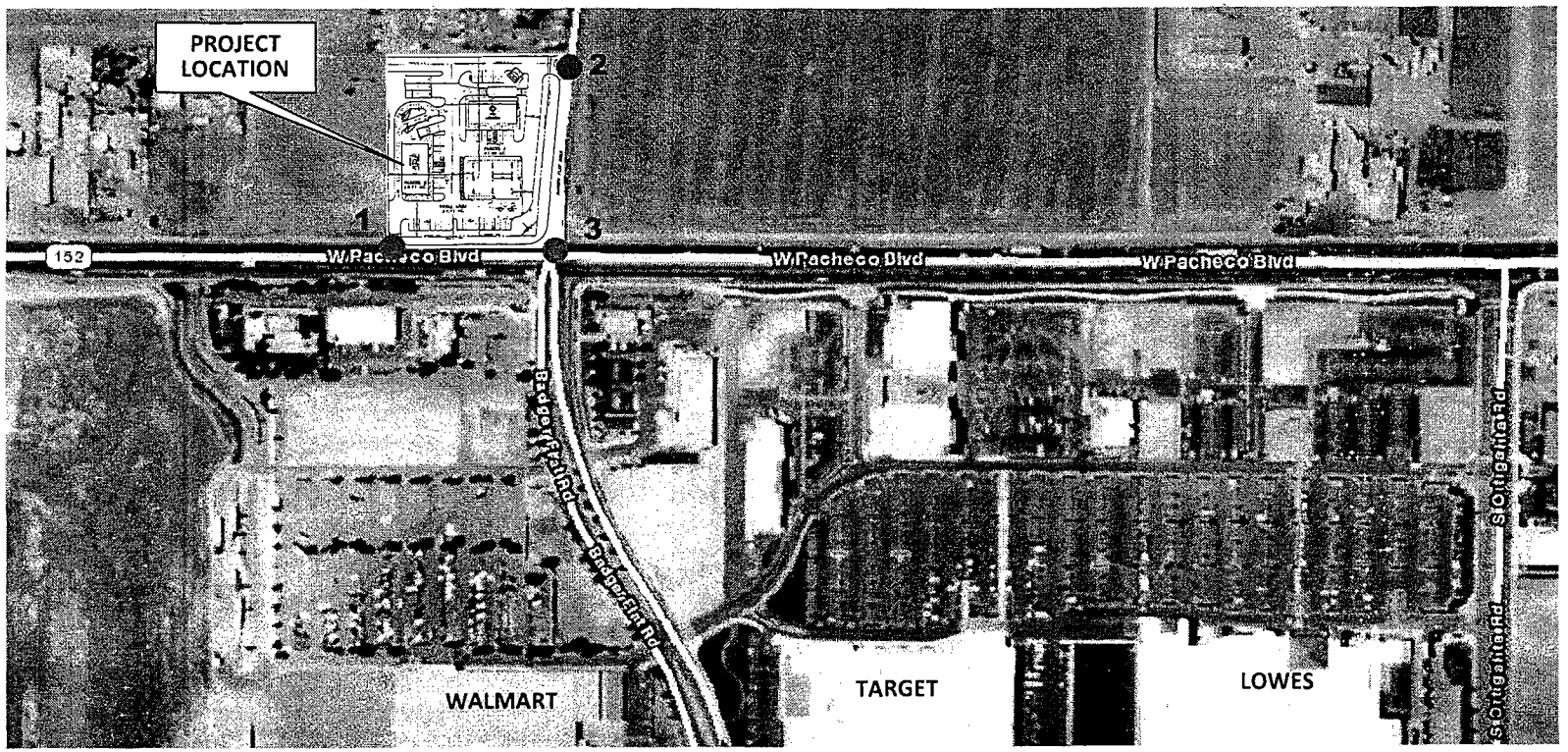
The relative impacts of the McDonald's / AM-PM project have also been assessed within the context of future traffic conditions that account for long term development in Los Banos. This analysis assumes Year 2030 conditions forecast based on development of Los Banos under the current General Plan.

Methodology / Assumptions

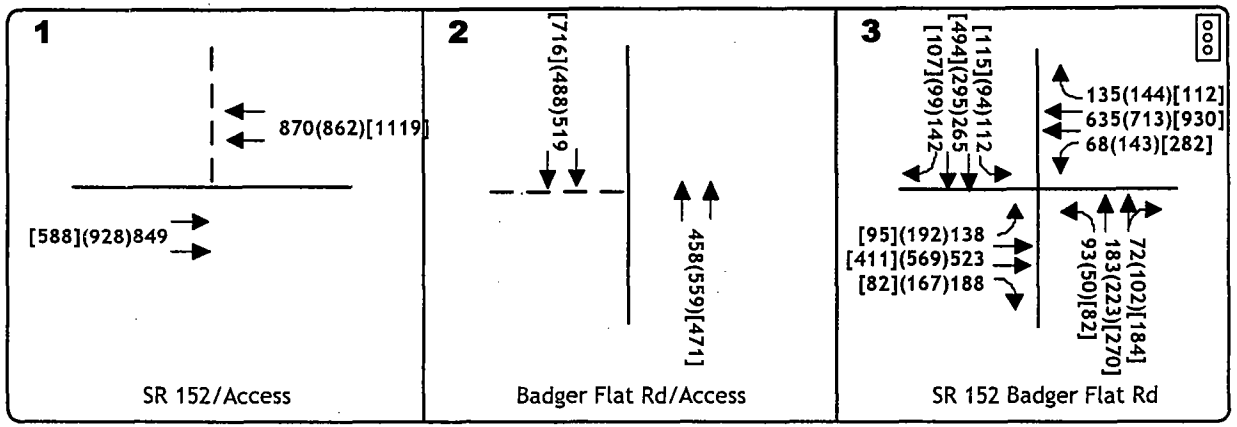
Traffic Volume Forecasts. The City of Los Banos has commissioned preparation of local travel demand forecasting models for the 2009 GPU and subsequently for the City's Transportation Management Plan. These models reflect development throughout the community; however, the model's 2030 land use set does not assume full build out of all of the land uses identified in the General Plan.

The approach taken to identify year 2030 traffic conditions for this analysis combines local projections for site traffic with model forecasts contained in the recent Walmart Expansion EIR traffic study. Because the city-wide traffic model does not assume build out of the community, it has been assumed that project traffic is not already in the Walmart Expansion EIR forecasts. Cumulative Plus Project forecasts were created by superimposing project traffic onto the baseline cumulative forecasts.

Figures 8 and 9 present weekday and Saturday peak hour site traffic under year 2030 conditions without and with the McDonald's / AM-PM project, respectively.



NORTH
N.T.S.

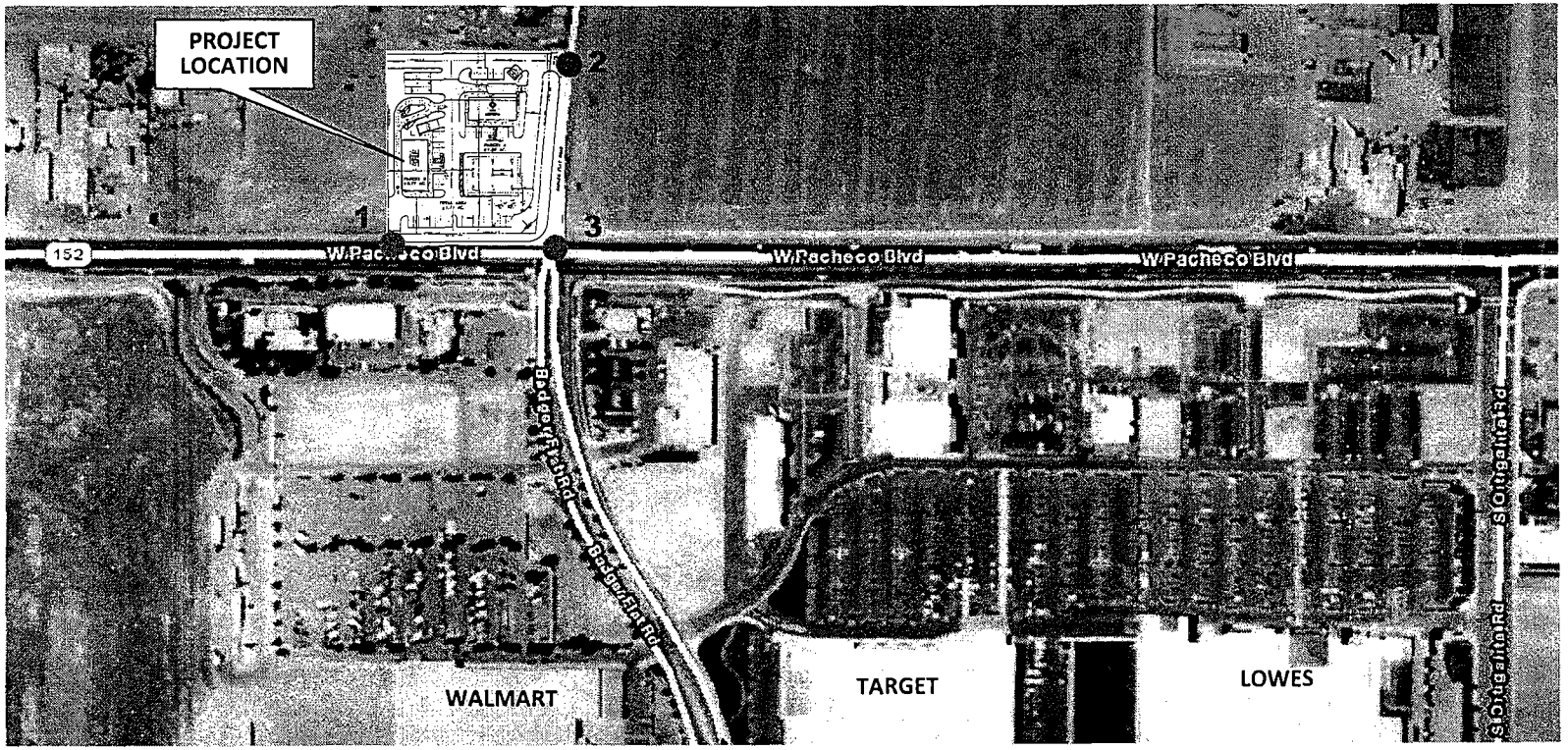


KD Anderson & Associates, Inc.
Transportation Engineers

CUMULATIVE NO PROJECT TRAFFIC VOLUMES
AND LANE CONFIGURATIONS

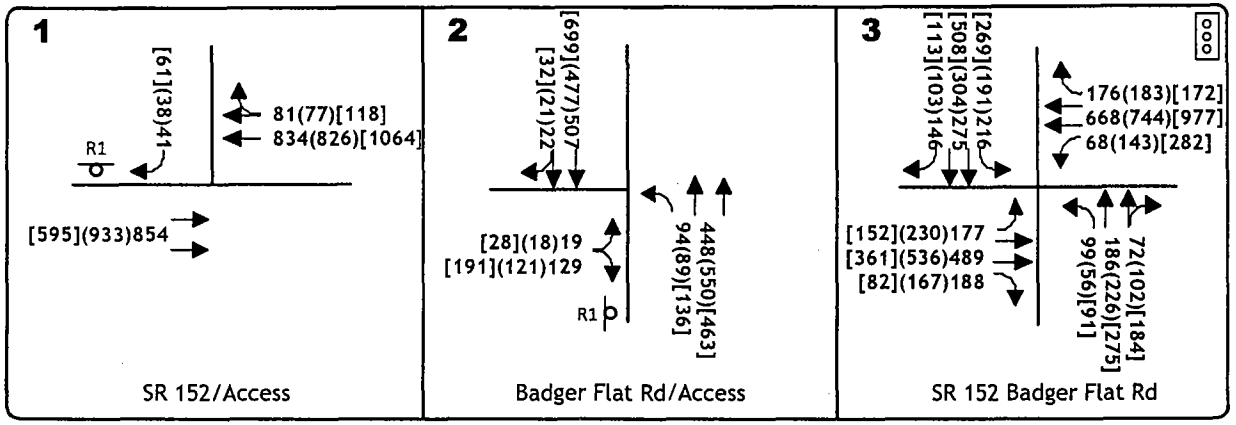
1253-05.VSD 5/16/2011

figure 8



NORTH

N.T.S.



KD Anderson & Associates, Inc.
Transportation Engineers

CUMULATIVE PLUS PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

1253-05.VSD 5/16/2011

figure 9

Circulation System Improvements. The analysis of year 2030 conditions assumes completion of regional circulation system improvements identified in the Los Banos General Plan and incorporated in the city-wide traffic model. Assumed improvements that have an appreciable effect on traffic flow characteristics in the area of the McDonald's / AM-PM project include:

- Construction of **SR 152 Los Banos Bypass** with at grade intersections at west Pacheco Blvd, Ingomar Grade Road, SR 165 (Mercey Springs Road) and east Pacheco Blvd.
- Completion of the local circulation system in Stonecreek South and in the Stonecreek North areas
- Construction of bridges across Los Banos Creek linking Stonecreek South with western opportunity area and linking Stonecreek North with the area surrounding Merced College
- Extension of Badger Flat Road south to Pioneer Road
- Extension of Ortigalita Road north from Pacheco Blvd across Ingomar Grade Road

The City's Transportation Master Plan (TMP) identifies recommended long term improvements to more than 50 intersections in the city. The extent of identified improvements is noted in Table 17. The City anticipates modifying its Traffic Impact Fee (TIF) to include these improvements projects.

TABLE 17
LOS BANOS TMP IMPROVEMENTS

Intersection	Improvements
Pacheco Blvd / Badger Flat Road	Widen Badger Flat Road to add second NB/SB thru lanes. Add SB left and right turn lane. Add WB right turn lane
Pacheco Blvd / Ortigalita Road	Construct southbound approach with left turn, two thru and right turn lanes. Add WB right turn and EB left turn lanes.
Ingomar Grade Road / Badger Flat Road	Widen Badger Flat Road to provide second NB/SB thru lanes and separate left turn lanes. Add separate EB left turn and thru lanes. Add separate WB left turn and right turn lanes. Traffic signal

The City of Los Banos is currently updating its Traffic Impact Fee (TIF) program to include the intersection improvements identified in the TMP, as well as other improvements of city-wide benefit. It is anticipated that the updated TIF will continue the City's policy of spreading a portion of the cost of widening major streets (i.e., more than 4 lanes). However, because the TIF update is not yet completed, this analysis of year 2030 conditions does not assume that Badger Flat Road is uniformly widened to 4 lanes as noted in the General Plan.

Peak Hour Intersection Levels of Service. Table 18 identifies peak hour Levels of Service at study locations with and without the proposed project. As shown, all locations will satisfy the City of Los Banos' minimum LOS D standard which will be applicable once Caltrans relinquishes SR 152 (Pacheco Blvd) with the completion of the Los Banos Bypass.

TABLE 18
YEAR 2030 PEAK HOUR INTERSECTION LEVELS OF SERVICE

Location	Control	AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
		Without Project		With Project		Without Project		With Project		Without Project		With Project	
		Ave Delay (sec/veh)	LOS	Ave Delay (sec/veh)	LOS	Ave Delay (sec/veh)	LOS	Ave Delay (sec/veh)	LOS	Ave Delay (sec/veh)	LOS	Ave Delay (sec/veh)	LOS
Pacheco Blvd / Access	SB Stop												
Southbound right turn		-	-	11	B	-	-	10	B	-	-	11	
5. Pacheco Blvd / Badger Flat Rd	Signal	21	C	23	C	18	B	27	C	32	C	38	D
Badger Flat Road / Access	EB Stop												
NB left turn		-	-	2	A	-	-	2	A	-	-	3	A
EB left+right turn		-	-	14	B	-	-	14	B	-	-	23	C

Level of Service at unsignalized intersections is indicative of "worst case" conditions on side street approach Highlighted values are significant impacts.

KDA

Daily Traffic Volume Forecasts and Level of Service

Table 19 identifies daily traffic volumes with and without the proposed project under long term cumulative conditions. As noted, Badger Flat Road is projected to carry traffic volumes that are indicative of LOS F on the two lane section from Pacheco Blvd to Ingomar Grade Road. This conclusion is consistent with the findings of the GP EIR, and it is anticipated that the TIF update will address the cost of widening this road. the volume of traffic on Pacheco Blvd in the area of the proposed project is indicative of LOS B or C conditions.

TABLE 19
YEAR 2030 DAILY TRAFFIC VOLUMES AND LEVELS OF SERVICE

			Year 2030 No Project		Year 2030 Plus Project		
			Volume		Volume		
Road / Location	Class	Lanes	Total	LOS	Project Only	Total	LOS
City Streets							
Pacheco Blvd							
Stonecreek Blvd to Access	Rural Highway	4	23,180	B	120	23,300	B
Access to Badger Flat Road	Rural Highway	4	23,190	B	2,310	25,500	C
Badger Flat Rd to Ortigalita Rd	Rural Highway	4	24,630	B	1,770	26,400	C
Badger Flat Road							
SR 152 to Access	Minor Arterial	2	**16,560**	**F**	**2,475**	**19,035**	**F**
Access to Ingomar Grade Rd	Minor Arterial	2	**16,560**	**F**	**240**	**16,800**	**F**

Bold conditions exceed the City of Los Banos LOS C threshold. **Highlighted** values are significant impacts

Impact 7: Projected daily volumes accompanying the project and other development will result in Levels of Service in excess of the City's minimum LOS C standard on Badger Flat Road between SR 152 and the project access. This is a significant impact.

Mitigation 7: Mitigation Measures 1 and 6 have addressed the project's impact to Badger Flat Road in the area between the project access and Pacheco Blvd. In addition, the project proponents shall contribute their fair share to the cost of regional improvements, such as the widening of Badger Flat Road, by paying adopted traffic impact fees. By paying adopted fees this impact is less than significant.

ACCESS / INTERNAL CIRCULATION

The adequacy of the site Access and Internal Circulation layout is based on consideration of three factors under long term conditions:

1. Level of Service at key intersections
2. Conflicts created by queues extending back from major intersections
3. Availability of adequate driveway throats
4. Conflicts created by deceleration of traffic making inbound right turns.
5. Delivery truck access / circulation
6. Drive-Thru Queuing

Level of Service

Levels of Service have previously been calculated at site access intersections under peak hour Year 2030 conditions. These calculations assume implementation of the improvements noted earlier in this report, including widening Stonecreek Blvd to a 4 lane section through the project.

Queue Length

Table 20 identifies the longest southbound queues forecast under EPAP plus project and Year 2030 plus project conditions. The center of the project driveway is roughly 300 feet north of Pacheco Blvd. With the implementation of the improvements to Badger Flat Road described earlier (i.e., three southbound lanes), the longest southbound queue would extend for 260 feet from SR 152 in the left turn lane. Under Year 2030 plus Project conditions, the longest queue remains in the left turn lane and would be 320 feet long.

TABLE 20
BADGER FLAT ROAD QUEUE LENGTH

Condition	Lane	Time Period	Volume (vph)	95%Queue Length (feet)
EPAP plus Project	SB left turn	Saturday	238	260
	SB through	Saturday	200	240
	SB right turn	Saturday	73	40
Year 2030 plus Project	SB left turn	Saturday	269	325
	SB through (2)	Saturday	508	250
	SB right turn	Saturday	113	250

Under the current conceptual plan for the intersection improvements contemplated for the Walmart Expansion the new southbound lanes are each roughly 215 feet long and are preceded by a 110 foot long bay taper that would extend through the planned location of the McDonald's / AM-PM driveway. The longest queue under EPAP plus project conditions would extend into the area of the bay taper, and there would be roughly 40 to 50 feet for the traffic turning left into the McDonald's AM-PM project. While no appreciable queue is expected for northbound left turns, there would be room to store two waiting vehicles However, this will require that motorists slowing to make the turn decelerate in the northbound through lane.

Under long term conditions the queue in the southbound left turn lane could reach the McDonald's / AM-PM driveway.

Based on this assessment, it is reasonable to conclude that full access might be allowed at the Badger Flat Road access on an interim basis, but eventually turns will need to be restricted at that location.

Driveway Throat Depth

Within the project site, the circulation system should be configured to provide room for entering traffic to proceed without interference from the queue of traffic waiting to exit the site. Table 21 notes the distance available from each exit prior to a waiting vehicle blocking the path of a motorist attempting to turn. At the Pacheco Blvd driveway, there is 150 feet from the highway to the point where an inbound motorist may wish to make a left turn towards the AM-PM. If the property west of the McDonald's / AM-PM ever develops and uses the joint access, then there will be roughly 50 feet from the highway to the point that exiting vehicles could block traffic headed to the adjoining parcel. At the Badger Flat Road driveway, there is only about 25 feet from the street to the point where entering traffic could attempt to turn left towards the fueling positions.

The adequacy of this layout can be determined by comparing available throat depths with probable queue lengths. As noted in Table 21, the Pacheco Blvd driveway will experience relatively short queues since exiting traffic is limited to right turns out only. The available throat at this location exceeds the 95th percentile queue length and this configuration is adequate. However, at the Badger Flat Road driveway, the 95th percentile queue is 55 to 80 feet long, which exceeds the throat depth.

TABLE 21
DRIVEWAY QUEUE AND THROAT LENGTHS

Condition	Location	Time Period	Volume (vph)	95%Queue Length (feet)	Throat Length (feet)
EPAP plus Project	SB right turn	Saturday	61	<25	50
	EB left+right turn	Saturday	208	55	25
Year 2030 plus project	SB right turn	Saturday	61	<25	50
	EB left+right turn	Saturday	208	80	25

Measures to provide additional throat depth at the Badger Flat Road driveway would include installing a raised median that would preclude immediate left turns for entering traffic. However, this action would force all traffic entering from Badger Flat Road to travel past the AM-PM and enter in the vicinity of the McDonald's drive-thru entrance. Alternatively, the driveway itself could be controlled to preclude outbound left turns. This control would shorten the driveway queue and make the current design adequate.

Right Turns at Driveways

Vehicles slowing to make right turns can impact the flow of through traffic when the number of turning vehicles is appreciable or when very slow speeds are required to negotiate the turn. In this case, the number of peak hour right turns is relatively low at the Badger Flat Road driveway (i.e., 21 to 32 vehicles per hour). The number of right turns at the SR 152 (Pacheco Blvd) driveway is higher (i.e., 77 to 118 vehicles per hour) and could be greater if u-turns are accommodate at the Badger Flat Road intersection. In addition, using the SR 152 access requires motorists to make an immediate 180 degree turn which will require entering traffic to slow to roughly 15 mph. Thus, the circumstances which normally justify a right turn lane are present at the SR 152 driveway but not at the Badger Flat Road entrance.

Over the last few years Caltrans District 10 has approved new driveways on SR 152 at locations on the west and east ends of Los Banos (Lowes, Target and Home Depot retail centers). Separate right urn lanes have been required at new driveways where traffic volumes have been similar to those projected for the McDonald's / AM-PM project. It is reasonable to expect that a separate westbound right turn lane will be required on SR 152 at the proposed access.

Truck Access / Circulation

Both McDonald's and AM-PM will require deliveries by full size truck/trailers. The site plan suggests that the path of trucks to the AM-PM would enter on SR 152, travel to storage tanks and exit onto Badger Flat Road. The path of entering and exiting trucks will encroach into the

area which might be occupied be vehicles traveling in the opposite direction, so deliveries would need to occur during hours when the site experiences relatively little other activity.

Drive-Thru Queuing

The McDonald's features the dual board drive-thru system than has become the standard design for this restaurant chain. This design can accommodate 13 to 14 vehicles behind the pick-up window on the southwest corner of the building before the waiting queue would reach the adjoining aisle.

The extent to which internal circulation would be affected by queuing that extended beyond the drive-thru entrance. Because the entrance is in the northwest corner of the site, any excess queue would not affect the operation of the site's Badger Flat Road or SR 152 driveways.

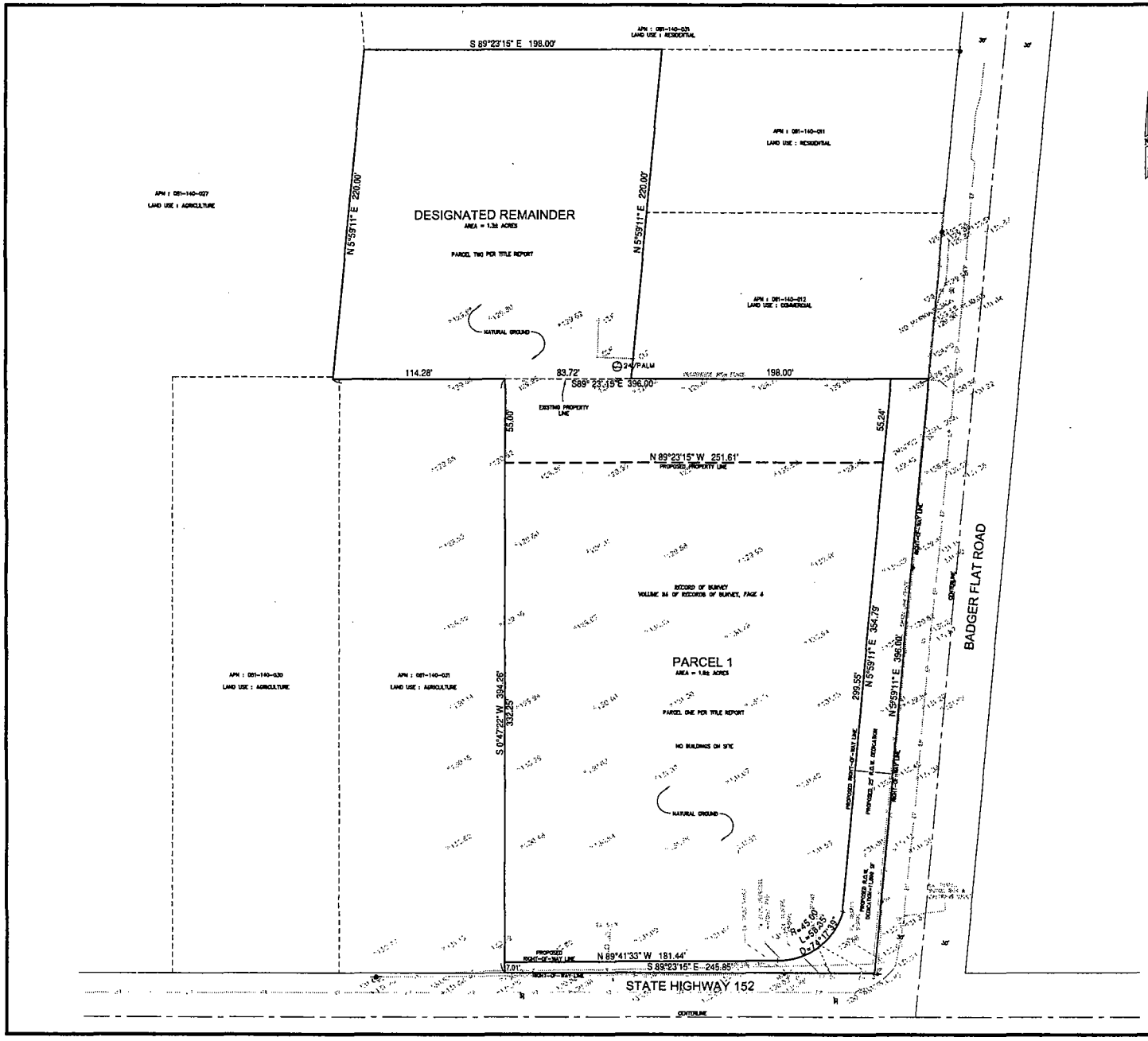
Impact 8: Development of the project could result in conflicts between entering and exiting traffic at the project's driveways. Because a safety problem could arise, this is a significant impact.

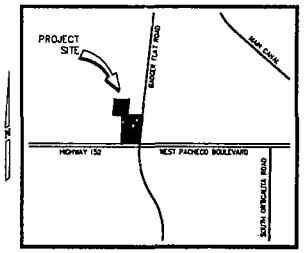
Mitigation 8: The layout of site access to Badger Flat Road should be designed to accommodate a raised median that would eventually preclude immediate left turns towards the fueling positions. The access itself shall eventually be controlled to prohibit left turns. A separate right turn lane shall be installed on westbound SR 152 at the project access.

APPENDIX

KDA

Parcel Map





VICINITY MAP
N.T.S.

SITE DATA

ASSESSOR'S PARCEL NUMBER:	081-140-013
PHYSICAL ADDRESS:	STATE HIGHWAY 152 & BADGER FLAT ROAD LOS BANOS, CALIFORNIA
EXISTING PARCEL AREA:	3.4± ACRES
PARCEL 1 AREA:	1.8± ACRES
REMAINDER AREA:	1.3± ACRES
RIGHT-OF-WAY DEDICATION:	0.3± ACRES (11,899 SF)

OWNER INFORMATION

NAME: MARLYN P. JOHNSON trustee of the JOHNSON TRUST
ADDRESS: 171 PALISADES AVENUE
CITY, STATE: SANTA CRUZ, CALIFORNIA

DEVELOPER INFORMATION

NAME: CALIFORNIA GOLD
ADDRESS: 133 OLD WHISPS FERRY ROAD
CITY, STATE: SONORA, CALIFORNIA

ENGINEER

O'DELL ENGINEERING
1165 SCENIC DRIVE, STE. B
MODESTO, CA 95350
PHONE (209) 571-1765

LEGAL DESCRIPTION

PARCEL 1: BEGINNING AT A POINT WHICH BEARS 30.00 FEET AND NORTH 89° 50-1/2' EAST 3160.20 FEET FROM THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M., THENCE ALONG THE NORTHERLY LINE OF THE STATE HIGHWAY NORTH 89° 50-1/2' EAST 244.80 FEET; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD NORTH 5° 12' EAST 354.00 FEET, THENCE SOUTH 89° 50-1/2' WEST 250.78 FEET AND SOUTH 354.15 FEET TO THE POINT OF BEGINNING.

PARCEL 2: THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED PARCEL SITUATE IN THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M.: BEGINNING AT A POINT IN THE WESTERLY LINE OF "WOOD ROAD", WHICH POINT BEARS NORTH 3010 FEET, NORTH 89° 50' 30" EAST, 3425.0 FEET, AND NORTH 05° 12' EAST 396.0 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE SOUTH 89° 50' 30" WEST, 396.0 FEET; THENCE NORTH 05° 12' EAST, 220.0 FEET; THENCE NORTH 89° 50' 30" EAST 396.0 FEET; THENCE ALONG THE WESTERLY RIGHT OF LINE OF SAID WOOD ROAD, SOUTH 05° 12' WEST, 220.0 FEET TO THE POINT OF BEGINNING.

N

0 15 30 60
SCALE: 1" = 30'

Plan Revisions:

Rev.No.	Date	Applicable Sheets/Revisions

O'DELL ENGINEERING
1165 Scenic Drive, Suite B
Modesto, CA 95350
Ph 209.571.1765
Fax 209.571.2466
odellengineering.com

VESTING TENTATIVE PARCEL MAP

ARCO

LOS BANOS, CALIFORNIA

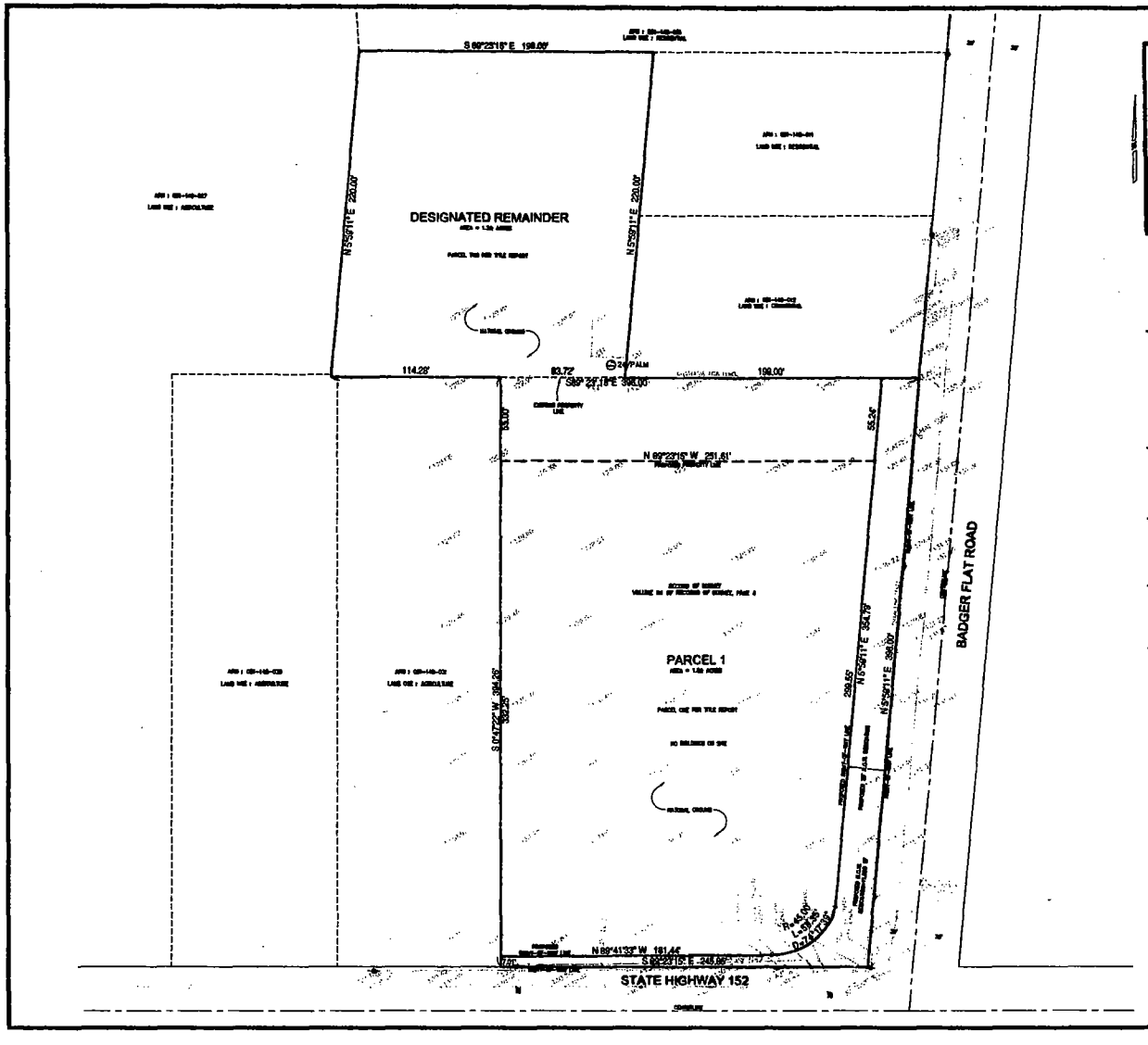
VESTING TENTATIVE PARCEL MAP

REGISTERED PROFESSIONAL LAND SURVEYOR
DOUGLAS E. CRAWFORD
No. 7892
Exp. 12-31-2012
STATE OF CALIFORNIA

Approved:

Designed:
Drawn: CCC
Checked: RO
Scale: 1"=30'
Date: 11/17/2011
Job No.: 21150
File No.: 21150-TPM.dwg

Sheet No.
1
Of
1



SITE DATA

ASSESSOR'S PARCEL NUMBER:	026-140-047
PHYSICAL ADDRESS:	STATE HIGHWAY 152 & BADGER FLAT ROAD LOS BANOS, CALIFORNIA
ENTIRE PARCEL AREA:	3.46 ACRES
PARCEL 1 AREA:	1.86 ACRES
REMAINDER AREA:	1.36 ACRES
RIGHT-OF-WAY DEDICATION:	0.24 ACRES (10,500 SF)

OWNER INFORMATION

NAME: [illegible]
ADDRESS: 171 PALMANER AVENUE
CITY, STATE: SANTA CRUZ, CALIFORNIA

DEVELOPER INFORMATION

NAME: CALIFORNIA GOLD
ADDRESS: 120 OLD RANCH FERRY ROAD
CITY, STATE: MARIPOSA, CALIFORNIA

ENGINEER

O'DELL ENGINEERING
1165 SCENIC DRIVE, STE. B
MODESTO, CA 95350
PHONE (209) 571-1795

LEGAL DESCRIPTION

PARCEL 1: BEGINNING AT A POINT WHICH BEARS 20.00 FEET AND NORTH 89°-23'-16" EAST 398.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M., THENCE ALONG THE EASTERLY LINE OF THE STATE HIGHWAY BEARS NORTH 5°-59'-11" EAST 354.79 FEET, THENCE ALONG THE VERTICALLY EXACT OF THAT LINE OF A COUNTY ROAD WIDTH 5 1/2 EAST 398.00 FEET, THENCE BEARS NORTH 89°-23'-16" WEST 398.00 FEET AND SOUTH 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2: THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED PARCEL: BEGINNING IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 SOUTH, RANGE 10 EAST, M.D.B.&M., BEGINNING AT A POINT ON THE VERTICALLY LINE OF "BADGER ROAD", WHICH POINT BEARS NORTH 20.0 FEET, NORTH 89° 50' 30" EAST, 2-0.0-0 FEET, AND NORTH 89° 23' EAST 20.0 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 14, THENCE SOUTH 89° 50' 30" WEST, 20.0-0 FEET, THENCE NORTH 89° 23' EAST, 2-0.0-0 FEET, THENCE NORTH 89° 50' 30" EAST 20.0 FEET, THENCE ALONG THE VERTICALLY RIGHT OF WAY LINE OF SAID WIDER ROAD, SOUTH 89° 23' WEST, 2-0.0-0 FEET TO THE POINT OF BEGINNING.

O'DELL ENGINEERING
1165 Scenic Drive, Suite B
Modesto, CA 95350
Ph 209.571.1795
Fax 209.571.2686
odellengineering.com

VESTING TENTATIVE PARCEL MAP

ARCO

LOS BANOS, CALIFORNIA

VESTING TENTATIVE PARCEL MAP

Approved:

Designed:
Drawn: CCC
Checked: SO
Scale: 1"=30'
Date: 11/17/2011
Job No.: 21100
File No.: 21100-TPM.dwg

Sheet No.
1
Of
1

Site Plan

PRELIMINARY SITE PLAN

1" = 20'

PROPERTY AREA
AFTER R.O.W DEDICATION
75,465 S.F.
1.73 ACRES

PROPOSED QUICK SERVICE RESTAURANT 3,900 S.F.

PROPOSED 2900 ARCO AM/PM CONVENIENCE STORE

64'x80' FUEL CANOPY W/ 8 MPD'S

HIGHWAY 152

BADGER FLAT ROAD

STREET IMPROVEMENTS PART OF SCOPE OF WORK, CURRENTLY A FOUR LANE STREET W/ A LEFT AND RIGHT TURN LANE

STREET IMPROVEMENTS PART OF SCOPE OF WORK, CURRENTLY A TWO LANE STREET

PROPOSED 20' WIDE SOLO-TENANT D/FACE SIGN

PROPOSED 19'-2" WIDE MULTI-TENANT D/FACE SIGN

PROPOSED 19'-6" WIDE MULTI-TENANT D/FACE SIGN

PROPOSED 30' GRADE ACCESS

PROPOSED 30' SHARED DRIVE

PROPOSED MENU BOARDS

PROPOSED DIGITAL MENU BOARD SIGN

PROPOSED DIGITAL MENU BOARD SIGN

LOT LIGHT, TYP.

AIR/WATER UNIT

DOUBLE SIDED DISPENSER ISLAND, TYPICAL OF 2

EDGE OF CANOPY

CANOPY AND DARK SIGN

BIKE RACK, TYPICAL OF 3

6' WIDE PATH OF TRAVEL FROM PUBLIC SIDEWALK

10'-6"x10'-6" TRASH ENCLOSURE, TYPICAL OF 2

DARK VENTS FOR HORIZONTAL EQUIP TANK

PROPOSED 19'-2" WIDE MULTI-TENANT D/FACE SIGN

PROPOSED 19'-6" WIDE MULTI-TENANT D/FACE SIGN

PROPOSED 30' SHARED DRIVE

PROPOSED 30' GRADE ACCESS

VICINITY MAP

SITE

PROJECT DATA

LOCATION: NW.C. OF BADGER FLAT ROAD AT HIGHWAY 152
LAS BANOS, CALIFORNIA

ZONING: H-C HIGHWAY COMMERCIAL

PARKING SPACES REQUIRED:
2 SPACES PER SERVICE BAY = 4 SPACES
5 SPACES PER 1,000 S.F. = 2 SPACES
TOTAL = 6 SPACES REQUIRED

PARKING SPACES PROVIDED: 51

SCOPE OF WORK

TO CONSTRUCT A NEW 2,900 S.F. CONVENIENCE STORE WITH AN ATTACHED 3,900 S.F. QUICK SERVICE RESTAURANT WITH DRIVE THRU. NEW IMPROVEMENTS WILL ALSO INCLUDE A NEW 64'x80' FUEL CANOPY WITH 8 DISPENSER DISPENSERS AND TWO UNDERGROUND STORAGE TANKS (1) SPLIT 12,000 GALLON AND (1) 20,000 GALLON.

NOTE:
THIS PLAN AS SHOWN HAS BEEN APPROVED BY CP TRANSPORTATION FOR APPROVAL OF FUEL DELIVERY ON
TRAFFIC ENGINEER: SCOTT LAPSDICK
DATE: [illegible]

ANY CHANGES TO THIS PLAN NEEDS TO BE APPROVED THROUGH CP TRANSPORTATION PLANNING. THANKS AND ANY QUESTIONS MAY BE DIRECTED TO THE TRAFFIC ENGINEER. CONTACT FRANCISCO FOR MORE DETAILS.

bp

ARCO

SARGHAUSEN CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERS, LAND PLANNERS, SURVEYORS, ENVIRONMENTAL ENGINEERS

NO.	DATE	REVISION DESCRIPTION
1	11/05/11	FIRE DEPARTMENT COMMENTS
2	11/05/11	CITY COMMENTS
3	11/05/11	SCOPE CHANGES
4	11/05/11	CITY COMMENTS
5	11/05/11	FIRE DEPARTMENT COMMENTS
6		
7		
8		
9		
10		

ARCO NTI
2900 am/pm
w/ 3,900 QSR
64'x80' CANOPY
w/ 8 MPD's

BADGER FLAT ROAD
LAS BANOS, CALIFORNIA

FACILITY # TBD

JOB NO. 10435

PRELIMINARY SITE PLAN
11/21/2011

SP-1

Preliminary Plant Palette

Trees

Parking Lot Shade Trees - 15 gal., Qty. - 18
- Celtis sinensis — Chinese Hackberry
- Pistacia chinensis — Chinese Pistache
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus coccinea — Scarlet Oak

Small Flowering Trees - 15 gal., Qty. - 7
- [illegible] — Western Redbud
- [illegible] — Palo Verde
- Lagerstroemia [illegible] — Crape Myrtle
- Malus species — Crabapple

Background Trees - 15 gal., Qty. - 12
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus ilex — Holly Oak
- Schinus molle — California Pepper Tree

Shade Trees - 15 gal., Qty. - 5
- Cinnamomum camphora — Camphor Tree
- Fraxinus 'Fan Tex' — Fan Tex Ash
- Ulmus parvifolia — Evergreen Elm

Upright Accent Trees - 15 gal., Qty. - 6
- Brachychiton populneus — Bottle Tree
- Magnolia grandiflora 'Sam Sommers' — Southern Magnolia
- Pyrus calleryana 'Chanticleer' — Chanticleer Pear
- Rhus lancea — African Sumac

Street Trees - 15 gal., Qty. - 4
- Fraxinus 'Fan Tex' — Fan Tex Ash
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus coccinea — Scarlet Oak
- Ulmus parvifolia — Evergreen Elm

Shrubs

Screen / Buffer Shrubs - 5 gal.
- Cotoneaster lacteus — Cotoneaster
- Escallonia 'Fradesii' — Escallonia
- Nerium oleander — Oleander
- Xylosma congestum 'Compacta' — Shiny Xylosma

Hedge - 5 gal.
- Escallonia 'Newport Dwarf' — Escallonia
- Ligustrum japonicum 'Texanum' — Texas Privet
- Myrtus communis 'Compacta' — Myrtle
- Olea europea 'Little Ollie' — Little Ollie Olive
- Rosmarinus officinalis 'Majorca Pink' — Rosemary

Low Hedge - 5 gal.
- Arctostaphylos densiflora 'Howard McMinn' — Manzanita
- Cistus purpureus — Orchid Rockrose
- Pittosporum tobira 'Wheeler' — Wheeler's Dwarf Tobira
- Rhaphiolepis indica — India Hawthorn

Low Accent Shrubs - 1 gal.
- Dietes bicolor — Fortnight Lily
- Helictotrichon sempervirens — Blue Oat Grass
- Loropetalum chinensis 'Suzanne' — Chinese Fringe Flower
- Pennisetum orientale — Dwarf Fountain Grass
- Pittosporum tobira 'Wheeler' — Wheeler's Dwarf Tobira
- Rosa 'Red Flower Carpet' — Rose
- Salvia species — Sage

Focal Accent Shrubs - 1 gal.
- Dietes bicolor — Fortnight Lily
- Juncus patens — California Rush
- Lantana species — Lantana
- Phormium species — Flax
- Rosa 'Red Flower Carpet' — Rose
- Salvia species — Sage

Groundcovers

Turf
- Sodded turf
- Synthetic lawn

Low Parking Lot Plants - 5 gal.
- Baccharis pilularis — Coyote Bush
- Dietes bicolor — Fortnight Lily
- Festuca mairei — Mairei Fescue
- Hemerocallis species — Day Lily
- Juniperus species — Juniper
- Rhaphiolepis indica — India Hawthorn
- Teucrium chamaedrys — Germander

Low Flowering Accent Shrubs - 5 gal.
- Agapanthus africanus — Lily Of the Nile
- Hemerocallis hybrids — Day Lily
- Lantana species — Lantana
- Rosa 'Red Flowering Carpet' — Rose
- Salvia species — Sage
- Teucrium chamaedrys — Germander
- Zauschneria californica — California Fuchsia

Low Groundcover - 5 gal.
- Cotoneaster dammeri 'Lowfast' — Bearberry
- Festuca glauca — Blue Fescue
- Juniperus species — Juniper
- Myoporum parvifolium — Myoporum
- Rosmarinus officinalis 'Prostrata' — Rosemary
- Trachelospermum asiaticum — Asian Jasmine

Vines

Climbing Vines - 1 gal.
- Ficus pumila — Creeping Fig
- Parthenocissus tricuspidata — Boston Ivy

This plan represents the design style and theme of the landscape design and planting. These plans are preliminary and may change through the design process. The final planting plan may not contain all of the above plants in the sizes as shown. Additionally some new plant species may be used in the final design. This plan does however indicate the quantity of trees and the overall level of landscape development that will be carried through with the final design.

Final landscape design shall meet Los Banos codes and requirements as well as Project Specific Conditions of Approval. Final design is subject to approval through the building permit review process.

Parking Lot Shade Calculations

The shade coverage of the tree types are determined from the City of Los Banos referenced standards and guidelines as well as information contained within the Sunset Western Garden Book. Calculated tree canopies are taken from those that shade parking stalls and associated drive aisles.

Type of Tree	100%	75%	50%	25%
Parking Lot Trees	7@962 = 6,734	2@721 = 1,442	7@481 = 3,367	0
Small Flowering Tree	0	0	0	7@79 = 553
Background Tree	0	0	0	12@177 = 2,124
Upright Accent	0	0	6@353 = 2,118	0

Applicable Parking Stalls and Drive Area	25,810 sf
Area Shaded per the Above Table	16,336 sf
Percentage of Applicable Parking Area Shaded	63.1%

Tree Root Barriers

All trees large spreading trees placed within 5' of hardscape (sidewalks and curbs) are to have DeepRoot Model #UB 18-2 root barriers installed during tree installation. The following number of panels are to be installed with each tree in a linear manner along the edge of the hardscape per the size of tree as installed:

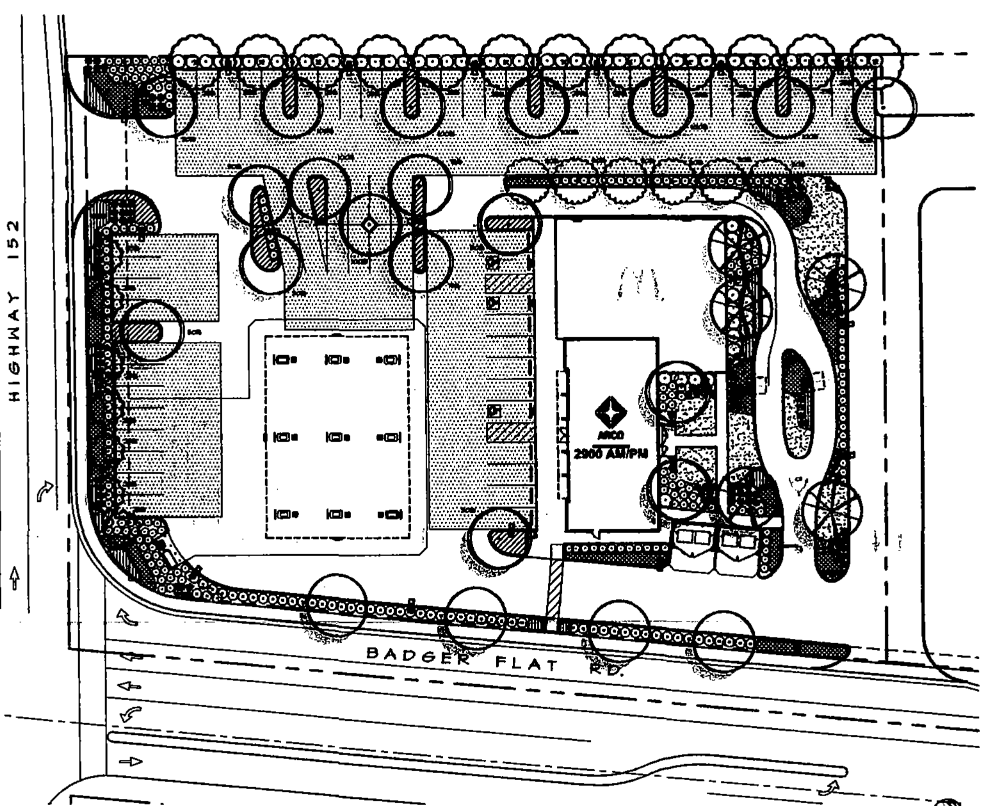
- 15 gallon trees: 4 panels
- 24" box trees: 5 panels

Sizes not listed above are to be installed with the quantity of panels as specified by the manufacturer.

Root Solutions RS-18 may be used as an alternate. Use the same quantities per tree sizes as listed above. 1(800)554-0914

General Planting Notes

1. The contractor shall examine the conditions of the site prior to commencement of work. Any conditions that differ from what is shown on the plans that will affect the installation process shall be brought to the attention of the Owner or Land. Arch. prior to work. Commencement of work implies acceptance of the conditions of the site.
2. All plant material shall be subject to approval or rejection by the Landscape Architect or Owner's Representative prior to installation. Installed and then rejected material shall be replaced by the contractor at his/her expense.
3. All vines shall be espaliered to the adjacent wall.
4. All trees in a formal group or in a row shall be matching in size and shape.
5. Groundcover shall be installed continuous under all shrub masses unless otherwise noted.
6. A nitrogen stabilized commercial-grade bark mulch with maximum 3/4" dia. chip size shall be uniformly broadcast over all shrub areas (not turf) to a depth of 3".
7. The planting pits for boxed trees shall be excavated twice the diameter of the rootball and 2" from the bottom of the rootball to the bottom of the planting pit. The backfill mix for use in all tree and shrub pits shall consist of the following:
   - 6 parts on-site soil
   - 4 parts organic amendment
   - 1 lb./cyd of site 12-12-12 commercial fertilizer
   - 2 lbs./cyd of site Iron Sulfate
   - 10 lbs./cyd of site Agricultural Gypsum



Irrigation

The entire site will be irrigated using a fully automatic system. The irrigation system will be predominately spot drip with the possibility of some pop-up spray at key landscape areas. The system will include in-line valves, quick couplers, and gate valves, as well as backflow prevention to meet all local and UBC codes. Automatic controller will be Rainbird ESP or equal. The irrigation design will be complied with the Los Banos Water Efficient Landscape Ordinance.

Landscape Areas

On-Site Planting Area		14,091 sf
Turf Area	12,013 sf	
Shrub Area	2,078 sf	
Total		14,091 sf (0.32 acres)

Landscape Concept

The landscape design concept for the ARCO/McDonalds is to provide an enjoyable and aesthetic space for customers as well as those driving by. Plant material has been selected that performs well in the special conditions of the Los Banos area (Sunset Zone #8/9). The plant material has also been selected to be cohesive with the design relative to the surrounding conditions.

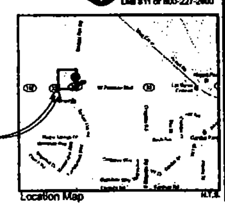
Drought tolerant hardy shrubs and groundcover are proposed for the perimeter of the landscape, and low to medium shrubs around buildings and at high profile areas.

Special considerations have been provided in selecting plant material that respects the needs of the customers and employees. Clear and secure view corridors have been provided to ensure the safety of customers entering the building as well as moving through the parking lot and drive-thru. Shade tree coverage throughout the parking lot has been provided to mitigate heat gain.

The developer, his successors and assigns, shall be responsible for installation, maintenance and replacement of all landscaping materials shown on the approved site plan or landscape plan on file in the Planning Department. All landscaping will be installed as delineated on the plan prior to issuance of certificate of occupancy unless otherwise approved by the Planning Commission and/or City Council.

Know what's below. Call before you dig. Dial 811 or 800-227-2600

Project Location



Location Map

N.T.S.

KLA
LANDSCAPE ARCHITECTURE PLANNING

www.klaonds.com

151 N. Norlin St., Sonora, CA 95370
(209)532-2856 (209)532-8510 fax

Revisions
Date / By / Modifications

[illegible]

© 20[illegible]

ARCO / McDonald's
Pacheco Blvd.
Los Banos, CA

California Gold
[illegible] Old Wards Ferry Road, Suite G
Sonora, CA 95370
209-533-3333 Business
209-533-3180 Fax

[illegible]

Preliminary Landscape Plan

Scale: 1" = 20'-0"

Date: November 15, 20[illegible]

Drawn \ Checked: MAC / THH

Project No.: II-1440

Sheet Number: L0

[illegible]

PRELIMINARY SITE PLAN

1"=20'

PROPERTY AREA
AFTER R/O/W DEDICATION
75,465 S.F.
1.73 ACRES

PROPOSED QUICK SERVICE RESTAURANT 3,800 S.F.

PROPOSED 2800 ARCO AM/PM CONVENIENCE STORE

84'x60' FUEL CANOPY W/ 8 MPD'S

HIGHWAY 152

BADGER FLAT ROAD

STREET IMPROVEMENTS PART OF SCOPE OF WORK, CURRENTLY A FOUR LANE STREET W/ A LEFT & RIGHT TURN LANE

STREET IMPROVEMENTS PART OF SCOPE OF WORK, CURRENTLY A TWO LANE STREET

PROPOSED 20' WIDE MULTI-TENANT D/PRICE SIGN

PROPOSED 19'-4" WIDE MULTI-TENANT D/PRICE SIGN

PROPOSED 19'-4" WIDE MULTI-TENANT D/PRICE SIGN

PROPOSED 20' SHARED DRIVE

PROPOSED 2' DOUBLE SIDED

PROPOSED MENU BOARDS

PROPOSED DIVIDERED SIGN

LOT LIGHT, TYP.

ARCO SIGNS

EDGE OF CANOPY

CANOPY AND TANK SUB

DOUBLE SIDED DISPENSER UNIT, TYPICAL OF 2

SIDE SIGN, TYPICAL OF 2

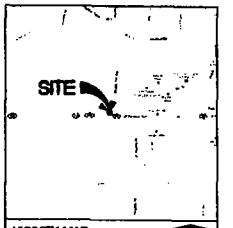
15'-6"x10'-6" TRASH ENCLOSURE, TYPICAL OF 2

6' WIDE PATH OF TRAVEL FROM PUBLIC SIDEWALK

PROPOSED 20' WIDE MULTI-TENANT D/PRICE SIGN

PROPOSED 2' DOUBLE SIDED

PROPOSED 2' DOUBLE SIDED



VICINITY MAP

PROJECT DATA

LOCATION: S.E.C. OF BADGER FLAT ROAD AT HIGHWAY 152
LOS BANOS, CALIFORNIA

ZONING: H-C HIGHWAY COMMERCIAL

PARKING SPACES REQUIRED:
2 SPACES PER TRAVEL SPA = 6 STALLS
3 SPACES PER 1,000 S.F. = 6 STALLS
TOTAL = 6 STALLS REQUIRED

PARKING SPACES PROVIDED: 61

SCOPE OF WORK

TO CONSTRUCT A NEW 2,800 S.F. CONVENIENCE STORE WITH AN ATTACHED 3,800 S.F. QUICK SERVICE RESTAURANT WITH DRIVE THRU. SITE IMPROVEMENTS WILL ALSO INCLUDE A NEW 84'x60' FUEL CANOPY WITH 8 ISLES-PROPERLY DISPENSER AND TWO UNDERGROUND STORAGE TANKS (1) SPOT 12,000 GALLONS AND (1) 20,000 GALLON.

NOTE:
THIS PLAN, AS SHOWN, HAS BEEN APPROVED BY BP TRANSPORTATION FOR APPROVAL OF FUEL DELIVERY BY
TERRANOVA, MANAGER: SCOTT HUDSON
DATE RECEIVED 11.22.11

ANY REVISION TO THIS PLAN NEEDS TO BE APPROVED THROUGH BP TRANSPORTATION TRAVEL MANAGER AND REVIEWED AND THE PERMIT DESIGNER. CONTACT PROJECT MANAGER FOR MORE DETAILS.

bp

ARCO

BARGHAUSEN CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-6782 FAX

CIVIL ENGINEERS, LAND PLANNERS, SURVEYORS, ENVIRONMENTAL ENGINEERS

NO.	DATE	REVISION DESCRIPTION
1	11/30/11	ADD TRASH ENCLOSURE
2	11/30/11	ADD SIGNS
3	11/30/11	ADD CANOPY
4	11/30/11	ADD SIGNS
5	11/30/11	ADD DIMENSIONS
6		
7		
8		
9		
10		
11		
12		

ARCO NT1
2800 sm/pm
w/ 3,800 QSR
84'x60' CANOPY
w/ 8 MPD's

BADGER FLAT ROAD
@ HIGHWAY 152
LOS BANOS, CALIFORNIA

FACILITY # TBD

DRAWN BY	PK
CHKD BY	JWB
DATE	2/08/11
SCALE	1" = 20'
PROJECT NO.	15436

PRELIMINARY SITE PLAN
11/21/2011

SP-1

Preliminary Plant Palette

Trees

Parking Lot Shade Trees - 15 gal., Qty. - 18
- Celtis sinensis — Chinese Hackberry
- Pistacia chinensis — Chinese Pistache
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus coccinea — Scarlet Oak

Small Flowering Trees - 15 gal., Qty. - 7
- Cercis occidentalis — Western Redbud
- Cercidium 'Desert Museum' — Palo Verde
- Lagerstroemia Indica — Crape Myrtle
- Malus species — Crabapple

Background Trees - 15 gal., Qty. - 12
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus ilex — Holly Oak
- Schinus molle — California Pepper Tree

Shade Trees - 15 gal., Qty. - 5
- Cinnamomum camphora — Camphor Tree
- Fraxinus 'Fan Tex' — Fan Tex Ash
- Ulmus parvifolia — Evergreen Elm

Upright Accent Trees - 15 gal., Qty. - 6
- Brachychiton populneus — Bottle Tree
- Magnolia grandiflora 'Little Gem' — Southern Magnolia
- Pyrus calleryana 'Chanticleer' — Chanticleer Pear
- Rhus lancea — African Sumac

Street Trees - 15 gal., Qty. - 4
- Fraxinus 'Fan Tex' — Fan Tex Ash
- Platanus acerifolia 'Bloodgood' — London Plane Tree
- Quercus coccinea — Scarlet Oak
- Ulmus parvifolia — Evergreen Elm

Shrubs

Screen / Buffer Shrubs - 5 gal.
- Cotoneaster lacteus — Cotoneaster
- Escallonia 'Fradesii' — Escallonia
- Nerium oleander — Oleander
- Xylosma congestum 'Compacta' — Shiny Xylosma

Hedges - 5 gal.
- Escallonia 'Newport Dwarf' — Escallonia
- Ligustrum japonicum 'Texanum' — Texas Privet
- Myrtus communis 'Compacta' — Myrtle
- Olea europaea 'Little Ollie' — Little Ollie Olive
- Rosmarinus officinalis 'Majorca Pink' — Rosemary

Low Hedges - 5 gal.
- Arctostaphylos densiflorus 'Howard McMinn' — Manzanita
- Cistus purpureus — Orchid Rockrose
- Pittosporum tobira 'Wheeler' — Wheeler's Dwarf Tobira
- Rhaphiolepis indica — India Hawthorne

Low Accent Shrubs - 1 gal.
- Dietes bicolor — Fortnight Lily
- Helictotrichon sempervirens — Blue Oat Grass
- Loropetalum chinensis 'Razzleberri' — Chinese Fringe Flower
- Pennisetum orientale — Dwarf Fountain Grass
- Pittosporum tobira 'Wheeler' — Wheeler's Dwarf Tobira
- Rosa 'Red Flower Carpet' — Rose
- Salvia species — Sage

Focal Accent Shrubs - 1 gal.
- Dietes bicolor — Fortnight Lily
- Juncus patens — California Rush
- Lantana species — Lantana
- Phormium species — Flax
- Rosa 'Red Flower Carpet' — Rose
- Salvia species — Sage

Groundcovers

Turf
- Sodded turf
- Synthetic lawn

Low Parking Lot Plants - 5 gal.
- Baccharis pilularis — Coyote Bush
- Dietes bicolor — Fortnight Lily
- Festuca mairei — Mairei Fescue
- Hemerocallis species — Day Lily
- Juniperus species — Juniper
- Rhaphiolepis indica — India Hawthorne
- Teucrium chamaedrys — Germander

Low Flowering Accent Shrubs - 5 gal.
- Agapanthus africanus — Lily Of the Nile
- Hemerocallis hybridus — Day Lily
- Lantana species — Lantana
- Rosa 'Red Flowering Carpet' — Rose
- Salvia species — Sage
- Teucrium chamaedrys — Germander
- Zauschneria californica — California Fuchsia

Low Groundcover - 5 gal.
- Cotoneaster dammeri 'Lowfast' — Bearberry
- Festuca glauca — Blue Fescue
- Juniperus species — Juniper
- Myoporum parvifolium — Myoporum
- Rosmarinus officinalis 'Prostrata' — Rosemary
- Trachelospermum asiaticum — Asian Jasmine

Vines

Climbing Vines - 1 gal.
- Ficus pumila — Creeping Fig
- Parthenocissus tricuspidata — Boston Ivy

This plan represents the design style and theme of the landscape design and planting. These plans are preliminary and may change through the design process. The final planting plan may not contain all of the above plants in the sizes as shown. Additionally some new plant species may be used in the final design. This plan does however indicate the quantity of trees and the overall level of landscape development that will be carried through with the final design.

Final landscape design shall meet Los Banos codes and requirements as well as Project Specific Conditions of Approval. Final design is subject to approval through the building permit review process.

Parking Lot Shade Calculations

The shade coverage of the tree types are determined from the City of Los Banos referenced standards and guidelines as well as information contained within the Sunset Western Garden Book. Calculated tree canopies are taken from those that shade parking stalls and associated drive aisles.

Type of Tree	100%	75%	50%	25%
Parking Lot Trees	7@962 = 6,734	2@721 = 1,442	7@ 481 = 3,367	0
Small Flowering Tree	0	0	0	7@ 79 = 553
Background Tree	0	0	0	12@ 177 = 2,124
Upright Accent	0	0	6@ 353 = 2,118	0

Applicable Parking Stalls and Drive Area	25,910 sf
Area Shaded per the Above Table	16,338 sf
Percentage of Applicable Parking Area Shaded	63.1%

Tree Root Barriers

All trees large spreading trees placed within 5' of hardscape (sidewalks and curb) are to have DeepRoot Model RB 18-2 root barriers installed during tree installation. The following number of panels are to be installed with each tree in a linear manner along the edge of the hardscape per the size of tree as installed:

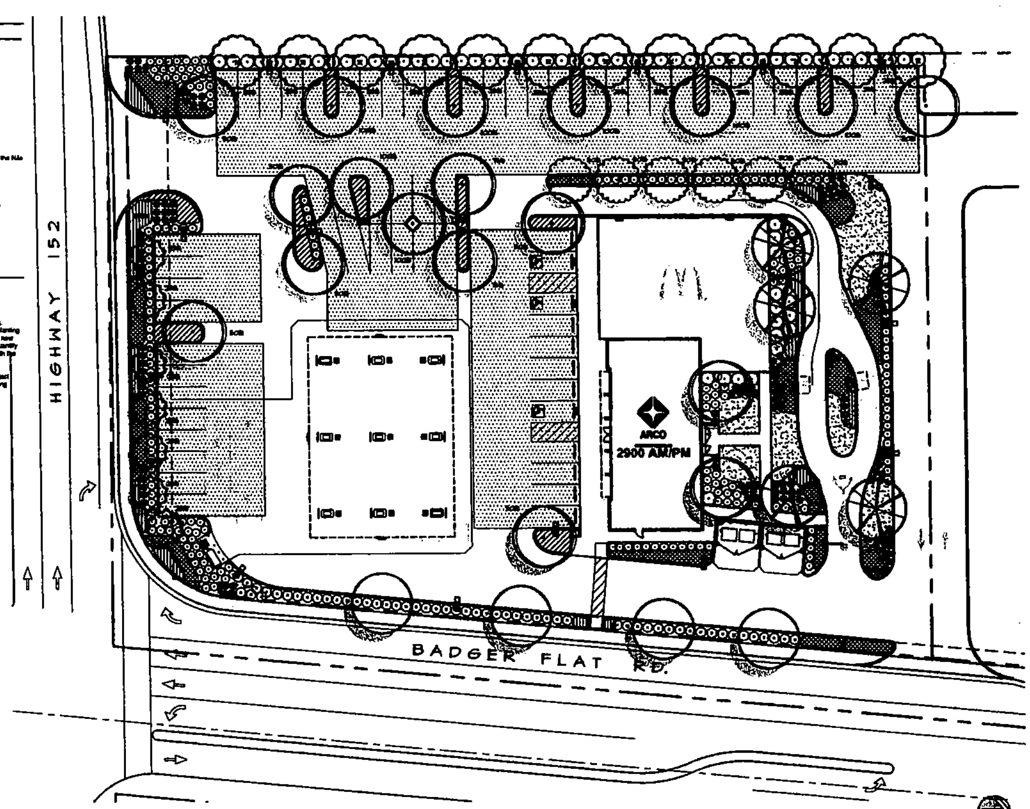
- 15 gallon trees: 4 panels
- 24" box trees: 6 panels

Sizes not listed above are to be installed with the quantity of panels as specified by the manufacturer.

Root Solutions RS-18 may be used as an alternate. Use the same quantities per tree sizes as listed above. 1(800)554-0914

General Planting Notes

1. The contractor shall examine the conditions of the site prior to commencement of work. Any conditions that differ from what is shown on the plans that will affect the installation process shall be brought to the attention of the Owner or Land. Arch. prior to work. Commencement of work implies acceptance of the conditions of the site.
2. All plant material shall be subject to approval or rejection by the Landscape Architect or Owner's Representative prior to installation. Installed and then rejected material shall be replaced by the contractor at his/her expense.
3. All vines shall be espaliered to the adjacent wall.
4. All trees in a formal group or in a row shall be matching in size and shape.
5. Groundcover shall be installed continuous under all shrub masses unless otherwise noted.
6. A nitrogen stabilized commercial-grade bark mulch with maximum 3/4" dia. chip size shall be uniformly broadcast over all shrub areas (not turf) to a depth of 2".
7. The planting pits for boxed trees shall be excavated twice the diameter of the rootball and 2" from the bottom of the rootball to the bottom of the planting pit. The backfill mix for use in all tree and shrub pits shall consist of the following:
   - 6 parts on-site soil
   - 4 parts organic amendment
   - 1 lb./cyd of mix 12-12-12 commercial fertilizer
   - 2 lbs./cyd of mix Iron Sulfate
   - 10 lbs./cyd of mix Agricultural Gypsum



Irrigation

The entire site will be irrigated using a fully automatic system. The irrigation system will be predominately spot drip with the possibility of some pop-up spray at key landscape areas. The system will include in-line valves, quick couplers, and gate valves, as well as backflow prevention to meet all local and UBC codes. Automatic controller will be Rainbird ESP or equal. The irrigation design will be compliant with the Los Banos Water Efficient Landscape Ordinance.

Landscape Areas

On-Site Planting Area		14,091 sf
Turf Area	12,015 sf	
Shrub Area	2,076 sf	
Total:		14,091 sf (0.32 acres)

Landscape Concept

The landscape design concept for the ARCO/McDonalds is to provide an enjoyable and aesthetic space for customers as well as those driving by. Plant material has been selected that performs well in the special conditions of the Los Banos area (Sunset Zone 8/9). The plant material has also been selected to be cohesive with the design relative to the surrounding conditions.

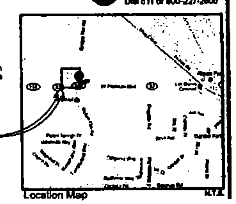
Drought tolerant hardy shrubs and groundcover are proposed for the perimeter of the landscape, and low to medium shrubs around buildings and at high profile areas.

Special considerations have been provided in selecting plant material that respects the needs of the customers and employees. Clear and secure view corridors have been provided to ensure the safety of customers entering the building as well as moving through the parking lot and drive-thru. Shade tree coverage throughout the parking lot has been provided to mitigate heat gain.

The developer, his successors and assigns, shall be responsible for installation, maintenance and replacement of all landscaping materials shown on the approved site plan or landscape plan on file in the Planning Department. All landscaping will be installed as delineated on the plan prior to issuance of certificate of occupancy unless otherwise approved by the Planning Commission and/or City Council.

811 Know what's below. Call before you dig. Dial 811 or 800-227-2600

Project Location


Location Map — N.T.S.

KLA LANDSCAPE ARCHITECTURE PLANNING

www.klaonline.com
151 N. Norlin St., Sonora, CA 95370
(209)532-2856 (209)532-5610 fax

Revisions

© 2011

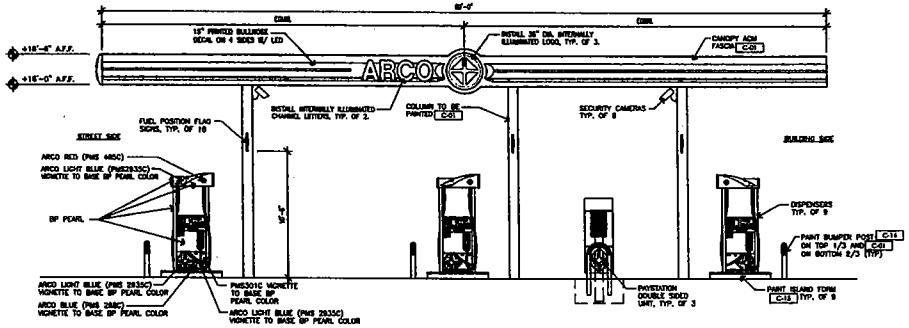
ARCO / McDonald's
Pacheco Blvd.
Los Banos, CA

California Gold
133 Old Wards Ferry Road, Suite G
Sonora, CA 95370
209-533-3333 Business
209-533-3180 Fax

Preliminary Landscape Plan

Scale: 1" = 20'-0"
Date: November 15, 2011
Drawn\Checked: MAC / THH
Project No.: 11-1440
Sheet Number: L0

[illegible] 11-21-11 [illegible] Plotted by: [illegible]



(A) EAST CANOPY ELEVATION (BADGER FLAT ROAD)
SCALE: 1/4"=1'-0"
WEST ELEVATION SAME CONDITION W/O ARCO CHANNEL LETTERS

EXTERIOR PAINTS

C-01 COLOR: BP PEARL
- K2 PAINTS, ORDER #A0063, SPECIFY [SHY 72/117, "WARM LEDGE"
- SHERWIN WILLIAMS, SW6119, "MARBLE WHITE"
- BENJAMIN MOORE, OC-6, "ELEPHANT TUSK"

C-02 COLOR: BP DARK PEARL
- K2 PAINTS, ORDER #A0767, SPECIFY [SHY 52/307, "DEEPER VALLEY"
- SHERWIN WILLIAMS, SW6181, "MIDDLE BRASS"
- BENJAMIN MOORE, HC-24, "PITTSFIELD GRAY"

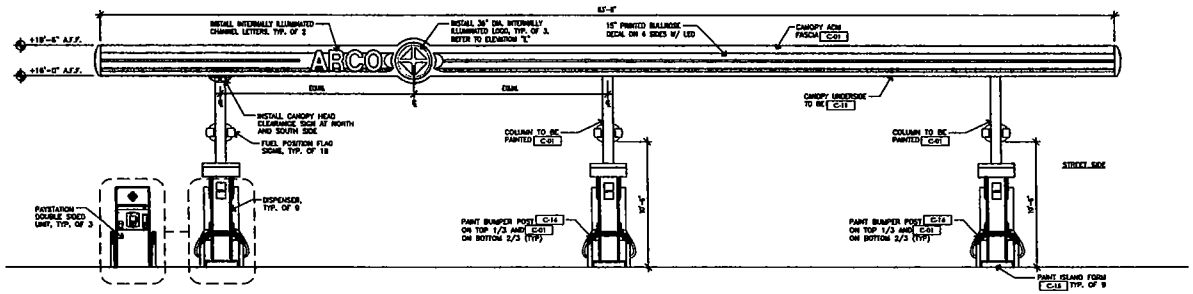
C-04 COLOR: [illegible] TAN
- K2 PAINTS, ORDER #A0717, SPECIFY [PANT 43/305, "[illegible]"
- SHERWIN WILLIAMS, SW6382, "[illegible] GOLD"
- BENJAMIN MOORE, 2168-50, "[illegible]"

C-05 COLOR: [illegible] DARK TAN
- K2 PAINTS, ORDER #A1761, SPECIFY [SHY 37/321, "[illegible]"
- SHERWIN WILLIAMS, SW6048, "ROCKCROCK"
- BENJAMIN MOORE, HC-47, "BROOKLINE EDGE"

C-11 COLOR: HIGH MONO GLOSS
- K2 PAINTS, ORDER #A0128, SPECIFY [SHY 61/010, "[illegible]"
- SHERWIN WILLIAMS, SP0081, "EXTRA WHITE"
- BENJAMIN MOORE, OC-67, "ICE BERG"

C-14 COLOR: BP YELLOW
- K2 PAINTS, ORDER #A0775 SPECIFY [SHY 51/302, "[illegible] YELLOW"
- SHERWIN WILLIAMS, SW6681, "CHEERFUL"
- BENJAMIN MOORE, 2022-10, "YELLOW"

C-15 COLOR: BP SMOKE GREY
- K2 PAINTS, ORDER #A1880, SPECIFY [SHY 36/074, "GREY MOUNTAIN"
- SHERWIN WILLIAMS, SW7021, "[illegible] SMOKE"
- BENJAMIN MOORE, 2137-40, "[illegible]"



(B) SOUTH CANOPY ELEVATION (HIGHWAY 152)
SCALE: 1/4"=1'-0"
NORTH ELEVATION (FACING C-STORE) SIMILAR W/O SPARK AND ARCO CHANNEL LETTERS

Preliminary Not For Construction

bp

ARCO

BARGHAUSEN CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-0762 FAX

NO.	DATE	REVISION DESCRIPTION
1	9/25/01	CITY COMMENTS
2	9/25/01	ADA CHANGES
3	9/25/01	SIGNS CHANGED
4	9/25/01	ADA CHANGES
5	9/25/01	CITY COMMENTS
6		
7		
8		
9		
10		
11		
12		

ARCO NTI
2000 gpm/gun
w/ 3,000 GSR
84'x60' CANOPY
w/ 9 MPD's

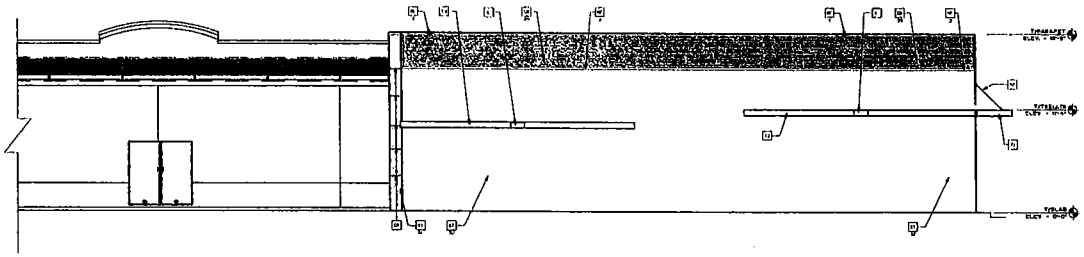
BADGER FLAT ROAD
[illegible]
LOS GATOS, CALIFORNIA

FACILITY # TBD

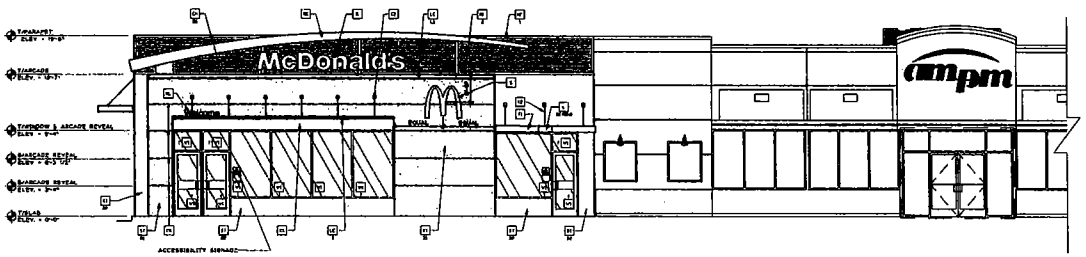
DRAWN BY: | DRAWING DATE:
CHECKED BY: | BP REVIEW:
DRAWN BY: | DRAWING No:
CHECKED BY: | DRAWING No:
SCALE: | PROJECT No: 15435

DRAWING TITLE: CANOPY ELEVATIONS

SHEET No: CA-1



1 REAR ELEVATION - NORTH



2 FRONT ELEVATION - SOUTH

ELEVATIONS

SCALE 3/16"=1'-0"

0 3 4 8 16

NOTE:
ALL SIGNAGE (INCLUDING DRIVE-THRU MENU SIGNAGE) SHALL BE UNDER SEPARATE PERMIT AND WILL BE SUBMITTED TO THE PLANNING DIVISION AS A DEFERRED SUBMITTAL.

EXTERIOR ANTI-GRAFITTI MATERIAL
RFe 2016-7
MANUF: "TAMMSTECH"
COLOR: AQUA-THING

KEY NOTES

- S1 EXTERIOR BUILDING FINISH - MATERIALS PER COLOR SCHEDULE - SEE WALL ASSEMBLY NOTES ABOVE FOR SPECIFICATIONS
  - COLORS:
    - B1 = ARCADE FRONT, SIDE & HEARTH PRY REVEAL (CHANEL SCREEN) TO MATCH STUCCO
    - B2 = BASE BUILDING, FRONT ENTRANCE & AREA BELOW GLAZING
    - B3 = DRIVE-THRU SURROUND & ACCENT STRIPING
- S2 8" WIDE PRY REVEAL - COLOR TO MATCH SURROUNDING MATERIAL PROVIDE WEEP HOLES IN OPEN CORNER OF REVEAL FOR DRAINAGE SEE S3/A9
  - 8" REVEALS AT ARCADE ELEMENTS
- S3 METAL FASCIA - COLOR TO MATCH CORRUGATED METAL PANEL - SEE W4/A9
  - TYPE:
    - 1 = PRE-FAB ANCHOR-TITE FASCIA
    - 2 = PRE-FAB CUSTOM ARCADE FASCIA
    - 3 = PRE-FAB STUCCO CAP FASCIA
- S4 ALUMINUM CANOPY SYSTEM (COLOR YELLOW)
  - COLOR:
    - 1 = YELLOW
    - 2 = CITYSCAPE
- S5 ALUMINUM CANOPY TIE-BACK SYSTEM
- S6 CORRUGATED METAL PANEL - SEE W4/A9 COLOR = CITYSCAPE BY METAL-ERA
- S7 HOLLOW METAL DOOR - PAINT TO MATCH COLOR OF SURROUNDING MATERIAL
- L1 EXPANSION JOINT, SEE DETAIL W/A9 & NOTE 6
- P3 CO2 - BULK CO2 FILL BOX (EQPM SCHEDULE ITEM 4EQ01)
  - 50# BULK CO2 FILL BOX (EQPM SCHEDULE ITEM 7EQ16) COORDINATE USE WITH MCD PROJECT MANAGER
- S8 RECESSED ENDS BOX
- L1 LIGHT FIXTURE (WALL SCONCE) - SEE ELECTRICAL
- L2 ACCENT LIGHTING - SEE ELECTRICAL
  - LED LIGHT:
    - L1 = UP AND DOWN FIXTURE
    - L2 = DOWN ONLY FIXTURE
    - L3 = INTEGRAL CANOPY FIXTURE
- S9 METAL LETTERING - BY OTHERS
- P2 PIPE BOLLARD 17/A4W - PAINT YELLOW
- P17 PARS COIU COLLECTOR - PAINT, INSTALL BY G.C. SEE DTL 13/A4W
- R2 ROOF CAP ELEMENT BY OTHERS
- R10 ROOF DRAIN OVERFLOW PIPE PAINT TO MATCH SURROUNDING MATERIAL
- S1 McDONALD'S SIGNAGE BY OTHERS - UNDER SEPARATE PERMIT
- S5 METAL LOUVERED SUNSCREEN PANEL - FLATPLACE PROJECTS ONLY.
- T1 ALUMINUM TRELLIS SUPPLIED BY MCD VENDOR INSTALLED BY G.C. G.C. TO OFFSET WALL TUBE FROM WALL W/ 1"x3 1/2" = 1 P.S. OF TUBE) NEOPRENE WASHER ABOUT CONNECTIONS - SET IN MASTIC & WALL FOR WATER TIGHT SEAL. ALSO SEE DETAILS S4/TS A5A, A6B, A5A.
- T2 TRELLIS SIDEBACK SUPPLIED BY MCD VENDOR INSTALLED BY GC
- T3 TRELLIS SYSTEM 3X8 ALUMINUM WALL FASCIA GC TO OFFSET WALL TUBE FROM WALL W/ 1/2" NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC & WALL FOR WATER TIGHT SEAL
- W1 EXTERIOR WINDOW ASSEMBLY - 1" INSULATED CLEAR GLASS, CLEAR ANODIZED ALUM - FRAME SYSTEM, GLASS SYSTEM BOOKBAND FOR 20 PSF MIN. WIND FORCE BY FRAME WE SEE AS REQD BY CODE- SEE NOTE 10 & 18 ON SHEET A2. PROVIDE FLASHING AT HEAD & SILL CONTINUOUS SEALANT. SEE NOTE 6 ON SHEET A2.
  - 1 = TEMPERED GLASS
- W2 DRIVE-THRU WINDOW BY READY ACCESS - COMPUTER MODEL, OPTIONS, AND SIZE WITH MCD PROJECT MANAGER OPTIONS INCLUDE TRANSOM WINDOWS, AIR CURTAINS, PLYPAN/TRANSOM & 432 SQ IN VAS SERVICE OPENING (WHERE REQD BY CODE)
  - SLIDE DIRECTION RL = RIGHT TO LEFT, LR = LEFT TO RIGHT
- W3 WEAR POSTS / COLUMNS W/ ALUMINUM INSIDE AND OUT TO MATCH WINDOW FRAME SYSTEM
- W4 SPANDREL PANEL SET IN AN EXTERIOR WINDOW ASSEMBLY- SEE ASSEMBLY NOTES ON SHEET A2.0, COLOR TO MATCH WINDOW FRAMES

REVISIONS

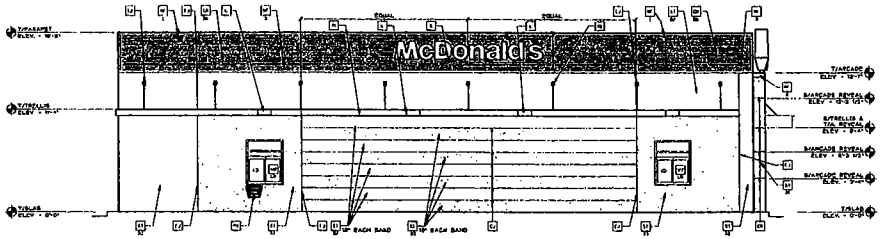
ARCHITECT

McDonald's

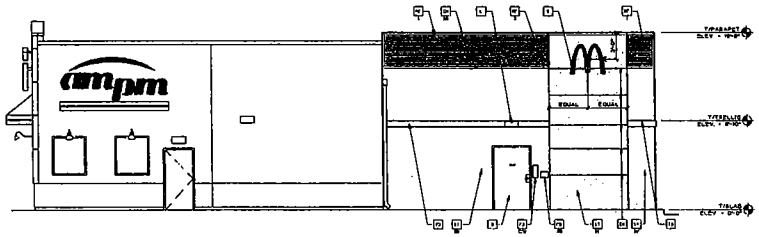
PERMIT SET - 10/04/11

SHEET NO. A2

EXT. ELEVATIONS



1 DRIVE THRU ELEVATION - WEST



2 REAR ACCESS ELEVATION - EAST

ELEVATIONS

SCALE 3/16"=1'-0"

0 2 4 8 16

NOTE:
ALL SIGNAGE (INCLUDING DRIVE-THRU MENU SIGNAGE) SHALL BE UNDER SEPARATE PERMIT AND WILL BE SUBMITTED TO THE PLANNING DIVISION AS A DEFERRED SUBMITTAL

EXTERIOR ANTI-GRAFFITI MATERIAL
RRS 2010-7
MANUF: TRANSTECH
COLOR: AQUA-THING

KEY NOTES

- (A1) EXTERIOR BUILDING FINISH - MATERIALS PER COLOR SCHEDULE - SEE WALL ASSEMBLY NOTES ABOVE FOR SPECIFICATIONS
  - COLORS
  - B1 = ARCADE FRONT, SIDE & HEADER - TO MATCH STUCCO
  - B2 = BASE BUILDING FRONT ENTRANCE & AREA BELOW GLAZING
  - B3 = DRIVE-THRU SURROUND & ACCENT STRIPING
- (C4) 1" WIDE PAY REGLET REVEAL - COLOR TO MATCH SURROUNDING MATERIAL PROVIDE WEEP HOLES IN UPPER CORNER OF REGLET FOR DRAINAGE SEE 33/A8
  - 1" REVEALS AT ARCADE ELEMENTS
- (M) METAL FASCIA - COLOR TO MATCH CORRUGATED METAL PANEL - SEE 1A/A6.0
  - TYPE:
  - 1 = PRE-FAB ANCHOR-TITE FASCIA
  - 2 = PRE-FAB CUSTOM ARCADE FASCIA
  - 3 = PRE-FAB STUCCO CAP FASCIA
- (C2) ALUMINUM CANOPY SYSTEM (COLOR: YELLOW)
  - COLOR:
  - 1 = YELLOW
  - 2 = CITYSCAPE
- (C3) ALUMINUM CANOPY TIE-BACK SYSTEM
- (C1) CORRUGATED METAL PANEL - SEE 1A/A6.0 COLOR = CITYSCAPE BY METAL-SEA
- (D) HOLLOW METAL DOOR - PAINT TO MATCH COLOR OF SURROUNDING MATERIAL
- (J) EXPANSION JOINT, SEE DETAIL 3/A6 & NOTE (D)
- (F8 / CO) CO2 - BULK CO2 FILL BOX (ECPM SCHEDULE ITEM 18.006)
  - 50% BULK OIL FILL BOX (ECPM SCHEDULE ITEM 10.014)
  - CONFIRM USE WITH MCD PROJECT MANAGER
- (R8) RECESSED SMOK BOX
- (L) LIGHT FIXTURE (WALL SCONCE) - SEE ELECTRICAL
- (LC) ACCENT LIGHTING - SEE ELECTRICAL
- (L1) LED LIGHT
  - L1 = UP AND DOWN FIXTURE
  - L2 = DOWN ONLY FIXTURE
  - L3 = INTERNAL CANOPY FIXTURE
- (M) METAL LETTERING - BY OTHERS
- (P8) PIPE BOLLARD (7/A6.0) - PAINT YELLOW
- (T1) PASS COIN COLLECTOR - (MANUC) INSTALL BY G.C. SEE DTL 13/A6.0
- (RC) ROOF CAP ELEMENT BY OTHERS
- (R6) ROOF DRAIN OVERFLOW PIPE PAINT TO MATCH SURROUNDING MATERIAL
- (S) McDONALD'S SIGNAGE BY OTHERS - UNDER SEPARATE PERMIT
- (M) METAL LOUVERED SUNSCREEN PANEL - PLAYPLACE PROJECTS ONLY.
- (T1) ALUMINUM TRELLIS SUPPLIED BY MCD VENDOR INSTALLED BY G.C. TO OFFSET WALL TUBE FROM WALL W/ TRELL 1/2" = (OR 1/2" TUBE) NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC & WALL FOR WATER TIGHT SEAL ALSO SEE DETAILS 3/A7.0 A8A, A9A, A9B
- (T2) TRELLIS TIEBACK SUPPLIED BY MCD VENDOR INSTALLED BY GC
- (T3) TRELLIS SYSTEM 3X8 ALUMINUM WALL FASCIA BC TO OFFSET WALL TUBE FROM WALL W/ 1/2" NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC & WALL FOR WATER TIGHT SEAL
- (W1) EXTERIOR WINDOW ASSEMBLY - 1" INSULATED CLEAR GLASS, CLEAR ANODIZED ALUM - FRAME SYSTEM, GLASS SYSTEM REDESIGNED FOR 50 PSF WIND WIND FORCE BY FRAME (+5 OR -45 PSF) BY CRGD: 322 NOTE 10 & 10 ON SHEET A3. PROVIDE FLASHING AT HEAD & SILL CONTINUOUS SEALANT SEE NOTE (D) ON SHEET A2.
  - 1" = TEMPERED GLASS
- (W2) DRIVE-THRU WINDOW BY READY ACCESS - CONFIRM MODEL, OPTIONS, AND SIZES WITH MCD PROJECT MANAGER OPTIONS INCLUDE TRANSOM WINDOWS, AIR CURTAIN, PLYPAN/TRANSOM & 425 SQ IN MAX SERVICE OPENING (WHERE NEED BY CODE)
  - SLIDE DIRECTION: RL = RIGHT TO LEFT
  - LR = LEFT TO RIGHT
- (W3) WRAP POSTS / COLUMNS W/ ALUMINUM INSIDE AND OUT TO MATCH WINDOW FRAME SYSTEM
- (W4) SPANDREL PANEL SET IN AN EXTERIOR WINDOW ASSEMBLY - SEE ASSEMBLY NOTES ON SHEET A1.2, COLOR TO MATCH WINDOW FRAMES

SCHEME | BUILDING ELEMENT | DESCRIPTION / MATERIAL

BUILDING ELEMENT	DESCRIPTION
· WALLS	[illegible]
· ARCADE FRAME	[illegible]
· CANOPY	[illegible]
· ARCADE BOXES	[illegible]

EXTERIOR WALL ASSEMBLY 1
FROM EXTERIOR TO INTERIOR

1. 7/8" MIN. THICK THREE COAT STUCCO FINISH MEDIUM TEXTURE, APPLIED IN 3 COATS - FINISH COAT OVER WATER-RESISTIVE VAPOR-PERMEABLE BARRIER EQUAL TO AT LEAST TWO LAYERS OF GRADE D PAPER, PER LOCAL CODES AND MANUFACTURERS SPECIFICATIONS. ALL PLASTER SHALL BE EARTHQUAKE PAINT. SEE NOTE (C)
2. PERMEABLE BUILDING WRAP OVER EXTERIOR GRADE PLYWOOD INSTALL PER LOCAL CODES AND MANUFACTURERS SPECIFICATIONS.
3. 3x8" WOOD STUD FRAMING @ 24" o.c. WITH CONTINUOUS DRAFTSTOP/FIRESTOP BLOCKING AT FINISH CEILING LEVEL & FULL DEPTH STUDS, SHIM AS INDICATED ON PLAN. INSTALL 6" MTL STUDS @ 24" o.c. IN LIEU OF 3x8 AS STUD
4. UNFACED BATT INSULATION R VALUE = 19
5. 2 COAT CLEAR NON-SACRIFICIAL GRAFFITI SEALER ON ALL PLASTER EQUAL TO DUPH EPAMPS
6. 5/8" TYPE "X" INTERIOR WALL BOARD OR 1/2" PLYWOOD WHERE REQUIRED IN SPECIFIC APPLICATIONS
7. ALL WOOD FRAMING SHALL NOT EXCEED 19% MOISTURE CONTENT - SHALL BE PROTECTED DURING CONSTRUCTION FROM WEATHER AND MOISTURE
8. "VERTAMTEX MEMBRANE" SMART VAPOR RETARDER (SEMI-VAPOR PERMEABLE) BY CERTAINTEED OR EQUAL
9. WALL BASE 5x8" CEMENT BOARD 8" IN HEIGHT ABOVE BASE EXTENDING TO STRUCTURE ABOVE. 1/2" MIN. THICK BOARD, MIN. 1"x8" STRIP FINISH PANELS OR 5/8" PLYWOOD BACKUP AS INDICATED ON THE ECPM FINISH SCHEDULE.
   5/8" EXTERIOR PANEL, SUBSTITUTIONS MUST ADHERE TO SEE ASTM 1047.
10. SEE FINISH & PARTITION SCHEDULE

INTERIOR WALL ASSEMBLY

1. 3x8 FRAMING @ 2'-0" o.c. UNLESS OTHERWISE NOTED - SEE INTERIOR PARTITION DTL ON THIS SHEET.
2. 5/8" SHEAR & EXTERIOR PLYWD W/ FRAMING TYP
3. STEEL STUDS MAY BE SUBSTITUTED FOR WOOD STUDS AT NON BEARING INTERIOR WALLS. 20 GAUGE AT 2'-0"o.c. & 2-6x6 AT DOOR JAMBS AND CONCENTRATED SHEAR LOADS 25 UNIFORM STIC
4. SHORE PER PLANS IS INSTALLED IF IS CONTRACTORS OPTION IS INSTALL 1/2" PLYWD IN LIEU OF 5/8" SO PLYWD MUST BE SANDED FINISHED PRIOR TO PAINT BEING INSTALLED

McDonald's

PERMIT SET - 10/06/11

REVISIONS

ARCHITECT

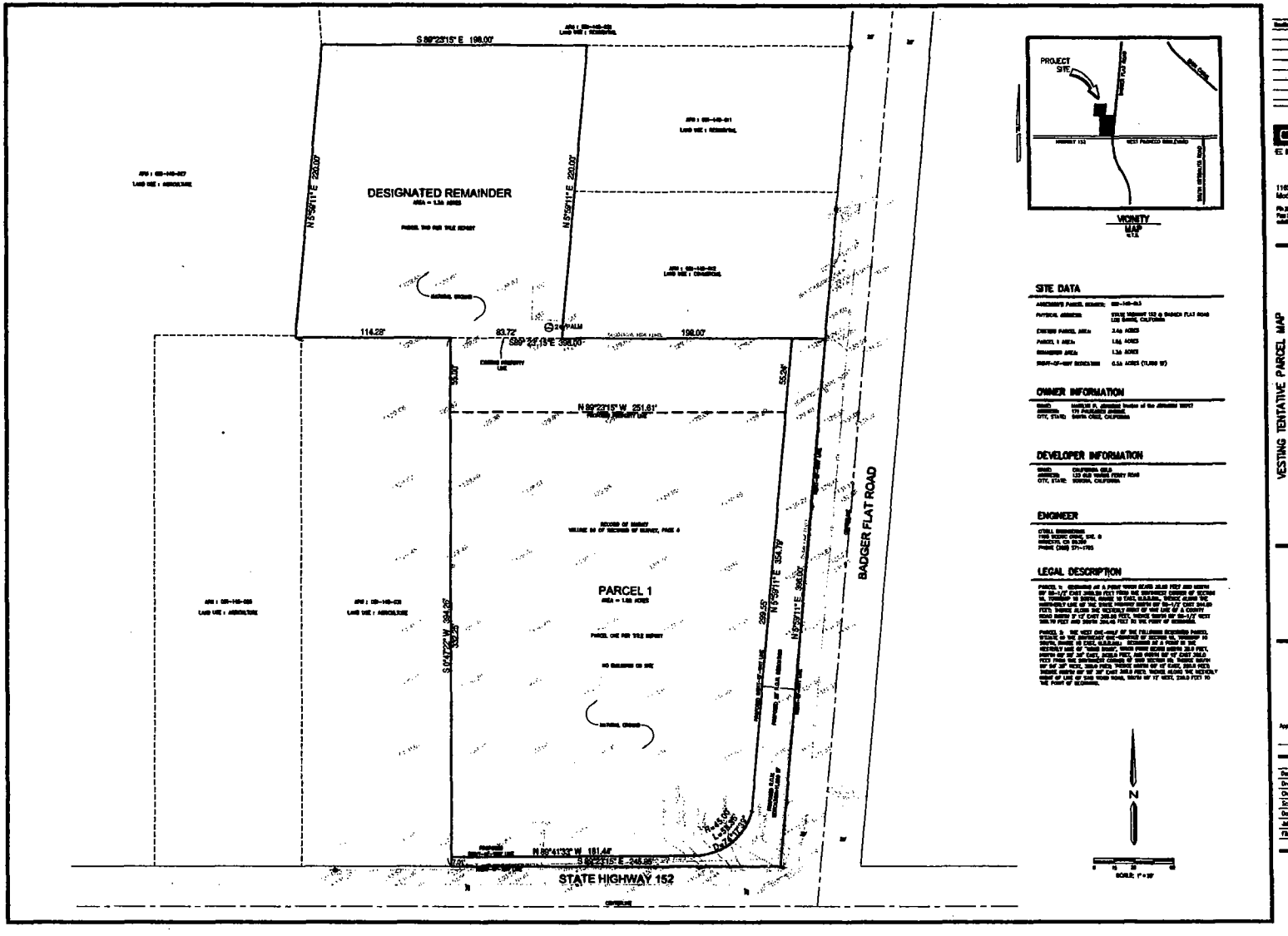
VIGEN ASSOCIATES

McDONALD'S CORPORATION
ONE MAGNIFICENT MILE
ONE BROADE, ILLINOIS 60601

TITLE: ELEVATIONS

SHEET NO. A2a

PAT ELEVATIONS



SITE DATA

ASSESSOR'S PARCEL NUMBER:	[illegible]
PHYSICAL ADDRESS:	STATE HIGHWAY 152 & BADGER FLAT ROAD LOS BANOS, CALIFORNIA
EXISTING PARCEL AREA:	2.66 ACRES
PARCEL 1 AREA:	1.66 ACRES
REMAINDER AREA:	1.34 ACRES
RIGHT-OF-WAY DEDICATION:	0.56 ACRES (70,000 SF)

OWNER INFORMATION

NAME: [illegible]
ADDRESS: 179 [illegible]
CITY, STATE: SANTA CRUZ, CALIFORNIA

DEVELOPER INFORMATION

NAME: CALIFORNIA GOLD
ADDRESS: 120 OLD SONOMA [illegible] ROAD
CITY, STATE: NAPA, CALIFORNIA

ENGINEER

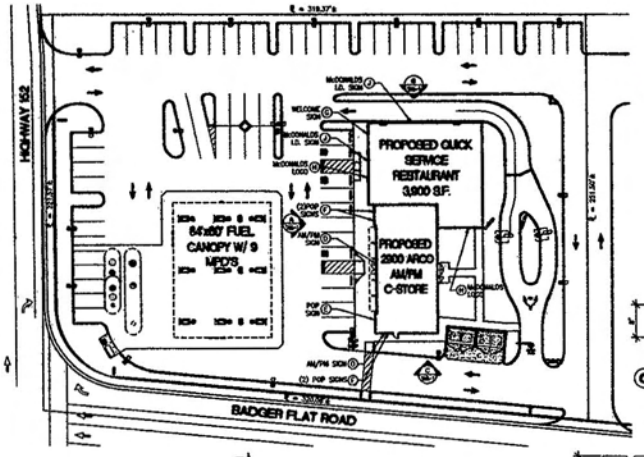
O'DELL ENGINEERING
1165 SCENIC DRIVE, STE. B
MODESTO, CA 95350
PHONE (209) 571-1795

LEGAL DESCRIPTION

PARCEL 1: BEGINNING AT A POINT WHICH BEARS [illegible] FEET AND NORTH [illegible] FEET FROM THE SOUTHWEST CORNER OF SECTION [illegible], TOWNSHIP [illegible] SOUTH, RANGE [illegible] EAST, M.D.B.&M.; THENCE ALONG THE WESTERLY LINE OF THE STATE HIGHWAY NORTH [illegible] FEET; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF A COUNTY ROAD NORTH [illegible] FEET; THENCE NORTH [illegible] WEST [illegible] FEET AND NORTH [illegible] FEET TO THE POINT OF BEGINNING.

PARCEL 2: THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED PARCEL: BEGINNING ON THE SOUTHEAST LINE THEREOF AT WHICH [illegible] TO SOUTH, RANGE [illegible] EAST, M.D.B.&M.; BEGINNING AT A POINT IN THE WESTERLY LINE OF "BADGER ROAD", [illegible] FEET; THENCE ALONG THE WESTERLY LINE OF "BADGER ROAD", [illegible] FEET; THENCE NORTH [illegible] EAST [illegible] FEET; THENCE NORTH [illegible] EAST [illegible] FEET; THENCE NORTH [illegible] EAST

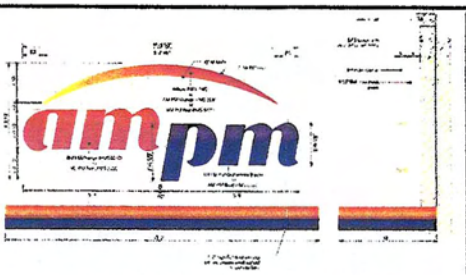
Elevations



SITE PLAN
SCALE: 1"=30'

E POP SIGNS = 22.4 S.F.
SCALE: N.T.S

F POP SIGNS = 14.9 S.F.
SCALE: N.T.S



D 21" AMPM CHANNEL LETTERS = 18.14 S.F.
SCALE: 1/2"=1'-0"

APPROVED VENDORS: ALL SIGNS ORDERED BY FLORIDA CONVENIENCE GROUP INC.

G WELCOME SIGN = 2.56 S.F.
SCALE: 1"=1'-0"

H McDONALD'S LOGO = 3.71 S.F.
SCALE: 3/4"=1'-0"

J McDONALD'S IDENTIFICATION SIGN = 34.87 S.F.
SCALE: 1/2"=1'-0"

EXTERIOR PAINTS

C01 COLOR: SP FOAM
- ICI PAINTS, ORDER #A0083, SPECIFY #SHV 72/117, "MOM LEDGE"
- SHERWIN WILLIAMS, SW0116, "ANTIQUE WHITE"
- BENJAMIN MOORE, OC-6, "ELEPHANT TUSK"

C02 COLOR: SP DARK FOAM
- ICI PAINTS, ORDER #A0082, SPECIFY #SHV 50/300, "DESERT VALLEY"
- SHERWIN WILLIAMS, SW0121, "WHOLE WHEAT"
- BENJAMIN MOORE, HC-34, "FOXFIELD BUFF"

C04 COLOR: stucco DM
- ICI PAINTS, ORDER #A0113, SPECIFY #SHV 85/205, "MOMS GOLD"
- SHERWIN WILLIAMS, SW0040, "HUMBLE GOLD"
- BENJAMIN MOORE, 2160-30, "DOLPHIN WHIT"

C05 COLOR: stucco DARK DM
- ICI PAINTS, ORDER #A1761, SPECIFY #SHV 37/221, "CINNAMON DUN"
- SHERWIN WILLIAMS, SW0016, "MOCHAWORK"
- BENJAMIN MOORE, HC-47, "GINGERLINE BROWN"

C11 COLOR: HIGH NORTH STATE
- ICI PAINTS, ORDER #A0128, SPECIFY #SHV 85/010, "SNOW WHITE"
- SHERWIN WILLIAMS, SW7005, "EXTRA WHITE"
- BENJAMIN MOORE, OC-67, "OZ WHT"

C15 COLOR: SP WHITE ONLY
- ICI PAINTS, ORDER #U0860, SPECIFY #SHV 27/034, "GREY MOUNTAIN"
- SHERWIN WILLIAMS, SW7023, "FORTITUDE GRAYS"
- BENJAMIN MOORE, 2137-40, "DESERT TWILIGHT"

SIGN SUMMARY

MID SIGNS:
1 SIGN, 30 S.F. PER STREET FRONTAGE 20' MAX. HEIGHT.
1 ADDITIONAL 30 S.F. SIGN FOR STREET FRONTAGES
GREATER THAN 200' IN LENGTH; 1 SIGN, 100 S.F. ONE SIDE USED IN LIEU OF THE 2, 30 S.F. SIGNS

HWY 152 – STREET FRONTAGE 221.57' LENGTH
ALLOWED: (2) – 30 S.F. SIGNS OR (1) – 100' S.F.)
PROPOSED: (1) – 84 S.F., 20' HIGH SIGN
W/ L.E.D. PRICE SIGNS PER ELEVATION "F"

BADGER FLAT ROAD – STREET FRONTAGE 322.06' LENGTH
ALLOWED: (2) – 30 S.F. SIGNS OR (1 – 100' S.F.)
PROPOSED: (2) – 40 S.F., 19'-4" HIGH SIGN
W/ L.E.D. PRICE SIGNS PER ELEVATION "G"

BUILDING SIGNS - AM/PM C-STORE:
1 S.F. FOR EA. 1 LINEAR FT OF BUILDING FRONTAGE

FRONT – SOUTH WALL 130' LENGTH
ALLOWED: 130 S.F.
PROPOSED: 111.46 S.F.
1. (1) – AM/PM 21" INTERNALLY ILLUMINATED CHANNEL LETTERS – 18.14 S.F. PER ELEVATION "E"
2. (2) – P.O.P SIGNS (14.9 EA) – 29.8 S.F. PER ELEVATION "F"
3. (1) – P.O.P SIGN – 22.4 S.F. PER ELEVATION "J"
4. (1) – McDONALDS CHANNEL LETTERS – 34.87 S.F. PER ELEVATION "E"
5. (1) – McDONALDS LOGO – 3.71 S.F. PER ELEVATION "H"
6. (1) – McDONALDS WELCOME SIGN – 2.56 S.F. PER ELEVATION "G"

SIDE – WEST WALL 70' LENGTH
ALLOWED: 70 S.F.
PROPOSED: 34.87 S.F.
1. (1) – McDONALDS CHANNEL LETTERS – 34.87 S.F. PER ELEVATION "E"

SIDE – EAST WALL 80' LENGTH
ALLOWED: 80 S.F.
PROPOSED: 51.65 S.F.
1. (1) – AM/PM 21" CHANNEL LETTERS – 18.14 S.F. CHANNEL LETTERS – 18.14 S.F. PER ELEVATION "E"
2. (2) – P.O.P SIGNS (14.9 EA) – 29.8 S.F. PER ELEVATION "F"
3. (1) – McDONALDS LOGO – 3.71 S.F. PER ELEVATION "H"

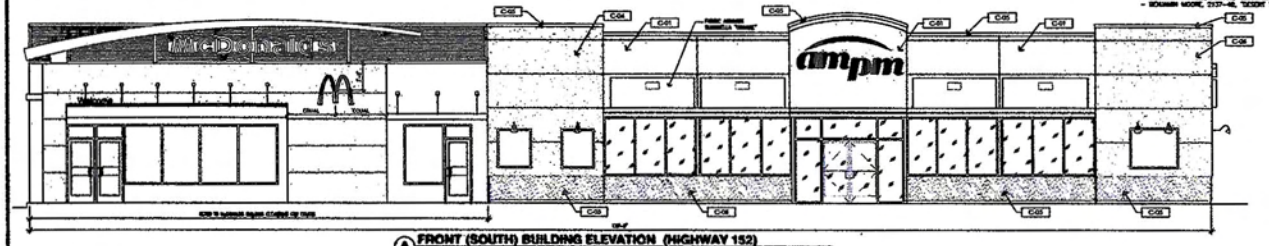
CANOPY SIGNS:
1 S.F. FOR EA. 1 LINEAR FT OF CANOPY FRONTAGE

SOUTH – CANOPY FASCIA 83.67' LENGTH
ALLOWED: 83.67 S.F.
PROPOSED: 17.1 S.F.
1. (1) – INTERNALLY ILLUMINATED ARCO SPARK – 7.1 S.F. PER ELEVATION E/Sht-2
2. (1) – INTERNALLY ILLUMINATED CHANNEL LETTERS – 10 S.F. PER ELEVATION E/Sht-2

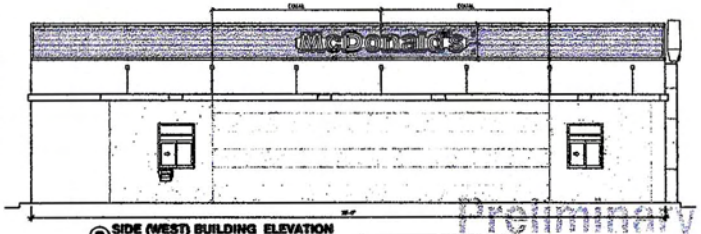
EAST – CANOPY FASCIA 87' LENGTH
ALLOWED: 87 S.F.
PROPOSED: 17.1 S.F.
1. (1) – INTERNALLY ILLUMINATED ARCO SPARK – 7.1 S.F. PER ELEVATION E/Sht-2
2. (1) – INTERNALLY ILLUMINATED CHANNEL LETTERS – 10 S.F. PER ELEVATION E/Sht-2

WEST – CANOPY FASCIA 87' LENGTH
ALLOWED: 87 S.F.
PROPOSED: 7.1 S.F.
1. (1) – INTERNALLY ILLUMINATED ARCO SPARK – 7.1 S.F. PER ELEVATION E/Sht-2

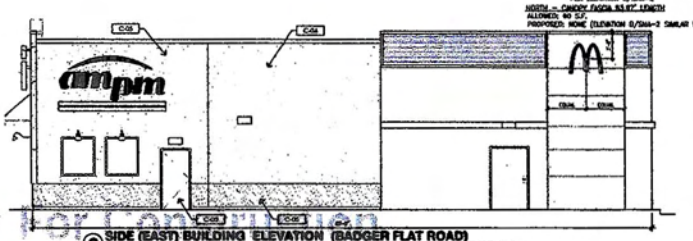
NORTH – CANOPY FASCIA 83.67' LENGTH
ALLOWED: 83.67 S.F.
PROPOSED: NONE (ELEVATION D/Sht-2 SIMILAR W/O SPARK)



A FRONT (SOUTH) BUILDING ELEVATION (HIGHWAY 152)
SCALE: 3/16"=1'-0"



B SIDE (WEST) BUILDING ELEVATION
SCALE: 3/16"=1'-0"



C SIDE (EAST) BUILDING ELEVATION (BADGER FLAT ROAD)
SCALE: 3/16"=1'-0"

Preliminary Not For Construction

bp
ARCO

BARGHAUSEN CONSULTING ENGINEERS, INC.
18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SCIENCES

NO.	DATE	REVISION DESCRIPTION
1	11/01/11	CITY COMMENTS ISSUED
2	11/01/11	ALL CHANGES
3	11/01/11	PERMIT ISSUED
4	11/01/11	90% CHANGES
5	11/01/11	FINAL CONSTRUCT CHANGES
6		
7		
8		
9		
10		
11		

SEAL

DEVELOPMENT INFORMATION
ARCO NTI
2900 am/pm
w/ 3,900 CSR
84'x60' CANOPY
w/ 9 MPD's

SITE ADDRESS
BADGER FLAT ROAD
@ HIGHWAY 152
LOS GATOS, CALIFORNIA

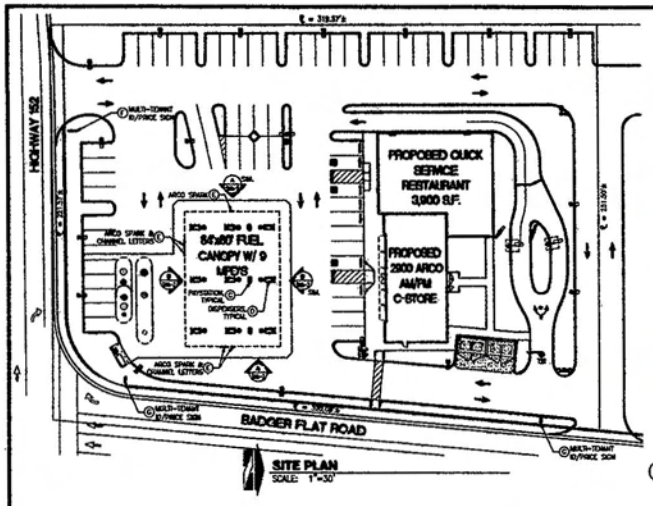
FACILITY # TBD

PROJECT NO.	PLOTTED DATE
DRAWN BY	BY TEAM
CHECK BY	PLOTTED FILE
VERSION	SHEET NO. 15436

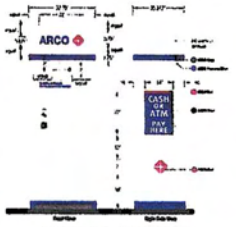
DRAWING TITLE
SIGN PLAN

SHEET NO.
SNA-1

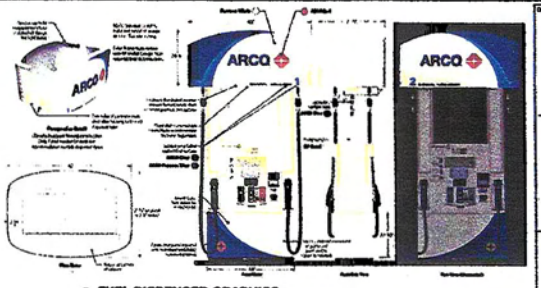
Date/Time: 11/22/11 2:55 PM Scale: 1:1 Date: 11/22/11 Path: S:\5436\15436\Drawings\15436 SNA-1.DWG



SITE PLAN
SCALE: 1"=30'



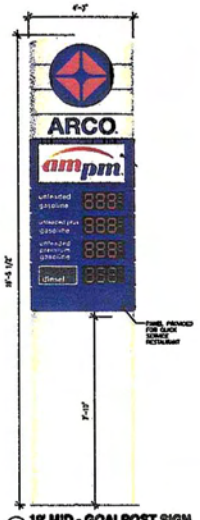
C PAYSTATION ELEVATION
SCALE: 1/2"=1'-0"



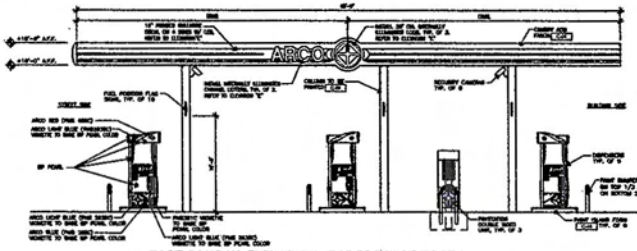
D FUEL DISPENSER GRAPHICS
SCALE: 1/2"=1'-0" APPROVED VENDORS: ALL SIGNS ORDERED BY FLORIDA CENTERLINE GROUP INC.

E CANOPY CHANNEL LETTERS (10 SF) & SPARK LOGO (7.1 SF) W/ DECAL
SCALE: N.T.S.
APPROVED VENDORS: ALL SIGNS ORDERED BY FLORIDA CENTERLINE GROUP INC.

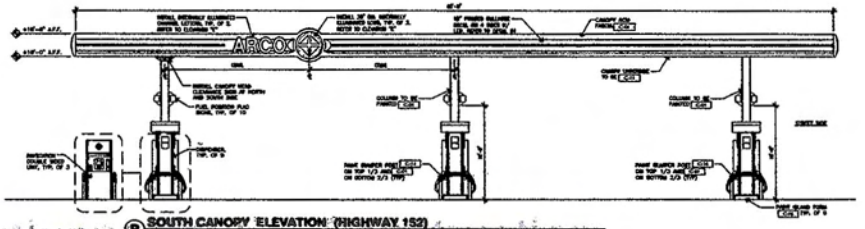
F 20' MID - GOALPOST SIGN
SCALE: 1/2"=1'-0"



G 19' MID - GOALPOST SIGN
SCALE: 1/2"=1'-0"



A EAST CANOPY ELEVATION (BADGER FLAT ROAD)
SCALE: 3/16"=1'-0"
WEST ELEVATION SAME CONDITION W/O ARCO CHANNEL LETTERS



B SOUTH CANOPY ELEVATION (HIGHWAY 152)
SCALE: 3/16"=1'-0" NORTH ELEVATION (FACING C-STORE) SIMILAR W/O SPARK AND ARCO CHANNEL LETTERS

EXTERIOR PAINTS

C-01 COLOR: BP FOAM
- K3 PAINTS, ORDER #A0083, SPECIFY #SHY 72/117, "WARM LEGACY"
- SHERWIN WILLIAMS, SW6118, "ANTIQUE WHITE"
- BENJAMIN MOORE, OC-8, "ELEPHANT TUSK"

C-02 COLOR: BP DARK FOAM
- K3 PAINTS, ORDER #A0797, SPECIFY #SHY 52/307, "DESERT VALLEY"
- SHERWIN WILLIAMS, SW6128, "WHALE WHEAT"
- BENJAMIN MOORE, HC-34, "PITTSFIELD BUFF"

C-04 COLOR: simple tan
- K3 PAINTS, ORDER #A0717, SPECIFY #SHY 65/305, "WARM CLOAK"
- SHERWIN WILLIAMS, SW6385, "FLAXEN GOLD"
- BENJAMIN MOORE, 2159-50, "OKLAHOMA WHEAT"

C-05 COLOR: simple DARK TAN
- K3 PAINTS, ORDER #A1761, SPECIFY #SHY 33/221, "SANDBURR TAN"
- SHERWIN WILLIAMS, SW2514, "ROCKWOOD"
- BENJAMIN MOORE, HC-47, "BRIDGEWATER BEIGE"

C-11 COLOR: NEW HERO WHITE
- K3 PAINTS, ORDER #A0126, SPECIFY #SHY 01/000, "WHITE WINE"
- SHERWIN WILLIAMS, SW7005, "EXTRA WHITE"
- BENJAMIN MOORE, OC-67, "ICE MIST"

C-14 COLOR: BP YELLOW
- K3 PAINTS, ORDER #A0775 SPECIFY #SHY 01/787, "OMEGA YELLOW"
- SHERWIN WILLIAMS, SW6683, "CHEERFUL"
- BENJAMIN MOORE, 2022-10, "YELLOW"

C-15 COLOR: BP DARK GREY
- K3 PAINTS, ORDER #A1860, SPECIFY #SHY 25/074, "ONLY MOUNTAIN"
- SHERWIN WILLIAMS, SW7063, "GRAPHIC SHADE"
- BENJAMIN MOORE, 2137-40, "DESERT TWILIGHT"

Preliminary Not For Construction

bp
ARCO

BARGHAUSEN CONSULTING ENGINEERS, INC.
18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

NO.	DATE	REVISION DESCRIPTION
1	11/14/11	FINAL REVISION ISSUED
2	11/14/11	ELEV. REVISIONS
3	11/14/11	CLERK CHANGES
4	11/14/11	ELEV. REVISIONS
5	11/14/11	FINAL REVISIONS ISSUED

DEVELOPMENT INFORMATION:
ARCO NTI
2900 sm/pm
w/ 3,900 QSR
84'x80' CANOPY
w/ 9 MPD's

SITE INFORMATION:
BADGER FLAT ROAD
0 HIGHWAY 152
LOS BANOS, CALIFORNIA

FACILITY # TBD

15435

SIGN PLAN

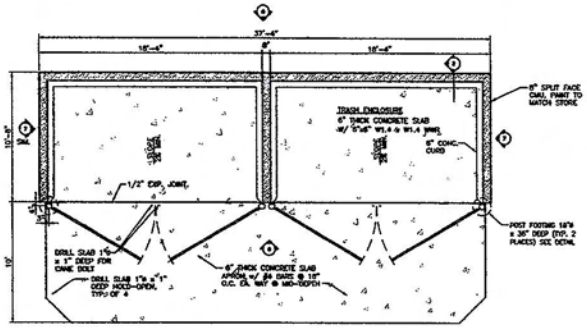
SNA-2

CONCRETE MASONRY SPEC

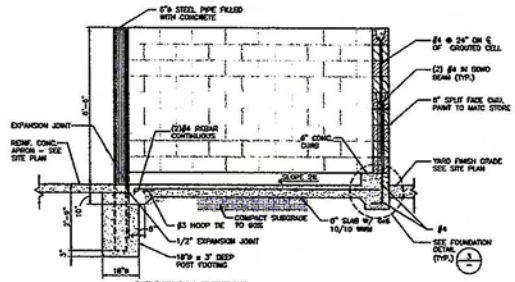
RUNNING BOND SPLIT FACE CMU (TYP.)
COLOR TO MATCH STORE
HOLLOW CONCRETE MASONRY:
F'm = 1,500 psi UNITS SHALL BE laid up in ECD TYPE S MORTAR (FC = 1,800 psi) AS FORMULATED IN U.B.C. REINFORCE WALLS AS SHOWN. FILL ALL CELLS CONTAINING REINFORCING WITH COARSE GROUT (FC = 2,000 psi) AS FORMULATED PER C.B.C.

DESIGN STATEMENT

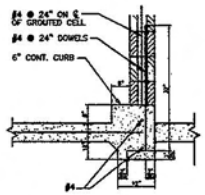
THE INTERIOR WALL SURFACES OF THE TRASH ENCLOSURE ARE TO BE SMOOTH, SEALED AND WASHABLE. APPLY ONE COAT EPOXY FILLER/SEALER; AND ONE COAT GLOSS POLYURETHANE.



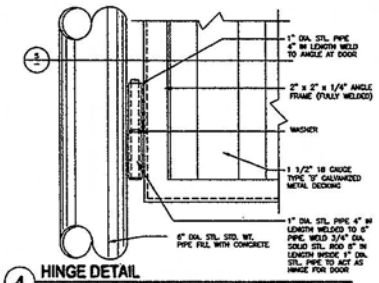
1 TRASH ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



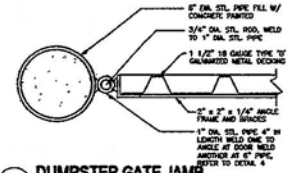
2 SECTION DETAIL
SCALE: 1/2" = 1'-0"



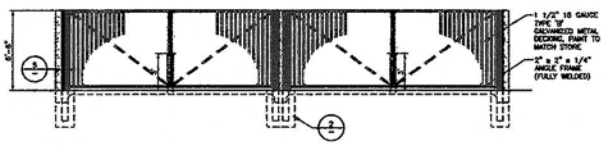
3 SECTION 2 - TYP.
SCALE: 3/4" = 1'-0"



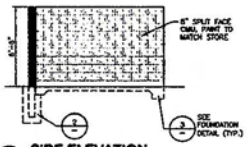
4 HINGE DETAIL
SCALE: NOT TO SCALE



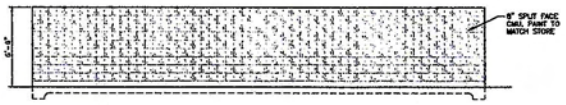
5 DUMPSTER GATE JAMB
SCALE: NOT TO SCALE



6 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



7 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



8 REAR ELEVATION
SCALE: 1/4" = 1'-0"

Preliminary Not For Construction

bp

ARCO

BARGHAUSEN CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING, SURVEYING, ENVIRONMENTAL SERVICES

NO.	DATE	REVISION DESCRIPTION
1	11/15/11	CIVIL ENGINEERING COMMENTS
2	11/15/11	ADD CONCRETE
3	11/15/11	PARTS CHANGES
4	11/15/11	ADD CHANGES
5	11/15/11	CIVIL ENGINEERING COMMENTS
6		
7		
8		
9		
10		
11		
12		

DETAIL

DEVELOPMENT INFORMATION

ARCO NTI
2906 sm/pm
w/ 3,900 GSR
64x87 CANOPY
w/ 9 MPD's

SITE ADDRESS

BADGER FLAT ROAD
@ BRIDGE ST
LOS GATOS, CALIFORNIA

FACILITY # TBD

DESIGNED BY:	DRAWN BY:
CHECKED BY:	QC CHECK:
APPROVED BY:	APPROVED BY:
VERSION:	PROJECT NO: 15435

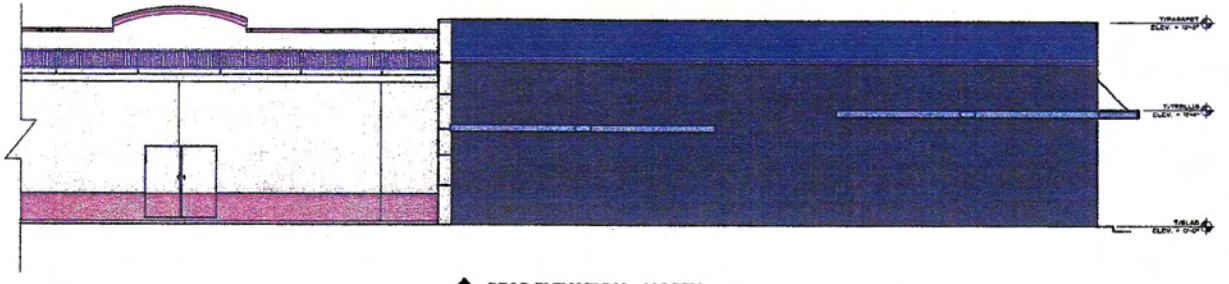
DRAWING TITLE

CANOPY ELEVATIONS

SHEET NO.

TE-1

Path:Y:\15435\Landscape\15435 TE-1.dwg Date/Time:11/15/2011 1:45 PM Scale:1:1 ARCHICE Xref: ----



1 REAR ELEVATION - NORTH

2 FRONT ELEVATION - SOUTH

ELEVATIONS

SCALE 3/16"=1'-0"

0 2 4 8 16

NOTE:
ALL SIGNAGE INCLUDING DRIVE-THRU MENU SIGNAGE SHALL BE UNDER SEPARATE PERMIT AND WILL BE SUBMITTED TO THE PLANNING DIVISION AS A DEFERRED SUBMITTAL.

EXTERIOR ANTI-GRAFITTI MATERIAL
RR# 25115-7
MANUF. "TRANSTECH"
COLOR: AQUA-TINING

KEY NOTES

- S1 EXTERIOR BUILDING FINISH - MATERIALS PER COLOR SCHEDULE - SEE WALL ASSEMBLY NOTES ABOVE FOR SPECIFICATIONS.
  - COLORS:
    - B1 = ARCADE FRONT, SIDE & HEARTH
      PMT REGLET CHANNEL SCREEN - TO MATCH STUCCO
    - B2 = BASE BUILDING FRONT ENTRANCE & AREA BELOW GLAZING
    - B3 = DRIVE-THRU SURROUND & ACCENT STRIPING
- G9 1" WIDE PRY REGLET REVEAL - COLOR TO MATCH SURROUNDING MATERIAL PROVIDE WEEP HOLES IN UPPER CORNER OF REGION FOR DRAINAGE SEE 3/A4B
  1" REVEALS AT ARCADE ELEMENTS
- M2 METAL FASCIA - COLOR TO MATCH CORRUGATED METAL PANEL - SEE 3/A5.0
  - TYPE:
    - 1 = PRE-FAB ANCHOR-TITE FASCIA
    - 2 = PRE-FAB CUSTOM ARCADE FASCIA
    - 3 = PRE-FAB STUCCO CAP FASCIA
- C1 ALUMINUM CANOPY SYSTEM (COLOR YELLOW)
  - COLOR:
    - 1 = YELLOW
    - 2 = CITYSCAPE
- C2 ALUMINUM CANOPY TIE-BACK SYSTEM
- LM CORRUGATED METAL PANEL - SEE 3/A5.0 COLOR = CITYSCAPE BY METAL-SRA
- D HOLLOW METAL DOOR - PAINT TO MATCH COLOR OF SURROUNDING MATERIAL
- EJ EXPANSION JOINT, SEE DETAIL 5/A6 & NOTE 6
- FB FIRE BOX
  - 002= BULK CO2 FILL BOX (SEPH SCHEDULE ITEM 400.16)
  - 004= BULK GAL FILL BOX (SEPH SCHEDULE ITEM 400.16)
  - CONFIRM USE WITH MCD PROJECT MANAGER
- RB RECESSED KNOX BOX
- L LIGHT FIXTURE (WALL SCONCE) - SEE ELECTRICAL
- LE ACCENT LIGHTING - SEE ELECTRICAL
  - LED LIGHT:
    - L1 = UP AND DOWN FIXTURE
    - L2 = DOWN ONLY FIXTURE
    - L3 = INTERNAL CANOPY FIXTURE
- ML METAL LETTERING - BY OTHERS
- P3 PIPE BOLLARD (7/A6b - PAINT YELLOW
- P1 PARS COIN COLLECTOR - (KNMC) INSTALL BY G.C. SEE DTL. 13/A6a
- RC ROOF CAP ELEMENT BY OTHERS
- RD ROOF DRAIN OVERFLOW PIPE PAINT TO MATCH SURROUNDING MATERIAL
- I McDONALD'S SIGNAGE BY OTHERS - UNDER SEPARATE PERMIT.
- CA METAL LOUVERED SUNSCREEN PANEL - PLAYPLACE PROJECTS ONLY.
- T2 ALUMINUM TRELLIS SUPPLIED BY MCD VENDOR INSTALLED BY G.C. G.C. TO OFFSET WALL TUBE FROM WALL W/ 1/2"x3 1/2" x 1 3/4" OR TUBE NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC @ WALL FOR WATER TIGHT SEAL. ALSO SEE DETAILS SHTS A6A, A6B, A6A
- T2 TRELLIS (TIEBACK SUPPLIED BY MCD VENDOR INSTALLED BY GC
- T3 TRELLIS SYSTEM 2x2 ALUMINUM WALL FASCIA GC TO OFFSET WALL TUBE FROM WALL W/ 1/2" NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC @ WALL FOR WATER TIGHT SEAL
- V1 EXTERIOR WINDOW ASSEMBLY - 1" INSULATED CLEAR GLASS, CLEAR ANODIZED ALUM - FRAME SYSTEM; GLASS SYSTEM REDESIGNED FOR 30 PSF MIN. WIND FORCE BY FRAME SYSTEM FOR AN 8000 BY CODE- SEE NOTE 10 & 18 ON SHEET A2. PROVIDE FLASHING AT HEAD & SILL CONTINUOUS SEALANT. SEE NOTE 23 ON SHEET A2.
  - T = TEMPERED GLASS
- W2 DRIVE-THRU WINDOW BY READY ACCESS - CONFIRM MODEL, OPTIONS, AND SIZE WITH MCD PROJECT MANAGER OPTIONS INCLUDE TRANSOM (SHOWN), AIR CURTAIN, PUMPOUT/TRANSOM & 400 SC IN MAX SERVICE OPENING (WHERE REQD BY CODE)
  - SLIDE DIRECTION: RL = RIGHT TO LEFT
    LR = LEFT TO RIGHT
- W3 WRAP POSTS / COLUMNS W/ ALUMINUM INSIDE AND OUT TO MATCH WINDOW FRAME SYSTEM
- SP SPANDREL PANEL SET IN AN EXTERIOR WINDOW ASSEMBLY- SEE ASSEMBLY NOTES ON SHEET A2.0, COLOR TO MATCH WINDOW FRAMES

NOTES:

1. 1" WIDE ARCADE REVEALS TO CENTER ON 3 3/4" W. REVEALS ALL REVEAL ELEVATIONS ARE TOP OR BOTTOM OF 3 3/4" REVEALS OR PARAPET FLASHING
2. SEE 7/A6b FOR WINDOW DOOR OPENING FLASHING FOR PLASTER WALLS
3. SEE 8/A6 FOR E.J. & REVEAL DETAILS THEY MUST BE FOLLOWED
4. PLASTER PROTRUSIONS TO BE INTERNAL COLORED (WESTERN BLENDED PRODUCT, OR EQU) W/ FLORIDO LATH w/2 LAYERS OF PAPER BW TYVEK & 5 EXTERIOR, GRADE PLYWOOD.
   NOTE 1 WHERE EXISTING PLASTER OCCURS: REMOVE WOOD NAILS, MOULDINGS & SCRAPE & PATCH & REPAIR ALL EXISTING SURFACES TO "NEW" THEN APPLY NEW DASH COAT TO MATCH NEW COLOR SCHEMES.
   2 NEW PLASTER WALLS @ FLASHPLACE
5. ALL E/S - PAPER TO CONTINUE TO TENSION E/S - CUT MESH & SET MESH OVER E/S FLASHING
6. 6" HIGH ADDRESS NUMBER IN CONTRASTING COLOR TO BLDG BACKGROUND COLOR.
7. ALL EXTERIOR RECEPTACLES & GAS METERS, A.C. RISER BOX, & EXPOSED PIPING TO BE PAINTED TO MATCH ADJACENT WALL SURFACES
8. SEE 6/A6b FOR STD WINDOW SILL INSTALLATION
9. CONTRACTOR TO PROVIDE 2 COLORED MOCK UPS OF PLASTER FINISH OF EACH COLOR OF BUILDING & COMPARTMENTALIZED SAMPLES OF LIGHTER TONE & 2 DIMENSIONAL SAMPLES OF DARKER TONE OF SPECIFIED COLOR COLOR OR ARCHITECTS FINAL SECTIONS DO NOT PROCEED W/O ARCHITECTS FINAL SECTION
10. TEMPERED GLASS
    A. ALL GLASS IN DOORS.
    B. ALL GLASS WITH 24" OF DOORS.
    C. ALL GLASS WITH 24" HEIGHT ADJACENT TO WALKWAYS
11. SIGNAGE PROVIDED BY OTHERS UNDER SEPERATE PERMIT.
12. VERIFY ALL EXTERIOR MATERIAL COLORS AND FINISHES WITH THE ARCHITECT. ANY DISCREPANCIES NOTED SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WORK.
13. INTERNATIONAL SYMBOL OF ACCESSIBILITY. THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL CONSIST OF A WHITE FIGURE ON A BLUE BACKGROUND. THE BLUE SHALL BE EQUAL
14. NOT USED
15. SAFEWALK SOUP ACCESS LADDER TO BE RELOCATED TO THE INTERIOR OF THE BUILDING. SEE SHEET A1 FOR NEW LOCATION & INSTALLATION DETAIL LOCATIONS
16. FIRE / POLICE DEPARTMENT KNOX BOX PER LOCAL ORDINANCE.
17. PROVIDE PROG. EIS SILL FLASHING 6"H x 4 1/2"W. @ BASE OF VENEER/STUCCO, FOR FLASHING WIDTH PER.
18. CHEESECLOTH FINISH ALLOWED AS ALTERNATE TO 3/4" PLASTER (DRYCHECK) 800-000-6344
19. ALL GLASS NOT TEMPERED SHALL BE HEAT STRENGTHENED
20. SEE MCDONALDS SPECIFICATIONS FOR ALL MATERIALS, PRODUCTS - WORKMANSHIP REQUIREMENTS
21. EXTERIOR WINDOW ASSEMBLY - 1" INSULATED CLEAR GLASS IN 2"x4"x1/8" NATURAL ANODIZED ALUM - FRAME SYSTEM; T GLASS SYSTEM REDESIGNED FOR 30 PSF MIN. WIND FORCE BY FRAME SYSTEM FOR AN 8000 BY CODE. GLASS LT-300, LR-40, UHS 55, SHGC=0.25, SHADING COEFFICIENT. ALL GLASS NOT TEMPERED SHALL BE "HEAT STRENGTHEN" PER MFG. SPEC. MINIMUM VISIBILITY 87%
22. ALL CEMENT PLASTER SHALL BE PAINTED W/ ELASTOMERIC PAINT, SEMI-GLOSS, NON GRIDS SHEEN
23. ALL WOOD FRAMING, PLYWOOD SHALL NOT EXCEED 19% MOISTURE CONTENT. DO NOT COVER OR ENCLOSE WOOD FRAMING, PLYWOOD THAT EXCEEDS 19% MC.
24. SEE 7/A6 FOR PROPER BASE FLASHING AROUND GLASS/WINDOW/DOOR OPENINGS.
25. 3/4" DUROCK ANCHOR TO WALL W/ #12 CONTERSINK SCREWS 6" O.C. CORNERS & FIELD

SCHEME		BUILDING ELEMENT	DESCRIPTION / MATERIAL
"SOBA CUSTOM" SCHEME	B1	• ARCADE WALL SIDE AND HEARTH	SENDERO HOOKS "BROWN BATTER" 320-10 / STUCCO
	B2	• BASE BUILDING • FRONT ENTRANCE • AREA BELOW GLAZING	SENDERO HOOKS "SUNFALL BISQUE" 310-10 / STUCCO
	B3	• DRIVE-THRU SURROUND AND ACCENT STRIPING	SENDERO HOOKS "AZTEC BROWN" 310-10 / STUCCO
	B4	• 3x4 OR 1" CORRUGATED METAL 1" PANEL PROFILE	CITY SCAPE BY METAL SRA

BUILDING ELEMENT	DESCRIPTION
• TRELLIS • ARCADE POST PROJ. • DRIVE THRU STRIPES	ANODIZED ALUMINUM - COLOR CLEAR SEE ADDITIONAL TRELLIS NOTES ON SHEET A6A
• CANOPY	PROVIDED BY OTHERS - COLOR "YELLOW" SEE ADDITIONAL CANOPY NOTES ON SHEET A6A
• SERVICE DOORS	COLOR TO MATCH BASE BUILDING

EXTERIOR WALL ASSEMBLY 1
FROM EXTERIOR TO INTERIOR

1. 3/4" MIN. THICK THREE COAT STUCCO FINISH MEDIUM TEXTURED, APPLIED IN 3 COATS - FINISH COAT OVER WATER-RESISTIVE VAPOR-PERMEABLE BARRIER EQUAL TO AT LEAST TWO LAYERS OF GRADE D PAPER, FOR LOCAL CODES AND MANUFACTURERS SPECIFICATIONS. ALL PLASTER SHALL BE ELASTOMERIC PAINT. SEE NOTE 23
2. FORMCAST BUILDING WRAP OVER EXTERIOR GRADE PLYWOOD. INSTALL PER LOCAL CODES AND MANUFACTURERS SPECIFICATIONS.
3. 2x6" WOOD STUD FRAMING @ 24" o.c. (WITH CONTINUOUS DRAFTSTOP/FIRESTOP BLOCKING AT FINISH CEILING LEVEL) WALL STUDS PRIME WOOD, AS INDICATED ON PLAN. INSTALL 6" MTL STUDS @ 24" o.c. IN LIEU OF 2x6 WD STUDS.
4. UNFACED BATT INSULATION IN VALUE = 19.
5. 3 COAT CLEAR NON-SACRIFICING GRAFFITI SEALER ON ALL PLASTER EQUAL TO DUVA COVERAGE
6. 5/8" TYPE "X" INTERIOR WALL BOARD OR 5/8" PLYWOOD WHERE REQUIRED IN SPECIFIC APPLICATIONS.
7. ALL WOOD FRAMING SHALL NOT EXCEED 19% MOISTURE CONTENT - SHALL BE PROTECTED DURING CONSTRUCTION FROM WEATHER AND MOISTURE.
8. "CERTAINTED MONSARRAT SMART VAPOR RETARDER (SEMI-VAPOR PERMEABLE) BY CERTAINTED OR EQUAL
9. WALL BASE: 5/8" CEMENT BOARD 6" IN HEIGHT ABOVE BASE EXTENDING TO STRUCTURE ABOVE, 1/2" USG SHEETROCK DRYWALL HOLD TOWARD OTHER PANELS OR 5/8" PLYWOOD BACKUP AS INDICATED ON THE ROOM FINISH SCHEDULE.
   ART EXTERIOR PANEL - SUBSTITUTION: MUST EXCEED 30 PSF ASTM C1523.
10. SEE FINISH & PARTITION SCHEDULE

INTERIOR WALL ASSEMBLY

1. 2x4 FRAMING @ 24" o.c. UNLESS OTHERWISE NOTED - SEE INTERIOR PARTITION DTL. ON THIS SHEET
2. 5/8" GREAT & EXTERIOR PLYWD w/ FRAMING TYP.
3. STEEL STUDS MAY BE SUBSTITUTED FOR WOOD STUDS AT NON BEARING INTERIOR WALLS. 20 GAUGE AT 24"o.c. 16 GAUGE AT DOOR JAMBS AND CONCENTRATED WALL MOUNTED LOADS (I.E. URINALS) ETC.
4. WHERE FRP PANEL IS INSTALLED IT IS CONTRACTORS OPTION TO INSTALL 1/2" PLYWD IN LIEU OF 5/8" GD PLYWD. MUST BE SEALED PRIMED PRIOR TO FRP BEING INSTALLED

REVISIONS

REV.	DATE	DESCRIPTION

ARCHITECT

VIGIN ASSOCIATES
1 EAST CHESTNUT STREET, SUITE 1
CHICAGO, ILLINOIS 60611
TEL: 312.642.1000 FAX: 312.642.1010
www.vigin.com

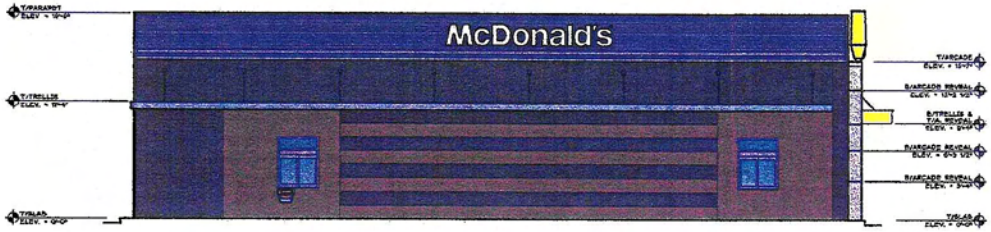
These drawings to be used only for this project at:
HWY 152 & BADGER FLATS
LOS BANOS, CA
DATE: 8.23.2010
SITE: 8.23.2010

McDonald's

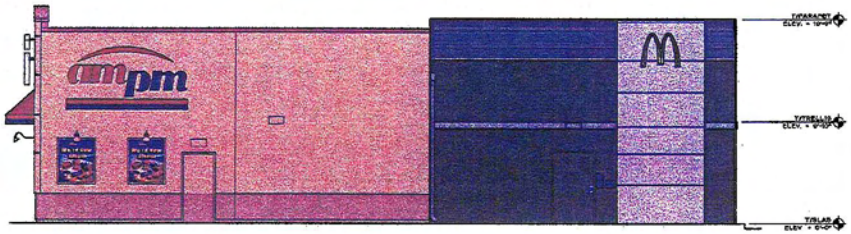
PERMIT SET - 10/06/11

McDONALD'S CORPORATION
1000 DRIVE
OAK BROOK, ILLINOIS 60521

TITLE: COVER SHEET
CONSULTANT: CONSULTANTS
PROJECT NO.: PROJECT NO.
PROJECT MANAGER: PROJECT MANAGER
PROJECT DIRECTOR: PROJECT DIRECTOR
REVISIONS: REVISIONS
DATE: DATE
SHEET NO.: CR-1
COLORED ELEVATIONS



1 DRIVE THRU ELEVATION - WEST



2 REAR ACCESS ELEVATION - EAST

ELEVATIONS

SCALE 3/16"=1'-0"

0 2 4 8 16

NOTE:
ALL SIGNAGE (INCLUDING DRIVE-THRU MENU SIGNAGE) SHALL BE UNDER SEPARATE PERMIT AND WILL BE SUBMITTED TO THE PLANNING DIVISION AS A DEFERRED SUBMITTAL.

EXTERIOR ANTI-GRAFITTI MATERIAL
KRS 23115-T
MANUF: "TAMMSTECH"
COLOR: AQUA-THING

NOTES:

1. 9" WIDE ARCADE REVEALS TO CENTER ON 2 1/2" W. REVEALS ALL REVEAL ELEVATIONS ARE TOP OF BOTTOM OF 2 1/2" REVEALS OF PARAPET PLASTER
2. SEE S5A/A6 FOR WINDOW DOOR OPENING FLASHING FOR PLASTER WALLS
3. SEE S5A6 FOR E.J & REVEAL DETAILING THAT MUST BE FOLLOWED
4. PLASTER PERFORMED TO BE INTEGRAL COLORED INDSTEIN BLENDED PRODUCT, ON S03 W/ PLASTICO LATH W/2 LAYERS 10# PAPER ON TYVEKO & 2 EXTERIOR GRADE PLYWOOD.
   NOTE: 1. WHERE EXISTING PLASTER OCCURS: REMOVE WOOD BALS, SCULTINGS & STOPPING & PATCH & REPAIR ALL EXISTING SURFACES. PREP & APPLY NEW DASH COAT TO MATCH NEW COLOR SCHEMES.
   2 NEW PLASTER WALLS & PLATFRAGE
5. ALL EJS - PAPER TO CONTINUE TO BENDING EJS - CUT MESH & SET MESH OVER EJS PLANKER
6. 8" MESH ADDRESS NUMBER IS CONTRASTING COLOR TO BLDG BACKGROUND COLOR.
7. ALL EXTERIOR RECEPTACLES & GAS METERS, P.O. RISER ECT. & EXPOSED PIPING TO BE PAINTED TO MATCH ADJACENT WALL SURFACE
8. SEE S5A6 FOR STD WINDOW SILL INSTALLATION
9. CONTRACTOR TO PROVIDE 5 COLORED WOOD LIPS OF PLASTER FINISH OF EACH COLOR SAP BOARD & COMPRIMENTOR OF SAMPLES OF LIGHTER TONE & 3 COMPANIT SAMPLES OF DARKER TONE OR SPECIFIED COLOR COLOR OR ARCHITECTS FINAL SECTION DO NOT PROCEED W/O ARCHITECTS FINAL SECTION
10. TEMPERED GLASS
    A. ALL GLAS IN DOORS.
    B. ALL GLASS WITH 24" OF DOORS.
    C. ALL GLASS WITH 24" HEIGHT ADJACENT TO WALKWAYS
11. SIGNAGE PROVIDED BY OTHERS UNDER SEPERATE PERMIT.
12. VERIFY ALL EXTERIOR MATERIAL COLORS AND FINISHES WITH THE ARCHITECT. ANY DISCREPANCIES NOTES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO PROCEEDING WHERE
13. INTERNATIONAL SYMBOL OF ACCESSIBILITY. THE INTERNATIONAL SYMBOL OF ACCESSIBILITY SHALL CONSIST OF A WHITE FIGURE ON A BLUE BACKGROUND THE BLUE SHALL BE EQUAL
14. NOT USED
15. EXISTING ROOF ACCESS LADDER TO BE RELOCATED TO THE INTERIOR OF THE BUILDING. SEE SHEET A1 FOR NEW LOCATION & INSTALLATION DETAIL LOCATIONS.
16. FIRE / POLICE DEPARTMENT KNOX BOX PER LOCAL ORDINANCE.
17. PROVIDE 2SCA DU SILL FLASHING 8"h of 18"W. @ BASE OF VENEER/STUCCO FOR FLASHING @CONC PAD.
18. CHECKPLEX FINISH ALLOWED AS ALTERNATE TO 3/4" PLASTER SWEDAPLEX 800-800-9SSH
19. ALL GLASS NOT TEMPERED SHALL BE HEAT STRENGTHENED
20. SEE MOCHOLDS SPECIFICATIONS FOR ALL MATERIALS, PRODUCTS - WORKMANSHIP REQUIREMENTS
21. EXTERIOR WINDOW ASSEMBLY - 9" INSULATED CLEAR GLASS IN 2"x4-1/2" NATURAL ANODIZED ALUM - FRAME SYSTEM, T GLASS SYSTEM REDESIGNED FOR 30 PSF MIN WIND FORCE BY FRAME MS (OR AS NOTED BY CODE). GLASS LT-2030, LR-40, UVO-10, SHGC-0.22, SHADING COEFF-0.25. ALL GLASS NOT TEMPERED SHALL BE HEAT STRENGTHEN PER NFPA, SPEC SUNDAM VISIBILITY ETC.
22. ALL CEMENT PLASTER SHALL BE PAINTED W/ ELASTOMERIC PAINT, SCHU-0.1/3% MIN. SAND IMPEX
23. ALL WOOD, FRAMING, PLYWOOD SHALL NOT EXCEED 18% MOISTURE CONTENT DO NOT COVER OR ENCLOSE WOOD FRAMING, PLYWOOD THAT EXCEEDS 18% MC
24. SEE S3A6 FOR PROPER BASE FLASHING AROUND GLASS/WINDOW/DOOR OPENINGS
25. 1/4" DUROCK ANCHOR TO WALL W/ #12 COUNTERSINK SCREWS 8" O.C. EDGES & FIELD

SCHEME		BUILDING ELEMENT	DESCRIPTION / MATERIAL
NON-GRITTA SCHEME	B1	- ARCADE FACE, SIDE AND HEARTH	SENSATION FOOTE 9400 BYTE 1722-10 / STUCCO
	B2	- BASE BUILDING - FRONT ENTRANCE - AREA BELOW GLAZING	SENSATION FOOTE "SIMPLY SWEET" 316-10 / STUCCO
	B3	- DRIVE-THRU SURROUND AND ACCENT STRIPING	SENSATION FOOTE "LUSCIOUS GRAPE" 315-10 / STUCCO
	B4	- 24-GA 1/8" CORRUGATED METAL "V" PANEL PROFILE	GRAY SCALE 01 METAL BRA

BUILDING ELEMENT	DESCRIPTION
- TRELLIS - ARCADE SIDING - FRONT - ENTRY DOOR & FRAMES	ANODIZED ALUMINUM - COLOR CLEAR SEE ADDITIONAL TRELLIS NOTES ON SHEET A6A
- CANOPY	PROVIDED BY OWNER - COLOR TO FOLLOW SEE ADDITIONAL CANOPY NOTES ON SHEET A6A
- SERVICE DOORS	COLOR TO MATCH BASE BUILDING

EXTERIOR WALL ASSEMBLY -
FROM EXTERIOR TO INTERIOR

1. 7/8" MIN THICK THREE COAT STUCCO FINISH MEDIUM TEXTURED, APPLIED IN 3 COATS - FINISH COAT OVER BASTRO-PRESTITE - VAPOR-PERMEABLE SURFACE EQUAL TO AT LEAST TWO LAYERS OF GRADE 'D' PAPER, PER LOCAL CODES AND MANUFACTURERS SPECIFICATIONS. ALL PLASTER SHALL BE ELASTOMERIC PAINT. SEE NOTE (2)
2. PERMEABLE BUILDING WRAP OVER EXTERIOR GRADE PLYWOOD INSTALL PER LOCAL CODES AND MANUFACTURERS SPECIFICATIONS.
3. 5/8" WOOD STUD FRAMING @ 16" o.c. WITH CONTINUOUS DRAFTSTOP/FIRESTOP BLOCKING AT PERIOD CEILING LEVELS WALL STRONG PRIVER WOOD, AS INDICATED ON PLAN, INSTALL 6" MTL STUDS @ 24" o.c. IN LIEU OF 2x6 WD STUD.
4. UNFACED BATT INSULATION R VALUE = 19.
5. 1 COAT CLEAR NON-SACRIFICING GRAFFITI SEALER ON ALL PLASTER EQUAL TO DAME SOWARDS.
6. 5/8" TYPE "X" INTERIOR WALL BOARD OR 1/2" PLYWOOD WHERE REQUIRED IN SPECIFIC APPLICATIONS.
7. ALL WOOD FRAMING SHALL NOT EXCEED 18% MOISTURE CONTENT - SHALL BE PROTECTED DURING CONSTRUCTION FROM WEATHER AND MOISTURE.
8. CONTINUOUS MONOFILM SMART VAPOR RETARDER SEMI-VAPOR PERMEABLE BY CONTAINTECH OR EQUAL
9. WALL BASE: 5/8" CEMENT BOARD 6" IN HEIGHT, ABOVE BASE EXTENDING TO STRUCTURE ABOVE, USE "MOISTUREX" BRAND MOLD TOUGH" GYPSUM PANELS OR 5/8" PLYWOOD BACKUP AS INDICATED ON THE ROOM FINISH SCHEDULE.
   ANY GYPSUM PANEL SUBSTITUTIONS MUST SCORE TO PER ASTM C1177.
10. SEE FINISH & PARTITION SCHEDULE.

INTERIOR WALL ASSEMBLY

1. 2x4 FRAMING @ 16" o.c UNLESS OTHERWISE NOTED - SEE INTERIOR PARTION DTL. ON FIRE SHEET
2. 5/8" SHEAR & EXTERIOR PLYWD w/ FRAMING TYP
3. STEEL STUDS MAY BE SUBSTITUTED FOR WOOD STUDS AT NON BEARING INTERIOR WALLS 20 GAUGE AT 24"o.c. IN GAUGE AT DOOR JAMBS AND CONCENTRATED WALL HUND LOADS SEE VERMAS ETC.
4. WHERE FRP PANEL IS INSTALLED IT IS CONTRACTORS OPTION TO INSTALL 1/2" PLYWD IN LIEU OF 5/8" SO PLYWD. MUST BE SEALED PRIMED PRIOR TO FRP BEING INSTALLED

KEY NOTES

- ST — EXTERIOR BUILDING FINISH - MATERIALS PER COLOR SCHEDULE - SEE WALL ASSEMBLY NOTES ABOVE FOR SPECIFICATIONS.
  - COLORS:
  - S1 = ARCADE FRONT, SIDE & HEARTH
    - PRY REGLET CHANNEL SCREEN - TO MATCH STUCCO
  - S2 = BASE BUILDING, FRONT ENTRANCE & AREA BELOW GLAZING
  - S3 = DRIVE-THRU SURROUND & ACCENT STRIPING
- CR — 9" WIDE PRY REGLET REVEAL - COLOR TO MATCH SURROUNDING MATERIAL PROVIDE MEEP HOLES IN UPPER CORNER OF REGION FOR DRAINAGE SEE S3/A8
  - 9" REVEALS AT ARCADE ELEMENTS
- MF — METAL FASCIA - COLOR TO MATCH CORRUGATED METAL PANEL - SEE V/A5.0
  - TYPES:
  - 1 = PRE-FAB ANCHOR-TITE FASCIA
  - 2 = PRE-FAB CUSTOM ARCADE FASCIA
  - 3 = PRE-FAB STUCCO CAP FASCIA
- CI — ALUMINUM CANOPY SYSTEM (COLOR YELLOW)
  - A - COLOR:
  - 1 = YELLOW
  - 2 = CITYSCAPE
- C2 — ALUMINUM CANOPY TIE-BACK SYSTEM
- CM — CORRUGATED METAL PANEL - SEE V/A5.0 COLOR = CITYSCAPE BY METAL-BRA
- D — HOLLOW METAL DOOR - PAINT TO MATCH COLOR OF SURROUNDING MATERIAL
- EJ — EXPANSION JOINT, SEE DETAIL S/A6 & NOTE (2)
- FB — CO2+ NOX CO2 FIT: BOX (SQFM SCHEDULE ITEM 7001B) BO- BULK OIL FILL BOX (SQFM SCHEDULE ITEM 7001B) CONFIRM USE WITH MCD PROJECT MANAGER
- KB — RECESSED KNOX BOX
- L — LIGHT FIXTURE (WALL SCONCE) - SEE ELECTRICAL
- LC — ACCENT LIGHTING - SEE ELECTRICAL
  - LED LIGHT:
  - L1 = UP AND DOWN FIXTURE
  - L2 = DOWN ONLY FIXTURE
  - L3 = INTEGRAL CANOPY FIXTURE
- M — METAL LETTERING - BY OTHERS
- PB — PIPE BOLLARD 17/Ae/o - PAINT YELLOW
- PT — PASS COIN COLLECTOR - (NIC) INSTALL BY O.C. SEE DTL 10/A6o
- RE — ROOF CAP ELEMENT BY OTHERS
- RD — ROOF DRAIN OVERFLOW PIPE PAINT TO MATCH SURROUNDING MATERIAL
- S — McDONALDS SIGNAGE BY OTHERS - UNDER SEPARATE PERMIT.
- SS — METAL LOUVERED SUNSCREEN PANEL - PLAYPLACE PROJECTS ONLY.
- T1 — ALUMINUM TRELLIS SUPPLIED BY MCD VENDOR INSTALLED BY O.C. SEE TO OFFSET WALL TUBE FROM WALL W/ 1/2"x2 1/2" = 1 PLY OF TURO NEOPRENE WASHES ABOUT CONNECTIONS - SET IN MASTIC @ WALL FOR WATER TIGHT SEAL. ALSO SEE DETAILS S4/T1 A6A, A6B, A8A
- T2 — TRELLIS TIEBACK SUPPLIED BY MCD VENDOR INSTALLED BY OC
- T3 — TRELLIS SYSTEM 2X8 ALUMINUM WALL FASCIA OC TO OFFSET WALL TUBE FROM WALL W/ 1/2" NEOPRENE WASHERS ABOUT CONNECTIONS - SET IN MASTIC @ WALL FOR WATER TIGHT SEAL
- VG — EXTERIOR WINDOW ASSEMBLY - 9" INSULATED CLEAR GLASS, CLEAR ANODIZED ALUM - FRAME SYSTEM, GLASS SYSTEM REDESIGNED FOR 30 PSF MIN. WIND FORCE BY FRAMES MS (OR AS NOTED BY CODE). SEE NOTE 10 & 18 ON SHEET A2. PROVIDE FLASHING AT HEAD & SILL CONTINUOUS SEALANT. SEE NOTE (2) ON SHEET A2.
  - T = TEMPERED GLASS
- VW — DRIVE-THRU WINDOW BY READY ACCESS - CONFIRM MODEL, OPTIONS, AND SIZE WITH MCD PROJECT MANAGER OPTIONS INCLUDE: TRANSOM (SHOWN), AIR CURTAIN, PLYWOOD/TRANSOM & #33 SG IN MAX SERVICE OPENING (WHERE REQD BY CODES)
  - SLIDE DIRECTION: RL = RIGHT TO LEFT
  - LR = LEFT TO RIGHT
- WO — WRAP POSTS / COLUMNS W/ ALUMINUM INSIDE AND OUT TO MATCH WINDOW FRAME SYSTEM
- SP — SPANDREL PANEL SET IN AN EXTERIOR WINDOW ASSEMBLY- SEE ASSEMBLY NOTES ON SHEET A2D, COLOR TO MATCH WINDOW FRAMES

REVISIONS

REV	DATE	DESCRIPTION

VIGEN ASSOCIATES
1000 E. CHEVY CHASE DRIVE, SUITE 300
GLENDALE, CA 91205
(818) 500-1160 FAX (818) 500-1161

These drawings to be used only for the project at:
HWY 152 & BADGER FLATS
LOS BANOS, CA
APN: 087-030-009
SITE: 5.31AC

ARCHITECT

McDonald's

PERMIT SET - 10/06/11

REGIONAL ADDRESS: PACIFIC GREEN BUILDING 3777 OAK PARK, SUITE 100, WALNUT CREEK CA, 94597

McDONALDS CORPORATION
2111 SPRING ROAD
OAK BROOK, ILLINOIS 60521

TITLE:	
VERIFY IN FIELD DIMENSIONS	COORDINATE
PLOT DATE:	REGIONAL APPROVAL
FILE LOCATION:	PROJECT LEADER: PAUL BAKER

THESE DRAWINGS, SPECIFICATIONS, DESIGNS, AND IDEAS ARE THE PROPERTY OF VIGEN ASSOCIATES AND THE REGIONAL ARCHITECT. THEY ARE CREATED AND DEVELOPED AND FOR THE RESPECTIVE WORK INTENDED COMPANY OR ORGANIZATION OF THEIR CONSIDERED WORK. THEY ARE NOT TO BE USED, REPRODUCED, OR DISTRIBUTED WITHOUT THE WRITTEN CONSENT OF VIGEN ASSOCIATES. THE WORK CONTAINED HEREIN IS PROTECTED BY COPYRIGHT LAW AND OTHER PROPRIETARY RIGHTS. ANY REPRODUCTION, DISTRIBUTION, OR DISCLOSURE WITHOUT THE PRIOR WRITTEN CONSENT OF VIGEN ASSOCIATES IS PROHIBITED. ALL RIGHTS RESERVED.

SHEET NO.
CR-2
COLORED ELEVATIONS

Public Hearing Notice

City of
Los Banos
At the Crossroads of California

PLANNING DEPARTMENT

Date: December 23, 2011

Regarding: Notice of Public Hearing

Proposal: Annexation and Prezone 2011-01, Site Plan Review #2011-03, Parcel Map #2011-02, Development Agreement and Mitigated Negative Declaration (SCH#2011101054) – AM/PM & McDonalds

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held to consider Annexation and Prezone #2011-01 of 3.4 acres, Site Plan #201-03, Parcel Map #2011-02, Development Agreement and associated Mitigated Negative Declaration (SCH #2011101054) for the development of a new 6,800 square foot retail building housing an AM/PM gas station/convenience store and a relocated McDonald's restaurant on approximately 1.73 acres. The project site is currently located on County property but the annexation prezones the property to the Highway Commercial zoning district which is in accordance with the General Plan. The property is located at the Northwest corner of Badger Flat and Pacheco Blvd.; more specifically described as Assessor's Parcel Number: 081-140-013.

A PUBLIC HEARING on this matter will be held at the next scheduled meeting of the City Council on Wednesday, January 4, 2012 at 7:00 p.m. in the Council Chambers of Los Banos City Hall located at 520 "J" Street. Questions regarding the above-referenced item may be directed to Paula Fitzgerald, Planning Director at City Hall or at (209) 827-7000, Ext. 114.

Persons wishing to provide oral comments on the described proposal may do so at this meeting or may provide written comments on this matter prior to the public meeting. Written comments may be sent by U.S. Mail or hand delievered to the City of Los Banos City Hall at 520 "J" Street, Los Banos, California 93635. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter, at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

THE CITY OF LOS BANOS
Paula Fitzgerald
Planning Director

City of Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Tim Marrison – Assistant Fire Chief

DATE: January 4, 2012

SUBJECT: Resolution Amending the Los Banos Administrative Citation Schedule of Fines

TYPE OF REPORT: Agenda Item

Recommendation:

Approve the proposed Resolution amending the Los Banos Administrative Citation Schedule of Fines.

Discussion:

Two common code enforcement tools are criminal prosecution and civil injunction. A third tool is administrative enforcement. The City of Los Banos currently relies on administrative enforcement and in rare instances uses criminal prosecution and civil injunction. The existing Administrative Enforcement Ordinance was significantly updated by amendment on June 5th 2010. The intent of the Administrative Enforcement Ordinance is to establish a procedure in which to issue Administrative Citations at a local level as an alternative method for enforcing the provisions of the City's Municipal Code. The Ordinance is codified in Chapter 11, Title 4 of the Los Banos Municipal Code.

The ordinance as updated and amended establishes a general enforcement authority to issue administrative citations for all violations of City ordinances and regulations, not just those specifically listed on the Administrative Citation Fee Schedule, as was the case of the previous version of the ordinance. This change has allowed designated City

Employees the ability to issue citations for any violations of the Los Banos Municipal Code. Unless a specified Citation fine is listed within the adopted City of Los Banos Administrative Citation Schedule of Fines the fine is established by the ordinance at $100.00. This proposed Schedule of Fines is specifically for violations where the standard $100.00 fine would not be appropriate.

The proposed Schedule of Fines has removed all $100.00 violations from the current schedule which are now enforceable without being listed within the adopted fee schedule. The proposed Schedule of Fines lists only those violations that have a Citation fine that is greater than or less than $100.00. For this reason, the proposed Schedule of Fines is substantially shorter than the previously adopted schedule.

The second notable change to the proposed Schedule of Fines is the fine accelerator formula that is used to increase the fine amount for second and third violation of the same Municipal Code section within a 12 Month period. The reason for this change is due to the fine accelerator formula that was adopted for $100.00 violations in the June 5, 2010 Administrative Enforcement Ordinance.

The current fine accelerator for a $100.00 violation is:
1st Citation = $100.00
2nd Citation for the same violation within a 12 Month period = $200.00 or 200% increase
3rd Citation for the same violation within a 12 Month period = $500.00 or 500% increase

The current fine accelerator for all violations listed on the Administrative Citation Fee Schedule is:
1st Citation = Amount of fine
2nd Citation for the same violation within a 36 Month period = 200% increase.
3rd Citation for the same violation within a 36 Month period = 300% increase.

As outlined above, the fine accelerator for $100.00 citations and the fine accelerator for all other Citations are completely different and has been a source of confusion. The proposed Administrative Enforcement Schedule of Fines will standardize the fine increase for all repeat violations within a 12 Month period. The new fine accelerator schedule has been modeled after the $100.00 fine accelerator schedule.

1st Citation = Amount of fine
2nd Citation for the same violation within a 12 Month period = 200% increase
3rd Citation for the same violation within a 12 Month period = 500% increase

Fiscal Impact:

No fiscal impact

Reviewed by:

Steve Rath, City Manager

Attachments:

Copy of Proposed Resolution
Copy of Proposed Administrative Citation Schedule of Fines

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING THE SCHEDULE OF FINES FOR ADMINISTRATIVE CITATIONS

WHEREAS, Title 4, Chapter 11, Section 4-11.10 (a) of the Los Banos Municipal Code provides that the amount of the fines for code violations imposed pursuant to administrative citations shall be set forth in the Schedule of Fines established by resolution of the City Council; and

WHEREAS, Ordinance No. 1092 made substantial changes to Title 4, Chapter 11 pertaining to Administrative Citation fee; and

WHEREAS, the existing Administrative Citation Fee Schedule has not been updated since July 5th 2007; and

WHEREAS, the proposed amendment and update to the Administrative Citation Schedule of Fines has been presented to the City Council of the City of Los Banos.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the amendments to the Administrative Citation Schedule of Fines attached hereto and incorporated herein by this reference and said schedule shall become effective thirty (30) days from adoption.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the January 4, 2012, 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:

_____
Mike Villalta, Mayor

ATTEST:

_____

Lucille L. Mallonee, City Clerk

City of Los Banos
Administrative Citation Schedule of Fines
January 4, 2012

Pursuant to Section 4-11.10(a) of the Los Banos Municipal Code the administrative citation fine amounts set forth below are hereby established for violation(s) of the Los Banos Municipal Code sections listed below:

Section	Offense	Administrative Citation Fine
	BUSINESS LICENSE TAXES*	
3-1.101	Permit required – Business License	$ 50.00
3-1.106	Failure to post a City business license	$ 50.00
3-1.107	Failure to carry a City business license	$ 50.00
	AUCTION SALES	
3-2	Compliance with Chapter – Auction Sale regulations (any violation of chapter)	$ 50.00
	CARD ROOMS	
3-3	Compliance with Chapter – Card room regulations (any violation of chapter)	$ 200.00
	LIQUIDATION SALES	
3-5.12	Violations: Penalties (any violation of chapter)	$ 50.00
	MARBLE MACHINES	
3-6	Compliance with Chapter – Marble Machines (any violation of chapter)	$ 50.00
	PAWNBROKERS/SECOND HAND DEALERS	
3-7	Compliance with chapter – Pawnbrokers and Secondhand Dealers (any violation of chapter)	$ 250.00
	PEDDLERS/SOLICITORS/VENDORS	
3-8	Compliance with chapter – Peddlers, Solicitors and Vendors (any violation of chapter)	$ 50.00
	SALES AND USE TAXES*	
3-12.17	Penalties	$ 500.00
	TRANSIENT OCCUPANCY TAXES	
3-13.14	Violations: Penalties	$ 500.00
	BICYCLES	
4-1.01	Bicycle license required	$ 25.00
4-1.05	Licenses: Plates, seals, registration cards and numbers: Removal, destruction, mutilation and alteration	$ 25.00
4-1.09	Riding bicycles on sidewalks prohibited	$ 25.00
	CIVIL DEFENSE	
4-2.09	Violations: Penalties	$ 500.00
	FIRE PREVENTION CODE	
4-3.13	Improper storage of pallets	$ 150.00

4-3.16.2(a)	Unlawful for any person to possess, store, to offer for sale, expose for sale, at retail or use or to explode any Dangerous fireworks	$ 1250.00
4-6.16.2(b)	Unlawful for a Private Property owner/renter/lessee to permit the illegal discharge of Dangerous fireworks on the property within his/her control	$ 1250.00
4-3.16.11(a)	Unlawful possession of fireworks (minor)	$ 50.00
4-3.16.11(b)	Unlawful discharge of fireworks (minor)	$ 50.00
4-3.16.1 (c)	Illegal discharge of fireworks (Not within specified dates)	$ 50.00
4-3.16.11(d)	Illegal discharge of fireworks on private property	$ 50.00
4-3.16.11(e)	Unlawful for minor to discharge fireworks without adult supervision	$ 50.00
4-3.16.11(f)	Unlawful to discharge fireworks on public property	$ 50.00
	TAXICABS	
4-4	Compliance with chapter – Taxicabs (any violation of chapter)	$ 250.00
	REGULATING PARKING OF VEHICLES UNPAVED/BACK YARDS	
4-5.1.01	Parking prohibited on lawns and other unpaved surfaces	$ 50.00
4-5.1.02	Parking limited in back yards	$ 50.00
	TRAFFIC	
4-5.10	Placement of signs, markings or paint on city street, curbs or sidewalk prohibited.	$ 50.00
4-5.12	Unauthorized officials shall not direct traffic	$ 50.00
4-5.13	Obstruct/Interfere with police or authorized officials	$ 50.00
4-5.14	Obedience to police or authorized official	$ 50.00
4-5.15	Moving or traversing barricade pattern	$ 50.00
4-5.16	Unauthorized use or encroachment on public rights-of-way prohibited	$ 50.00
4-5.28	Unlawful parking: Peddlers, vendors	$ 50.00
	CITE AS PARKING VIOLATION-NOT ADMIN CITE	
4-5.20	Unlawful stopping, standing and parking prohibited	$ 50.00
4-5.21	Use of streets for storage of vehicles prohibited	$ 50.00
4-5.22	Parking for demonstration	$ 50.00
4-5.23	Repairing or greasing vehicles on public streets	$ 50.00
4-5.24	Washing or polishing vehicles	$ 50.00
4-5.25	Diagonal parking	$ 50.00
4-5.26	Parking space markings	$ 50.00
4-5.27	Parking in alley	$ 50.00
4-5.29	Vehicles prohibited from using certain streets	$ 50.00
4-5.40	Parking of recreational vehicles, recreational trailers, and utility trailers on roadways prohibited	$ 50.00
	PROPER MAINTENANCE/NUISANCE	
4-6.03(x)	Improper placement of refuse or refuse containers	$ 25.00

4-6.03(y)	Illegal parking/display of "for-sale" vehicles	$ 50.00
	SKATEBOARDS	
4-7.03	Use of personal transportation divides on public sidewalks	$ 25.00
	SKATEBOARD PARKS	
4-10.03	Not wearing a helmet, elbow pads, knee pads and wrist guards at City Skate Park	$ 25.00
	FLOODPLAIN MANAGEMENT	
4-9.06	Compliance (any violation of chapter)	$ 500.00
	SIDEWALKS	
4-12	Compliance with chapter – Sale on Public Streets	$ 50.00
	SHOPPING CARTS	
4-13.03	Required Signs on Shopping Carts/Property (Per day)	$ 50.00
4-13.04	Unauthorized removal or possession of a shopping cart	$ 25.00
4-13.06	Non-retrieval of abandoned carts	$ 50.00
	ALARMS AND ALARM SYSTEMS	
4-14B.060C	6th and 7th Alarm	$ 200.00
	ADVERTISING DISTRIBUTION	
5-2.01	Handbill distribution – restricted	$ 50.00
	DANCES	
5-3.02	Public dance halls – permit required	$ 50.00
5-3.06	Failure to comply with conditions of dance permit	$ 50.00
	LOITERING	
5-5.01	Youth protection curfew	$ 50.00
5-5.02	Duty of parent and guardians	$ 50.00
5-5.03	Aiding and abetting	$ 50.00
5-5.05	Park Curfew	$ 50.00
	WEAPONS	
5-6.02	Discharge of air guns and similar weapons	$ 50.00
5-6.03	Use of slingshot(s)	$ 50.00
	ALCOHOL	
5-7.01	Drinking alcoholic beverages on public right-of-way	$ 50.00
5-7.02	Drinking alcoholic beverages in city parks without permits	$ 50.00
	BINGO GAMES	
5-8.10	Conduct of bingo games	$ 500.00
	SOCIAL HOST/ UNDERAGE DRINKING	
5-10.04	Penalties for violation of chapter	$ 500/1,500/3,000
	ANIMALS	
6-1.201	Animals at large – unlawful	$ 50.00
6-1.301	Dog license required	$ 25.00
6-1.316	Barking dog(s)	$ 50.00
	SOLID WASTE COLLECTION DISPOSAL	
6-3.03	Interfere with solid waste receptacle(s)	$ 50.00
6-3.07	Unauthorized collection of refuse/solid waste	$ 50.00

6-3.09	Burning garbage or refuse-solid waste	$ 50.00
6-3.10	Leaving refuse-solid waste containers uncovered	$ 50.00
6-3.11	Deposit of burning objects in refuse-solid waste container	$ 50.00
6-3.20	Accumulation of refuse-solid waste garbage	$ 250.00
6-3.23	Violation of times for setting out waste containers	$ 50.00
	SEWER SYSTEM	
6-5.04	Illegal discharge into public sewer	$ 500.00
6-5.06	Permit required: Waste water discharge	$ 500.00
6-5.08	Enforcement and penalties	$1,000.00
6-5.10	Prohibited activities involving waste water facilities	$ 500.00
	WATER SYSTEM	
6-7.07	Water service: connection to outside source	$ 500.00
6-7.27	Direct connection to boilers/pumps unlawful	$ 500.00
6-7.28	Unlawful lawn irrigation	$ 15.00
6-7.29	Failure to submit to entry by Water Department	$ 50.00
	CROSS-CONNECTION CONTROL	
6-9.05	Failure to maintain backflow prevention device	$ 250.00
	ADULT ENTERTAINMENT BUSINESSES	
6-10.1.03	Permit required – Adult entertainment	$ 500.00
6-10.2.01	Permit required – Adult entertainment business	$ 500.00
6-10.2.06	Permit required – Adult entertainment business – transfer of permit	$ 500.00
6-10.2.07	Permit required – Adult entertainment performer	$ 500.00
6-10.2.13	Permit required – Escort/figure model	$ 500.00
6-10.3.01	Noncompliance with adult entertainment business development and performance standards	$ 500.00
6-10.3.02	Failure to maintain register of adult entertainment employees	$ 500.00
6-10.3.03	Failure to display permit and identification cards of adult entertainment employees	$ 500.00
6-10.3.04	Employment of persons under 18 years	$ 500.00
6-10.4.01	Failure to submit to inspection	$ 500.00
6-10.4.03	Employment of persons without permit	$ 500.00
6-10.4.05	Prohibit conduct in bars	$ 500.00
	MASSAGE ESTABLISHMENTS/SERVICES	
6-11.04	License required – Massage establishment	$ 500.00
6-11.08	Massage establishment employees – permit required	$ 500.00
6-11.09	Permit required – Massage Therapist	$ 500.00
6-11.16	Massage therapist trainee scope of employment	$ 500.00
6-11.21	Failure to display license-massage therapy	$ 500.00
	AIRPORT	
7-1.02	Commercial activities in airport	$ 500.00
7-1.04	Illegal use of airport roads, walks, paths	$ 500.00
7-1.05	Firearms on airport property	$ 500.00

7-1.07	Registration for T hangar tenancy required	$ 500.00
7-1.08	Transfer of T hangar tenancy required	$ 500.00
7-1.09	T hangars: Tenancy for other than aviation uses	$ 500.00
7-1.10	T hangars: Use restriction	$ 500.00
7-1.11	Aircraft: Compliance with laws, rules and regulations	$ 500.00
7-1.12	Aircraft: Landings and takeoffs	$ 500.00
7-1.13	Aircraft: Engine starting and runups	$ 500.00
7-1.14	Aircraft Taxiing	$ 500.00
7-1.15	Aircraft Loading	$ 500.00
7-1.16	Aircraft Parking	$ 500.00
	STREET AND ALLEY WORK	
7-2.01	Permit required: work in public right-of-way	$ 150.00
7-2.05	Failure to comply with conditions of encroachment permit and applicable laws	$ 150.00
	BUILDING REGULATIONS	
8-1	Compliance with chapter – Uniform Building Code	$ 500.00
8-2	Compliance with chapter – Building moving	$ 500.00
8-2.20	Violations: Penalties	$ 500.00
8-3	Compliance with chapter – Uniform Dangerous Buildings Code	$ 500.00
8-4	Compliance with chapter – National Electrical Code	$ 500.00
8-5	Compliance with chapter – Uniform Housing Code	$ 500.00
8-6	Compliance with chapter –Uniform Mechanical Code	$ 500.00
8-7	Compliance with chapter – Uniform Plumbing Code	$ 500.00
	SWIMMING POOL CODE	
8-11	Compliance with chapter – Uniform Swimming Pool Code	$ 500.00
8-12	Compliance with chapter – Permits, Fees, and Inspections	$ 500.00
	ZONING REGULATIONS	
9-3.1813	Satellite/antennas prohibited in front yard	$ 50.00
9-3.1814	Animals: Health hazard	$ 50.00
	PERFORMANCE STANDARDS	
9-3.2101	Fire and explosion hazards	$ 250.00
9-3.2109	Liquid and Solid waste discharge violations	$ 500.00
	APPLICATIONS/PERMITS	
9-3.2217	Site Plan Review – violation of condition	$ 250.00
	NOISE CONTROL	
9-3.2704	Violation of exterior noise standards	$ 50.00
9-3.2705	Violation of residential interior noise standards	$ 50.00
9-3.2706(c)	Noise violation of construction activity hours	$ 50.00
9-3.2706(d)	Noise violation associated with maintenance of residential property	$ 50.00
9-3.2707	Violation of maximum residential air conditioning and refrigeration system noise levels	$ 50.00

9-3.2708	Violation of waste and garbage collection noise standards	$ 50.00
9-3.2710	Warning signs in places of public entertainment	$ 50.00
	SIGNS	
9-3.2804(a)	Permit required – signs	$ 50.00
9-3.2806	Prohibited signs	$ 50.00
9-3.2820	Sign review permit required	$ 50.00
9-3.2825(f)	Sign constituting traffic hazard	$ 250.00
	RECYCLING FACILITY	
9-3.2904	Failure to comply with criteria and standards for recycling facility	$ 250.00
	USE, STORAGE AND PARKING RV/TRAILER/UTILITY TRAILERS	
9-3.3303	Use restrictions	$ 50.00
9-3.3304	Storage and parking	$ 50.00
	TREES, SHRUBS, AND PLANTS	
10-1.08	Protection of vegetation during building	$ 250.00
10-1.10	Interference with City employees	$ 500.00
10-1.11	Use of deleterious substance to vegetation	$ 250.00
10-1.15	Traffic visibility obstructions	$ 250.00
10-1.17	Public nuisances – abatement required of property owner	$ 250.00
	VEHICLE CODE	
27315	Seat Belts	$ 50.00

Violation of the City of Los Banos Improvement Standards and Specifications are subject to a daily fine of $100.00/500.00.

Except as set forth above, the fine amount for a second violation of the same Municipal Code section by the same person within a 12 month period shall be equal to 200% of the fine amount listed in the resolution at the time of the second violation.

Except as set forth above, the fine amount for a third violation of the same Municipal Code section by the same person within a 12 month period shall be equal to 500% of the fine amount listed in the resolution at the time of the third violation.

Where the Administrative Citation Fee Schedule lists two amounts the fine shall be at the discretion of the issuing authority.

City of Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Honorable Mayor & City Council Members

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

DATE: January 4, 2012

SUBJECT: Santa Clara Valley Transportation Authority (VTA)/Partnership Proposal

TYPE OF REPORT: Non-Consent Agenda

Recommendation:
City Council direction; review and comment on the $7.0 million dollar VTA/Partnership Proposal.

Discussion:
At the December 15, 2011 MCAG Governing Board's meeting, a discussion only agenda item was presented in regards to the funding of the environmental process for the proposed improvement along the State Route 152 corridor.

The Santa Clara Valley Transportation Authority (VTA) priority in the State Route 152 mobility partnership is the construction of a new four-lane facility from the junction of SR 152/I5 to SR 101 in Gilroy; while MCAG's interest is for the construction of the Los Banos Bypass.

A funding amount of $25 million dollars is proposed to pay for the environmental package. Caltrans and California Transportation Commission (CTC) have discussed a 50/50 split of the $25 million dollar amount, with Caltrans committing $12.5 million to the effort and the remaining $12.5 million from local matching funds.

The local matching fund sources have been proposed to be VTA and MCAG. The proposal is for VTA to front the $12.5 million, with a MCAG $7 million dollar commitment from previously RIP funds of $12.678 million which have been allocated for Los Banos Bypass right-of-way acquisition. These funds will become available in 2016-2017.

The $12.678 million dollar RIP allocation of 2016-2017 is scheduled to purchase segment one and segment two right-of-way for the Los Banos Bypass project.

Staff does not agree with the proposed $7.0 million dollar reallocation of the 2016-2017 RIP due to the following reasons:

1. The $7.0 million dollar request would need to come from the MCAG Board approved $13.172 million dollar allocation for the 2012 Regional Improvement Plan (RIP). The RIP has been submitted to Caltrans and the California Transportation Commission.

2. $12.678 million dollars of the $13.172 million dollar allocation is the amount scheduled for purchase of phase one and two right-of-way for the entire Los Banos Bypass.

3. The $7.0 million dollar "Partnership" request would be used to fund environmental and engineering studies for the Hwy 152 Partnership extension from Casa de Fruta to Highway 101. The VTA consultant states the EIR could take approximately 3 years to complete. It took 15 years for the Bypass project, and based on past experiences, I believe 3 years is extremely optimistic as well as suspect. Their EIR timeline deliverables need to be analyzed in light of the size and location of the Partnership proposal.

4. A $7.0 million dollar reallocation to the Partnership by the MCAG Board would signal to various State and local COGS and agencies that we concur with the funding plan to create a "toll road" for the Highway 152 corridor from Hwy 99-101.

5. Completion of our State highway Bypass project was never intended to be funded with toll road fees.

6. There has been no decision at any level regarding participation or support for toll road financing.

7. The City of Los Banos and MCAG Board, from inception of the Partnership proposal, and in accordance with our Partnership MOU's, agreed to participate as local government members in a non financial capacity.

8. San Benito County, which is a benefit recipient of the proposed extension Hwy 152 from Casa de Fruta to Hwy 101, has chosen not to participate in funding the project study. The County of Madera is also not assisting with funding.

9. There are <u>NO</u> guarantees reallocation of the $7.0 million dollar RIP funding to the Partnership/VTA by the MCAG Board would accelerate completion of the Bypass.

10. The Los Banos Bypass Environmental Document took Caltrans 15 years and $5.5 million dollars to complete. We're currently beginning the procurement of project right-of-way and will move to construction in the future as State, Federal, and local funding is available.

11. The Bypass project is years ahead of the Partnership proposal.

12. The Partnership proposal, although supported by the California Transportation Commission and a commitment of $12 million dollars towards the $25 million dollar study, is still in the discussion/formation mode.

13. HWY 152 Bypass right-of-way property procurement has begun on Phase One of the project.

14. Currently Pacheco Blvd/HWY 152 reaches level F traffic congestion on afternoons and holidays due to traffic congestion.

15. Within the next eighteen months, we anticipate there will be a total of 15 traffic stops within the City of Los Banos.

16. 152 Bypass project verses the Partnership project; in this case I suggest we take the ***"bird in the hand, not the two in the bush"***.

Fiscal Impact:
This proposed 7.0 million dollar transfer of 2016-2017 RIP funds to the State Route 152 corridor projects environmental phase would reduce the amount of previously allocated funding to purchase the Los Banos Bypass right-of-way from $12.678 million to $5.678 million. The estimated amount for the right-of-way of the entire Bypass project is $21.6 million. Not being able to purchase the required right-of-way makes the Los Banos Bypass project not 'shovel ready' for possible future construction funding.

Staff is requesting Council comment and direction on this issue.

Reviewed by:

Steve Rath, City Manager

Attachments:
MCAG Governing Board December 15, 2011 Agenda
MCAG Agenda Item 15 - Memorandum re: State Route 152 Mobility Partnership

NOTICE OF REGULAR MEETING
OF THE
MERCED COUNTY REGIONAL WASTE MANAGEMENT AUTHORITY / TRANSIT JOINT POWERS AUTHORITY FOR MERCED COUNTY/ MCAG GOVERNING BOARD

City of Merced
Council Chambers
678 W. 18th Street
Merced, CA 95340
(209) 723-3153

THURSDAY, DECEMBER 15, 2011 – 3:00 P.M.

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

MEMBERS OF THE PUBLIC MAY ADDRESS ANY ITEM ON THE AGENDA DURING CONSIDERATION OF THAT ITEM.

3. **ORAL COMMUNICATIONS**

PERSONS WISHING TO ADDRESS AGENDA ITEMS OR COMMENT ON ANY ITEM NOT ON THE AGENDA MAY DO SO AT THIS TIME. COMMENTS ARE LIMITED TO THREE MINUTES PER PERSON. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.
FOR ITEMS NOT ON THE AGENDA, NO ACTION WILL BE TAKEN AT THIS TIME. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR PLACED ON THE NEXT AGENDA.

COPIES OF STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO ITEMS OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE OFFICE OF MERCED COUNTY ASSOCIATION OF GOVERNMENTS. PERSONS WITH QUESTIONS CONCERNING AGENDA ITEMS MAY CALL MCAG TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA.

15. State Route 152 Mobility Partnership — Jesse Brown

For discussion only.

* **16. Electronic Agendas** — Rich Green

Approve the purchase of electronic devices to use for meeting agendas and decide whether they should be for each of the Governing Board Directors or available at MCAG meetings.

17. Executive Directors' Report

18. Directors' Report

** Action* *# Attachment* *+ Enclosure*

The next MCAG Governing Board meeting will be held on Thursday, January 19, 2012, at 3:00 p.m., at the City of Atwater, Council Chambers, 750 E. Bellevue Ave., Atwater, CA 95301

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted at the Merced County Association of Governments not less than 72 hours prior to the meeting.

Robin Lamas, Administrative Assistant II — Dated this December 8, 2011

ITEM 15

MEMORANDUM

DATE: **DECEMBER 8, 2011**

TO: **MCAG GOVERNING BOARD**

FROM: **JESSE BROWN, EXECUTIVE DIRECTOR**

RE: **STATE ROUTE 152 MOBILITY PARTNERSHIP**

Early this year, the Governing Board acted to join the SR 152 Mobility Partnership with its sister organization along this four-county corridor that includes the Madera County Transportation Authority, the Council of San Benito County Governments, and the Santa Clara Valley Transportation Authority (VTA) through a Memorandum of Understanding to study potential private and public funding sources to pay for improvements along the corridor, including tolling facilities. MCAG's direct interest in this arrangement is funding for the construction of the Los Banos Bypass, MCAG's number one priority project. VTA's priority is the construction of a new four-lane facility from the junction of SR 152/156 (near Casa de Fruta) to SR 101 in Gilroy.

As reported last month, the Mobility Partnership for SR 152 Trade Corridor made a presentation to the California Transportation Commission at their October 26, 2011 meeting in Sacramento. Director O'Banion introduced the Trade Corridor partners. Director Villalta also responded to questions from the Commission. Santa Clara Valley Deputy Director John Ristow gave a project status report and ended with a request to the Commission and Caltrans for putting together a $25 million funding package to pay for the environmental documentation process (NEPA/CEQA). CTC Commissioners voiced support for the Partnership and its mission and directed staff to work with the Partnership on a funding strategy.

VTA Deputy Director Ristow and consultant Mike Evanhoe have discussed funding options and strategies with Caltrans and CTC senior staff with assumption of a 50/50 cost sharing for the NEPA/CEQA environmental document. Caltrans would be expected to commit $12.5 million in its 2012 State Transportation Improvement Program scheduled for release on December 15, 2011. It is likely that any funding included in Caltrans' STIP would be in the latter years 2016-17.

VTA and MCAG are viewed as the source of local matching funds in their respective RTIPs. At the November meeting the MCAG Governing Board approved $12.678 million for Los Banos Bypass right-of-way acquisition. These funds will become available in five years, 2016-17.

VTA and MCAG interests would best be served if this project proceeded sooner rather than later, that is, not to wait five years to begin the environmental documentation process that is expected to take at least three years. The SR 152 Partnership MOU identifies October 15, 2014 as the target for completion of the studies. That being said, VTA has offered to "front" the funding to

complete the environmental process with the repayment of the costs when STIP funds become available in the programmed year (2016-17) from both Caltrans and MCAG. MCAG's contribution to the environmental documentation process is assumed to be $7.0 million. While the Los Banos Bypass has been environmentally cleared with funding from MCAG and Caltrans, the balance of the project in Merced County, approximately 30 miles, has not and is thus a large segment of the overall 81 miles of the project.

The product of the environmental studies will include all the project improvements, construction priorities and schedule, and construction funding strategy. The funding strategy will determine the funding sources including whether or not tolling is to be used and if so the tolling structure (when, where, and how much).

On January 13, 2012 the Mobility Partnership is scheduled to meet in Los Banos to discuss next steps regarding project funding options including MCAG's contribution and institutional arrangements (joint powers agreement) necessary for the project to proceed. Staff believes that the SR 152 Mobility Partnership is the surest and most expedient strategy to achieve construction of our region's number one priority. There is no other funding opportunity in the near or far term to arrive at the construction of the Los Banos Bypass other that through this Partnership. The financial contribution to the environmental studies of $7 million will leverage our region a project currently estimated at $420 million. This benefits not only our region, the City of Los Banos and western Merced County, but also means that the next projects on our priority list will be realized sooner, by many years.

Additionally, conditions for MCAG's financial participation could/would be discussed including:

1. The Los Banos Bypass be included in the first construction phase;
2. MCAG's contribution be repaid from any tolling program should that be instituted; and
3. Improvements to parallel local roads be considered as project elements.

This item is for discussion only at this time. Any actions needed as a result of the January 13 Mobility Partnership meeting will be presented to the Governing Board in February or March.

REQUESTED ACTION

For discussion only.

City of Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Steve Rath, City Manager

DATE: January 4, 2012

SUBJECT: One Voice

TYPE OF REPORT: Non Consent Agenda

Recommendation:
It is recommended that Council send elected representation along with one staff member who has project expertise.

Discussion:
As requested at the December 7, 2011 City Council meeting, staff has researched the expenses associated with the annual One Voice trip to Washington, D.C. Over the past three years the City has sent various representatives to One Voice; the expenses are as follows:

FISCAL YEAR	TOTAL EXPENDITURES	NO. ATTENDED
2008-2009	$3,901.60	2
2009-2010	$4,922.83	3
2010-2011	$3,992.26	3

In 2004 the City began participating in the One Voice program. Since that time the City and MCAG has secured $1.4 million for the Los Banos Bypass through the One Voice program. These funds were utilized for design fundamentals and environment preparation.

Fiscal Impact
Council approved a travel/training budget of $5,500 for this year's trip; the expenditures are spilt equally among the General Fund, the Enterprise Funds (Water, Wastewater and Solid Waste) and the Redevelopment Agency.