

RESOLUTION #2026-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS BANOS APPROVING A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15332, IN-FILL DEVELOPMENT PROJECTS AND APPROVING SITE PLAN REVIEW #2025-07 FOR O'REILLY'S AUTO CENTER TO BE LOCATED NEAR THE SOUTHEAST CORNER OF MERCY SPRINGS ROAD AND OVERLAND AVENUE; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBER: 424-120-032

WHEREAS, the Los Banos General Plan was adopted October 19, 2022, and is the guiding document for land use in the City of Los Banos; and

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

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2025-07 has been determined to be categorically exempt from the provisions of CEQA pursuant to Article 19, Class 32, Section 15332 In-Fill Development Projects as it meets all applicable conditions; and

WHEREAS, a public hearing was duly noticed for Wednesday, April 29, 2026, in accordance with California Government Code Section 65091 by advertisement in the Westside Express and by mail to property owners within 300 feet of the project boundaries on Wednesday, April 29, 2026 to consider and take testimony regarding Site Plan Review #2025-07; and

WHEREAS, at the May 13, 2026 Planning Commission meeting the Los Banos Planning Commission heard and considered testimony, if any, of all persons desiring to be heard; reviewed the Project Site Plan and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the Site Plan criteria established in Section 9-3.2320 of the Los Banos Municipal Code; and

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Los Banos does hereby approve a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects and approving Site Plan Review #2025-07 for O'Reilly's Auto Center for the development of a 7,392 square foot auto parts retail store located near the southeast corner of Mercey Springs Road and Overland Avenue; more specifically identified as Assessor's Parcel Number: 424-120-032, subject to the Conditions of Approval set forth in Exhibit C attached hereto and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Los Banos held on the 13th day of May 2026, by Commissioner McBride, who moved its adoption, which motion was duly seconded by Commissioner Martinez, and the Resolution is hereby adopted by the following vote:

AYES: Martinez, McBride, Robinson

NOES: None.

ABSENT: Hicks, Nunes.

APPROVED:

/s/ Rob Robinson

Rob Robinson, Planning Commissioner

ATTEST:



Haley Leonard, Planning Commission Secretary

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR SITE PLAN REVIEW #2025-07 – O'REILLY'S AUTO CENTER

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

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

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Site Plan Review #2025-07 was evaluated and determined to be categorically exempt pursuant to Article 19, Class 32, Section 15332 In-Fill Development Projects as the comprehensive project qualifies as an in-fill development project as determined in the Initial Study and further elaborated in the Notice of Exemption.
2. Site Plan Review #2025-07 was adequately noticed on Wednesday, April 29, 2026, for consideration at a public meeting on Wednesday, May 13, 2026.
3. No further environmental documentation is required as the Site Plan Review was contemplated and adequately analyzed in the initial review.
4. Prior to considering the proposed Project, the Planning Commission considered the Categorical Exemption.

EXHIBIT B

FINDINGS FOR APPROVAL OF SITE PLAN #2025-07 – O'REILLY'S AUTO CENTER

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

1. That the proposed development is consistent with the general plan, any specific plans, and any design standards adopted by the City Council.
 - a. *The General Plan land use designation for the project site is Regional Commercial, which is intended for large-scale commercial developments that serve residents and visitors from the surrounding region. Examples of this land use include shopping centers, large-format retail, auto sales, and travel related services, such as hotels, gas stations, and restaurants. Most shopping opportunities in regional retail centers are likely to be national retailers with immediately recognizable household names. These uses typically require good access to at least region-serving roadways. Supportive office uses are also allowed in this designation. Houses of worship and other places for religious assembly as well as private schools and colleges are permitted subject to appropriate development standards and use permit requirements.*

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

ECONOMIC DEVELOPMENT GOAL ED-1:

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

ECONOMIC DEVELOPMENT POLICY ED-P1.1:

Facilitate the development of new businesses and/or expansion of existing businesses through site availability, infrastructure investment workforce preparedness, branding, and marketing.

ECONOMIC DEVELOPMENT GOAL ED-2:

Seek and promote particular businesses or development projects that provide needed local goods, services, employment, or those that enhance the city's physical and social wellbeing and quality of life.

ECONOMIC DEVELOPMENT GOAL ED-4:

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

LAND USE GOAL LU-1:

Provide for orderly, well-planned, and balanced development.

LAND USE POLICY LU-P1.1:

Promote a sustainable, balanced, and well-paced growth and land use patterns that meet existing and future needs of Los Banos.

LAND USE GOAL LU-5:

Provide residents with excellent employment and shopping opportunities.

Evidence/Analysis: *The proposed project is consistent with the General Plan Regional Commercial land use designation. The proposed auto parts retail store would create some employment opportunities for the community and the creation of new business fosters economic development and business vitality.*

- b. *The zoning designation for the project site is Highway Commercial (H-C). The purpose of the Highway Commercial Zoning District is to provide a location for business and highway commercials, institutions and related services of a less intensive nature than allowed in commercial zones not adjacent to residential areas.*

Evidence/Analysis: *The proposed project is located within the Highway Commercial Zoning District and the proposed use of an auto parts retail store is a permitted use by right. Thus, the proposed project is consistent with the Highway Commercial Zoning District.*

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

Evidence/Analysis: *The proposed use is surrounded by similar uses and with future residential uses to the east. The proposed auto parts retail store will be compatible and enhance the surrounding area. The proposed project will not generate significant amounts of traffic to the area. The proposed use and development will not create such traffic patterns to provoke significant traffic impacts.*

3. That the design of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly,

and attractive development contemplated by this ordinance and the general plan of the City.

Evidence/Analysis: The design of the proposed auto parts retail store will aesthetically enhance the surrounding area. The proposed design resembles agrarian style architectural theme, which is the preferred architecture along the Mercey Springs Rd. corridor. The proposed colors are earth toned and are consistent with the surrounding commercial developments to the north. The inclusive project will be aesthetically pleasing in regards to the composition, materials, textures, and colors of the development.

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

Evidence/Analysis: The design of the proposed auto parts retail store will aesthetically enhance the surrounding area. The proposed design resembles agrarian style architectural theme, which is the preferred architecture along the Mercey Springs Rd. corridor. The proposed colors are earth toned and are consistent with the surround commercial developments to the north and west. The inclusive project will be aesthetically pleasing in regards to the composition, materials, textures, and colors of the development.

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

Evidence/Analysis: The proposed project and uses of the project are consistent with the Los Banos Municipal Code Title 9 Article 13 Highway Commercial Zoning District and the Los Banos 2042 General Plan Regional Commercial land use designation.

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

Evidence/Analysis: The comprehensive design of the proposed commercial structure conforms to good planning in that the physical design elements are compatible to surrounding existing commercial structures and is consistent with the surrounding area.

EXHIBIT C

CONDITIONS OF APPROVAL FOR SITE PLAN #2025-07 – O'REILLY'S AUTO CENTER

Planning:

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

may be brought against the City of Los Banos arising out of its approval of this site plan, or the environmental determination rendered in connection with the site plan approval, or arising out of the operation of the use or uses allowed under the site plan, save and except that caused solely by the City's active negligence.

8. Construction shall be limited to those hours specified in Section 9-3.2706 of the Los Banos Municipal Code: Monday through Friday from 7:00 am to 9:00 pm; Saturday and Sunday from 8:00 am to 5:00 pm.
9. The applicant shall comply with all requirements of other appropriate governmental agencies.
10. The applicant shall meet all requirements of the currently adopted edition of the California Building, Fire, and City of Los Banos Municipal Codes in effect at time of the building permit application.
11. The applicant shall comply with the Americans with Disabilities Act (ADA) requirements in the design, construction and maintenance of this project.
12. The applicant shall provide a copy of the conditions of approval to all contractors and subcontractors prior to commencement of construction.
13. During construction, and for safety purposes, the public right-of-way shall be kept clear of obstructions and shall be cleaned on a daily basis.
14. The applicant shall require and all contractors and subcontractors shall obtain a City of Los Banos Business License, prior to start of work on the project. All work performed on the project shall comply with the requirements of the California Business and Professions Code.
15. The applicant shall obtain any necessary encroachment permits from the City or Caltrans prior to performing any work within that jurisdiction's right-of-way.
16. The applicant shall be responsible for the installation of a raised median along the roadway segment extending from Santa Cruz Way to Overland Avenue. All improvements shall be completed to the review and satisfaction of Caltrans, and shall comply with all applicable Caltrans standards, specifications, and permitting requirements.
17. All structures, foundations, and footings for buildings on the project site shall be designed and constructed to conform to the current California Building Code, including amendments adopted by the City.
18. An engineering soils report shall be prepared in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and written approval by the City Engineer.

19. A minimum 200-foot separation shall be maintained between the public right-of way and material stockpiles, debris piles, or containers and equipment storage during the construction process. If such storage must be located within 200 feet of the public right-of-way, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and written approval by the Community and Economic Development Department.
20. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site. Pets shall not be allowed on the construction site. The proper location of the trash containers shall be subject to the review and written approval of the Community and Economic Development Department.
21. Prior to placement of combustible materials on the site, two points of all-weather access, at least one paved, shall be provided, to the satisfaction and written approval of the Fire Chief.
22. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the Site Plan where active construction is taking place. Placement of said construction trailer is subject to the written approval of the Community and Economic Development Director and shall be removed in accordance with Title 9, Chapter 3, Article 39 Temporary Use Ordinance of the Los Banos Municipal Code. The Project site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
23. The development site shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion.
24. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Community Development Department:

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

“If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably

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

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

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, and cut and fill activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
27. Prior to issuance of building permits, the developer/applicant shall include the following requirements in all construction bids and documents including contracts (and implemented during construction activities) for the purpose of reducing diesel particulate and acrolein emissions during construction of the project:
- a. All pre-1994 model year and older diesel equipment shall be retrofitted with EPA-certified diesel oxidation catalyst filters;
 - b. Contractor shall maintain records of all purchases of diesel oxidation catalyst filters or biodiesel fuel until construction is complete; and
 - c. The SJVAPCD shall have the right to inspect all construction and demolition equipment, as well as the contractor's records at any time during demolition and construction.
28. The Project site shall include a bicycle rack. Size and location shall be approved by the Community and Economic Development Director.
29. All development impact fees shall be paid in full prior to occupancy and as a condition of issuance of an occupancy permit. The developer shall provide a receipt from the Los Banos Unified School District for all applicable school impact fees.
30. The Applicant will take reasonable steps to preserve all survey monuments. The Applicant is responsible for the preservation of survey monuments within the work area under this permit at Applicant's sole expense. If any monuments are disturbed, the Applicant is responsible for re-establishing the monuments upon completion of the permitted work. Re-establishing of monuments shall be performed by a duly licensed land surveyor and a corner record shall be filed in accordance with State law at Applicant's sole expense.
31. Delivery truck loading/unloading shall occur only within designated loading areas on-site.
32. Outdoor storage of merchandise, parts, or materials shall be prohibited except as expressly approved by the Community and Economic Development Director

33. All Community and Economic Development processing and application fees shall be paid in full prior to the issuance of a building permit.

Utilities and Drainage:

34. Subject to the review and approval of the Los Banos Public Works Department, project improvement plans shall include Best Management Practices (BMPs) to reduce the introduction of oils and other contaminants to the Los Banos storm water drainage system and main canal. Water quality safeguards shall be installed prior to occupancy of the parking lots. A water quality Best Management Practices plan shall be implemented upon occupancy.
35. All stormwater facilities shall be privately maintained in perpetuity, subject to City inspection.
36. A trash enclosure shall be built according to City specifications: colors, materials, and textures matching those of the main building, and provide for recycling services within. A concrete apron is required across the width of the trash enclosure opening that shall extend a minimum depth of ten feet in front of the opening. The location shall be specifically shown on the improvement plans and approved by the Community and Economic Development Director. The trash enclosure shall be large enough to accommodate the solid waste and recyclables. The trash bins shall have lids and the enclosure must be properly screened. The enclosure needs to follow City Standards and Specifications as well as Mid Valley Disposal Standards.

Landscape and Lighting:

37. All ground and rooftop mounted electrical, plumbing and mechanical equipment shall be screened from view of the public right-of-way by continuous parapet wall or landscaping or combination thereof.
38. All outdoor lighting shall be LED.
39. All landscape plantings shall comply with the City's Efficient Landscape Ordinance (WELO). Turf areas shall be minimized and limited to functional use areas only.

Signage:

40. A Sign Review application, consistent with the provisions of the City's Sign Ordinance shall be submitted to the Community and Economic Development Department for review prior to the issuance of a building permit.
41. All advertising signage shall be subject to Sign Review and permit approval from both the Community and Economic Development and Building Departments, prior to installation, consistent with the development criteria of the Los Banos Municipal Code Sign Ordinance.

Design/Aesthetics:

42. The design of the improvements shall be conforming to the approved site plan. Any significant changes in color or architecture (i.e. paint, texture, material) shall require prior written approval by the Community and Economic Development Director or Planning Commission approval. The applicant shall maintain the color as presented in the site plan for the life of the project. Any changes to the site plan as to color or architecture shall require prior written approval by the Community and Economic Development Director or Planning Commission. This condition shall run with the land and be binding on successors in interest and shall be applicable beyond the issuance of an occupancy permit.
43. Downspouts shall be located within the building walls or architecturally integrated into the design and color of the structures, and there shall be no drainage across the public access ways or across the public right-of-way.
44. All rooftop mechanical equipment and appurtenances shall be screened from view from the public right-of-way and adjacent properties.
45. The applicant provide engineering and specifications for the proposed canopy structures to the Building Department with Building Permit submittal.
46. An eight (8') foot concrete masonry wall shall be constructed along the eastern property line and shall be covered in landscaping (vines) to mitigate graffiti.

Fire Department

47. There shall be a fire control room, which shall have an exterior access door only and be large enough to accommodate the fire riser and fire alarm annunciator panel.
48. There shall be a permanent sign on the exterior of the fire control room stating "Fire Control Room".
49. There shall be HVAC smoke detector test and reset switches in the fire control room.
50. Maintain clear access to Fire Department Connections (FDC's).
51. FDC location shall be approved by the Fire Chief.
52. Fire lines shall be installed as a loop system.
53. Hydrant Locations shall be indicated on Final Improvement Plan.
54. The fire system back flow unit shall be hydro tested.
55. All fire lane curbs on the project site shall be painted.

56. Install two (2) 10" addresses on the building frontages.
57. There shall be a main electrical disconnect located on the exterior of the building and clearly labeled for Fire Department use only.
58. Commercial grade Knox Boxes at all entrances. Applications can be obtained through the Fire Department. For a new construction building, a model 3200 recessed mount is required. All boxes to be black in color. The Knox Boxes shall have FDC locking caps. Location of installation shall be approved by Fire Official before install. Larger boxes may be required depending on application..
59. A fire alarm control panel shall be located within the fire control room. A minimum of one (1) pull station and one (1) audio visual station shall be provided within 5' of the front entrance. The fire alarm system shall be plan checked and approved by the Los Banos Fire Department. These plans shall be through deferred submittal to the Fire Department.
60. Deferred submittals shall be provided to the Fire Department regarding Fire Alarm Improvements and Fire Protection System
61. The development shall be required to follow National Fire Protection Association (NFPA) Section Numbers 58-6.5 and 58-6.6.
62. All buildings shall include a fire suppression system.
63. All buildings shall have full occupant notification.
64. Fire Suppression System and Fire Alarm plans shall be submitted to the Los Banos Fire Department.

Public Works

65. The developer/applicant shall prepare improvement plans (separate from the building plans) submitted to the Public Works Department for the entire site and plans shall be approved by the City Engineer prior to the start of any site work. Included in those improvement plans shall be, but not limited to, topography, site, grading and drainage, utilities, circulation striping and signage, landscape, on and offsite lighting (street frontage), and offsite improvements. These improvements shall be installed per City of Los Banos Standards.
66. The existing water lines shall be shown on the improvement plans and the proposed building shall not be allowed to be built over the existing water line.
67. Full landscape plans per the City's landscape ordinance shall be submitted with the improvement plans, including 50% shade requirement.

68. All frontage improvement as per City standards. These improvements include undergrounded existing utilities along the streets.
69. A Storm Water Pollution Prevention Plan (SWPPP) shall be generated if the property is greater than 1-acre. In any case Construction and Post-Construction Best Management Practices (BMP's) shall be implemented to the City's MS-4 Phase II designation.
70. The developer/applicant shall prepare a grading and drainage plan prior to the issuance of a building permit. The drainage plan shall include roof run off. The grading and drainage plan shall be prepared per City standards and shall be approved by the City Engineer prior to the commencement of grading and work of any kind.
71. Storm drain, water main, and sanitary sewer main line improvements shall be installed by the developer/applicant per the City of Los Banos Utility Master Plans.
72. All development fees, including but not limited to all inspection fees, processing fees, landscape and light plan fees, and improvement plan fees shall be paid prior to issuance of the building permit.
73. Prior to occupancy, the Developer shall form or annex the Subject Property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the Subject Property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the Subject Property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the Developer.
74. The following note shall be on all improvement plans: The Contractor shall be responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense.
75. A Low Impact Development Standard Plan shall be submitted for the project.
76. All existing public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements without the approval of the City. The applicant shall repair or replace all existing improvements not designated for removal, and all new improvements that are damaged during construction or removed because of the applicant's

operations. The applicant shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions. Said repairs shall be completed prior to the first occupancy of the project.

77. The project shall comply with all City Master Plans to the approval of the City Engineer. Street improvements, all street sections, the design of all off-site storm drainage facilities, sewer and water lines shall be in accordance with City Standards and shall follow the most current City Master Plan as approved by the City Engineer. Improvements deemed necessary by the City Engineer shall be shown on the project improvement plans.
78. Landscaping and permanent structures located within the 10' triangular area of visibility at the driveway, and 45' triangular area of visibility at any project corner, shall have a minimum vertical clearance of 9', and/or be less than 2' in height. This includes all PG&E above ground structures and other utility facilities. The sight triangle shall be shown on the site civil plans, to the approval of the City Engineer, to demonstrate this condition.
79. The applicant shall submit a photometric plan for on-site lighting showing lighting levels to Illuminating Engineering Society (IES) Standards. The plan shall comply with the requirement of an average of 1 foot-candle with a 4:1 minimum to average ratio and a minimum lighting of 0.3 foot-candle. This lighting standard is applicable to all publicly-accessible parking lots, driveways, circulation areas, aisles, passageways, recesses, and publicly-accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. The photometric plan shall be approved by the City Engineer or their designee and shall be addressed on the construction plans submitted for any demolition permit, building permit, or grading permit and shall be satisfied prior to issuance of whichever permit is issued first. Any subsequent building permits that include any site lighting shall also meet these requirements.
80. The applicant is required to evaluate the conditions of the existing Sewer Lines along the project frontage by videotaping and providing the result to the City Engineer. The applicant shall clean and inspect (via remote TV camera) the mainline sewer from the manhole upstream to the manhole downstream of the project lateral connection. or the sewer lateral the project is connecting to if not connecting directly to the sewer main. The video inspection shall be done by a professional sanitary sewer video inspection company, to City Standards, and be completed prior to building permit issuance. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. If the integrity of existing utilities found to be compromised, applicant will be required to repair, or remove and replace if necessary, to the approval of the City Engineer.

81. The applicant is required to evaluate the conditions of the existing Storm Lines along the project frontage by videotaping and providing the result to the City Engineer. The applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area. The video inspection shall be done by a professional video inspection company, to City standards, and be completed prior to building permit issuance. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. If the integrity of existing utilities found to be compromised, applicant will be required to repair, or remove and replace if necessary, to the approval of the City Engineer.
82. For projects that have overhead utility lines on-site that travel over new buildings, the applicant shall obtain a letter from the utility company indicating that there is adequate overhead clearance from the utility to the proposed building. The letter shall be submitted with the first set of improvement plans submitted. The plans shall show the existing utility pole, any necessary proposed pole protection (including overhead clearance warning identification), and shall be confirmed satisfactory with the utility company. The letter shall be to the approval of the City Engineer.
83. The site landscaping needs to be coordinated between the stormwater treatment area and the overall site landscaping plan area. The landscaping within the stormwater treatment area will not count towards the site landscaping requirement. Stormwater treatment areas should be identified on the site first, and then site landscaping to make sure the correct plant material is identified for each area. Some site landscaping plant material may not be suitable in stormwater treatment areas due to the nature of the facility. Sewer facilities cannot be aligned through stormwater treatment facilities. It is the applicant's responsibility to coordinate the civil stormwater treatment facilities and the plans from the project landscaper.
84. At least one week prior to commencement of any on or off-site work, the applicant shall post at the site, and to property owners within (300') three hundred feet of the exterior boundary of the project site a notice that construction work will commence on or around the stated date. The notice shall include a list of contact persons with name, title, phone number and area of responsibility. The person responsible for maintaining the list shall be included. The list shall be current at all times and shall consist of persons with authority to initiate corrective action in their area of responsibility. The names of individuals responsible for dust, noise and litter control shall be expressly identified in the notice. Noticing shall be in both English and Spanish. The notice shall be submitted for review to the approval of the City Engineer two weeks prior to the issuance of the building permit.

Police Department

85. The applicant/operator shall have HD quality monitoring cameras with 4k/1080p resolution throughout the exterior of the facility at all times to the satisfaction and

approval of the Police Chief. The applicant shall always maintain the surveillance equipment in working order and keep the video recordings for 30 days to be made available to law enforcement upon request.

86. Building perimeter shall have adequate exterior lighting for security, subject to approval by the Police Chief.

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