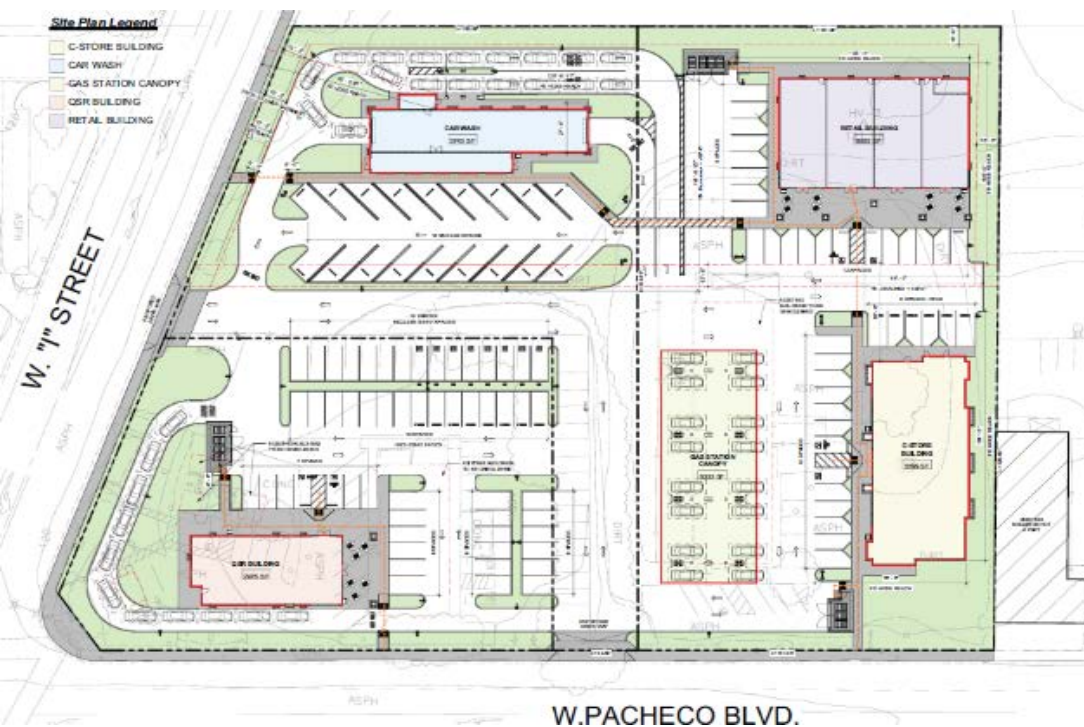


Mitigated Negative Declaration with Initial Study

Northgate 42 Gas Station

June 6, 2025



Prepared by
EMC Planning Group

MITIGATED NEGATIVE DECLARATION WITH INITIAL STUDY

NORTHGATE 42 GAS STATION

PREPARED FOR

City of Los Banos

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June 6, 2025

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MITIGATED NEGATIVE DECLARATION

In Compliance with the California Environmental Quality Act (CEQA)

Project Name	Northgate 42 Gas Station
Lead Agency	City of Los Banos
Project Proponent	Northgate 42, LLC 42270 Spectrum Street Indio, CA 92203
Project Location	828, 846, and 850 West Pacheco Boulevard Los Banos, CA 93635
Project Description	The proposed project involves the demolition of three existing on-site commercial structures. The site will be redeveloped to support a new commercial center consistent with the City’s General Plan land use designation and zoning classification. The four proposed commercial buildings will consist of the following uses: (1) a 5,599-square-foot convenience store (“C-Store”) with an associated 6,333-square-foot fuel canopy accommodating sixteen vehicle fueling stations; (2) a 2,976-square-foot quick service restaurant with a drive-through lane; (3) a 6,003-square-foot sit-down retail/restaurant building; and (4) a 3,743-square-foot automated car wash. A total of 82 parking spaces will be provided, including six Americans with Disabilities Act (ADA)-compliant spaces, three of which are van-accessible. The project will also provide nine electric vehicle (EV) ready spaces and fifteen EV charging station (EVCS) spaces. Eighteen vacuum stalls will also be included adjacent to the automated car wash. Access to the site will be provided via two driveways: one on West Pacheco Boulevard and one on West I Street (WSCS Design 2024). The project also involves planting approximately 114 trees on-site. The project’s construction-related activities will include site preparation and grading, landscaping, paving of on-site

	driveways and circulation infrastructure, and the construction of four new commercial buildings.
Public Review Period	Begins – Friday, June 6, 2025 Ends – Monday, July 7, 2025
Written Comments To	Stacy Souza Elms Community & Economic Development Director City of Los Banos 520 J Street Los Banos, CA 93635
Proposed Findings	The City of Los Banos is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project has the potential to result in significant adverse environmental impacts. However, the mitigation measures identified in the initial study would reduce the impacts to a less than significant level. There is no substantial evidence, in light of the whole record before the lead agency, City of Los Banos, that the project, with mitigation measures incorporated, may have a significant effect on the environment. See the following project-specific mitigation measures:

Mitigation Measures

Biological Resources

BIO-1 Swainson's Hawk. The developer shall implement the following measures to avoid loss of or harm to Swainson's hawk:

- a. Building demolition, tree removal and construction activities shall be completed during the nonbreeding season for raptors (September 16–January 31).
- b. If building demolition, tree removal or construction activities cannot be timed outside of nesting season, to avoid, minimize, and mitigate potential impacts on Swainson's hawk nesting on or adjacent to the project site, a qualified biologist shall conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of demolition permits, tree removal permits, and grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) or updated, current guidance, shall be followed for surveys

for Swainson's hawk. If no nests are found, a report documenting the results of the survey shall be submitted to the Los Banos Planning Department and no further mitigation shall be required.

- c. If Swainson's hawk nests are found, impacts to nesting Swainson's hawks shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.
- d. Monitoring of all Swainson hawk nests by a qualified biologist during construction activities shall be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.
- e. If impacts to Swainson's hawk cannot be avoided, consultation with the California Department of Fish and Wildlife shall be conducted, and an Incidental Take Permit shall be obtained. Compliance with permit conditions shall be required prior to the start of disturbance activities.

BIO-2 To avoid impacts to protected nesting birds during the nesting season (January 15 through September 15), the developer shall ensure that all construction activities be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for raptors), a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of ground disturbance, with the final survey conducted within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to the Los Banos Planning Department and no further mitigation is required.

- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, the biologist shall submit to the Los Banos Planning Department.

BIO-3 Special-Status Bat Species. The developer shall implement the following measures to avoid loss of or harm to special-status bat species:

- a. Approximately 14 days prior to construction activities, the developer shall contract with a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the project site. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.
- b. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to the Los Banos Planning Department, and no further measures are required.
- c. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
- d. The bat nursery season is generally considered May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid

lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

Cultural Resources

- CR-1 The following language shall be incorporated into any construction documents associated with tree removal, demolition, grading, and construction, “In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within a 50 meter (165 feet) of the find until it can be evaluated. All potentially significant archaeological deposits shall be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For indigenous archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.”

- CR-2 The following language shall be incorporated into construction plans associated with tree removal, grading, and construction, “In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Merced County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the SSCWD shall comply with the state relating to the disposition of Native American burials

that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; 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.”

Geology and Soils

GEO-1 The following language shall be included on all demolition, grading, and building plans and permits:

“If paleontological resources are discovered during demolition or earthmoving activities, work shall immediately stop within 100 feet of the discovery. A qualified paleontologist or geologist shall be retained to assess the significance of the find and, if determined to be a unique resource, shall develop and implement appropriate treatment measures in consultation with the City of Los Banos Community and Economic Development Department.”

Greenhouse Gas Emissions

GHG-1 To ensure the proposed project would not have a significant greenhouse gas emissions impact, one of the following mitigation measures shall be implemented by the applicant or developer, prior to issuance of a building permit.

- a. All of the proposed uses shall be electric. The building plans must show that no permanent natural gas infrastructure shall be permitted as part of the project plans and no natural gas shall be made available through permanent natural gas infrastructure;
- or
- b. If the preference is to construct one or more of the proposed uses with natural gas infrastructure, the applicant shall prepare a Greenhouse Gas (GHG) Reduction Plan which identifies one or more GHG reduction actions that will be taken to reduce GHG emissions by an equivalent volume of carbon dioxide equivalent (CO₂e) per year as a

basis for fully mitigating GHG emissions from natural gas. The following table presents estimated emissions from natural gas use for each proposed land use as quantified in CalEEMod. The GHG Reduction Plan shall prioritize on-site GHG reduction design features. Additional measures may be added by the applicant.

Proposed Land Use	CalEEMod Land Use Subtype ¹	GHG Emission ² (MT CO ₂ e / year)
C-Store with Fueling Stations and Automated Carwash ³	Convenience Market with Gas Pumps	168
Quick Service Restaurant	Fast Food Restaurant with Drive Thru	1,196
Retail Building	Free Standing Discount Store	19

SOURCE:

CalEEMod version 2022.1, WSCS Designs 2024

NOTES:

1. CalEEMod default land use subtype. Descriptions of the model default land use categories and subtypes are found in the User's Guide for CalEEMod Version 2022.1 available online at: <https://caleemod.com/user-guide>.
2. Greenhouse gas (GHG) emission values reported in metric tons of carbon dioxide equivalent per year (MT CO₂e / year).
3. The volume of emissions quantified for the C-Store with Fueling Stations and Automated Carwash was calculated based on the combined square footage of the proposed C-Store (5,599 square feet), gas station canopy (6,333 square feet), and the automated carwash (3,743 square feet) as indicated in the project plans.

The applicant may choose to retain a qualified air quality/GHG professional to quantify the GHG reductions that would result from implementing the GHG Reduction Plan based on substantial evidence to be included in the GHG Reduction Plan.

If the applicant elects to quantify the GHG emissions reductions from on-site measures and/or investments in off-site reduction programs and the reductions are insufficient to reduce project emissions by an equivalent volume per year, the applicant may secure the reduction balance by purchasing and retiring carbon offset credits. The carbon offset credits shall meet the following performance standards:

- Carbon offset credits shall be issued by a recognized, reputable and accredited registry that mandates the use of established protocols for quantifying and issuing the offset credits. Credits issued based on protocols approved by the California Air Resources Board should be prioritized. Examples of such registries include the Climate Action Reserve, American Carbon Registry, and Vierra.
- The carbon offset credits should be generated from projects developed in the United States. Credits from projects developed internationally should not be used unless the applicant demonstrates with substantial evidence that sufficient carbon offsets from projects in the United States are unavailable. International offsets must be quantified and issued using established protocols that are recognized in the United States and that are issued by recognized, reputable and accredited registries.

- All carbon offset credits purchased to reduce GHG emissions, must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2).

In lieu of or in addition to one or more of the on-site measures above, the applicant may make direct investments in off-site GHG reduction activities/programs in the vicinity. Examples of direct investments include building retrofit programs that pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting energy efficient windows, and insulation. Other examples include financing programs for installing electric vehicle charging stations, electrifying school buses, or planting local urban forests.

The applicant shall submit the GHG Reduction Plan for review and approval of the City of Los Banos Community and Economic Development Director prior to City issuance of a building permit. If carbon offsets are proposed, prior to approval of an occupancy permit for the first proposed use, the applicant shall provide an executed contract or other certification to the City of Los Banos Community and Economic Development Director that the requisite volume of carbon offset credits have been purchased.

Hazards and Hazardous Materials

HAZ-1 Prior to the issuance of demolition or grading permits, the project applicant shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment (ESA). The Phase I ESA shall evaluate the potential for hazardous materials contamination from prior agricultural activities, automotive-related operations, and hazardous building materials (such as asbestos and lead-based paint) associated with existing on-site structures.

All required remediation or abatement measures shall be completed to the satisfaction of the City of Los Banos Community and Economic Development Department and other applicable regulatory agencies prior to the start of demolition or ground-disturbing activities.

HAZ-2 Prior to issuance of a building permit, the project developer shall implement any design changes that may be recommended by the Los Banos Municipal Airport Land Use Commission.

Noise

N-1 If construction of the project would require pile driving activities conducted within 135 feet of fragile structures, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or 75 feet of engineered concrete and masonry structures, the applicant shall hire a qualified acoustical consultant to evaluate the potential for vibration-

related damage. If the evaluation concludes the impact could be significant, measures shall be incorporated into the building permit to ensure pile driving activities would not have an adverse effect on adjacent structures.

Transportation

- TR-1 The City of Los Banos shall coordinate with Caltrans to modify the signal timing at the intersection of West Pacheco Boulevard and West I Street to optimize traffic operations prior to project occupancy.

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INITIAL STUDY

NORTHGATE 42 GAS STATION

PREPARED FOR

City of Los Banos

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June 6, 2025

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A. BACKGROUND

Project Title	Northgate 42 Gas Station
Lead Agency Contact Person and Phone Number	Stacy Souza Elms, Community & Economic Development Director (209) 827-2433
Date Prepared	June 6, 2025
Study Prepared by	EMC Planning Group Inc. 601 Abrego Street Monterey, CA 93940
Project Location	828, 846, and 850 West Pacheco Blvd. Los Banos, CA 93635
Project Sponsor Name and Address	Northgate 42, LLC 42270 Spectrum Street Indio, CA 92203
General Plan Designation	Regional Commercial
Zoning	Highway Commercial (H-C)

Setting

The 3.25-acre property (APNs 027-130-011, -014, -013, -009) is located at 828, 846, and 850 West Pacheco Boulevard, on the northeast corner of the intersection of West Pacheco Boulevard (State Route 152) and West I Street (“project site”) within the City of Los Banos. The project site is located approximately 350 feet north of the Main Canal and approximately 339 feet southeast of the Los Banos Municipal Airport.

The project site is currently developed with three commercial buildings and associated parking areas. The existing on-site development includes the following businesses:

- Mr. Tacos at 850 West Pacheco Boulevard;
- Me-n-Ed’s Pizzeria at 846 West Pacheco Boulevard; and
- Raghbir Used Auto Sales/Fernandez Thrift Store at 828 West Pacheco Boulevard.

The project site contains several large trees, including a row of mature eucalyptus trees located between the existing Me-n-Ed’s Pizzeria and the adjacent Raghbir Used Auto Sales/Fernandez Thrift Store. Existing trees are also located within the landscaped setbacks along the site’s frontages on West Pacheco Boulevard and West I Street.

The project site is located within the Pacheco Boulevard Corridor, as identified in the *City of Los Banos General Plan 2042* (“General Plan”) (City of Los Banos 2022). The site has a General Plan land use designation of Regional Commercial and is zoned Highway Commercial (H-C), which

allows for a variety of retail, service, and automotive commercial uses. The surrounding area is predominantly commercial, featuring a mix of retail stores, restaurants, service stations, and other highway-oriented businesses. The lot located directly north of the project site is currently vacant and undeveloped. The project site is also located within the boundaries of the *Merced County Airport Land Use Compatibility Plan* (Merced County 2012) for the Los Banos Municipal Airport.

[Figure 1, Location Map](#), illustrates the project site's location in the region. [Figure 2, Aerial Map](#), illustrates the current use of the project site along with its surrounding uses. [Figure 3, Site Photographs](#), includes photographs of the project site.

Description of Project

The proposed project involves the demolition of three existing on-site commercial structures. The site will be redeveloped to support a new commercial center consistent with the City's General Plan land use designation and zoning classification. The four proposed commercial buildings will consist of the following uses: (1) a 5,599-square-foot convenience store ("C-Store") with an associated 6,333-square-foot fuel canopy accommodating sixteen vehicle fueling stations; (2) a 2,976-square-foot quick service restaurant with a drive-through lane; (3) a 6,003-square-foot sit-down retail/restaurant building; and (4) a 3,743-square-foot automated car wash.

A total of 82 parking spaces will be provided, including six Americans with Disabilities Act (ADA)-compliant spaces, three of which are van-accessible. The project will also provide nine electric vehicle (EV) ready spaces and fifteen EV charging station (EVCS) spaces. Eighteen vacuum stalls will also be included adjacent to the automated car wash. Access to the site will be provided via two driveways: one on West Pacheco Boulevard and one on West I Street (WSCS Design 2024). The project also involves planting approximately 114 trees on-site.

The project's construction-related activities will include site preparation and grading, landscaping, paving of on-site driveways and circulation infrastructure, and the construction of four new commercial buildings.

[Figure 4, Site Plan](#), illustrates the site plan for the proposed project. The full set of project plans is included in Appendix A.

Other Public Agencies Whose Approval is Required

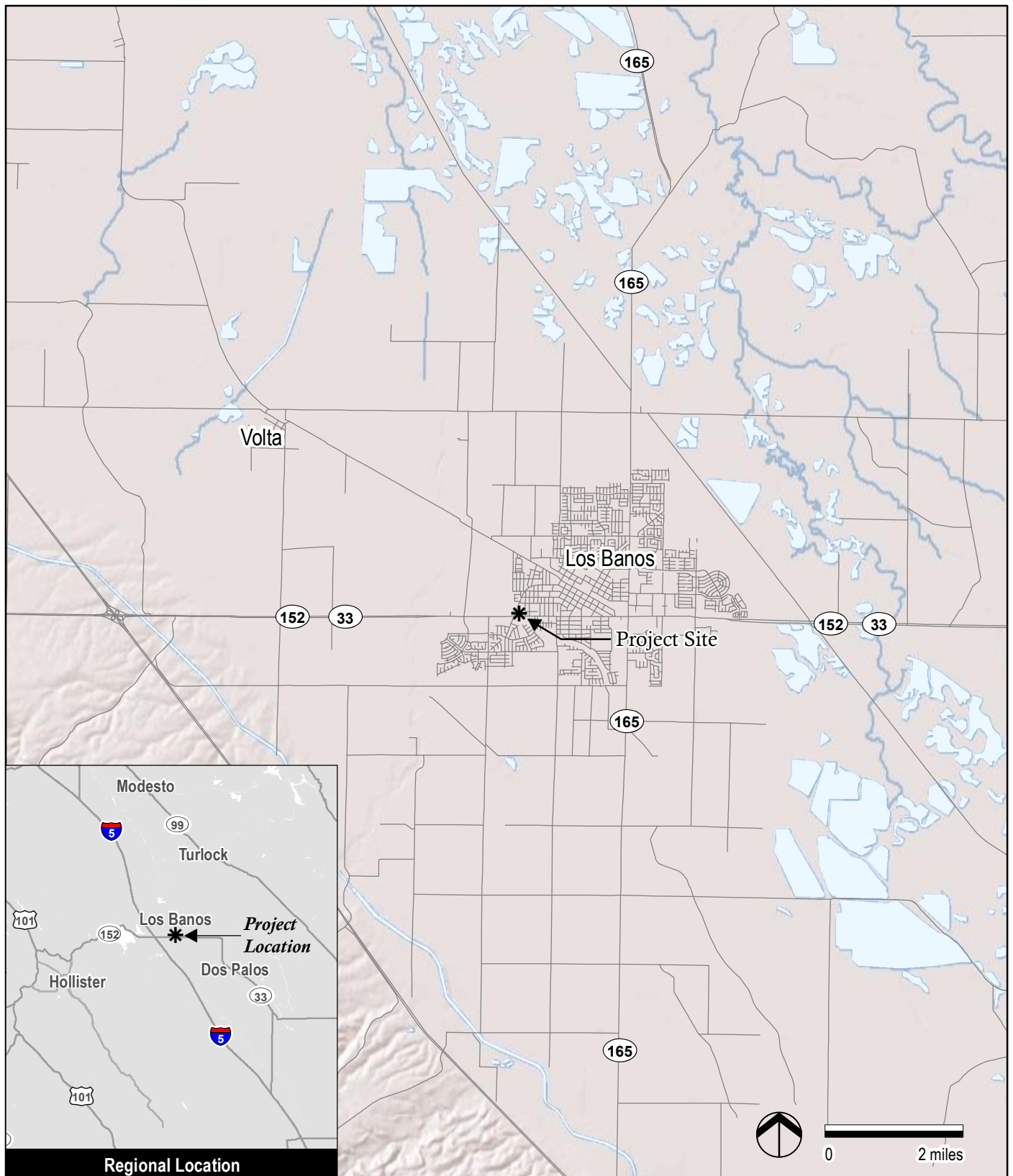
- Merced County Airport Land Use Commission;
- San Joaquin Valley Air Pollution Control District; and
- State Water Resources Control Board.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City sent out letters to California Native American tribes on March 14, 2025. No responses were received.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

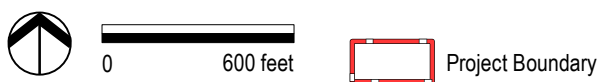
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Source: ESRI 2025

Figure 1
Location Map

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Source: Merced County GIS 2025, Google Earth 2025

Figure 2

Aerial Photograph

Northgate 42 Gas Station Initial Study



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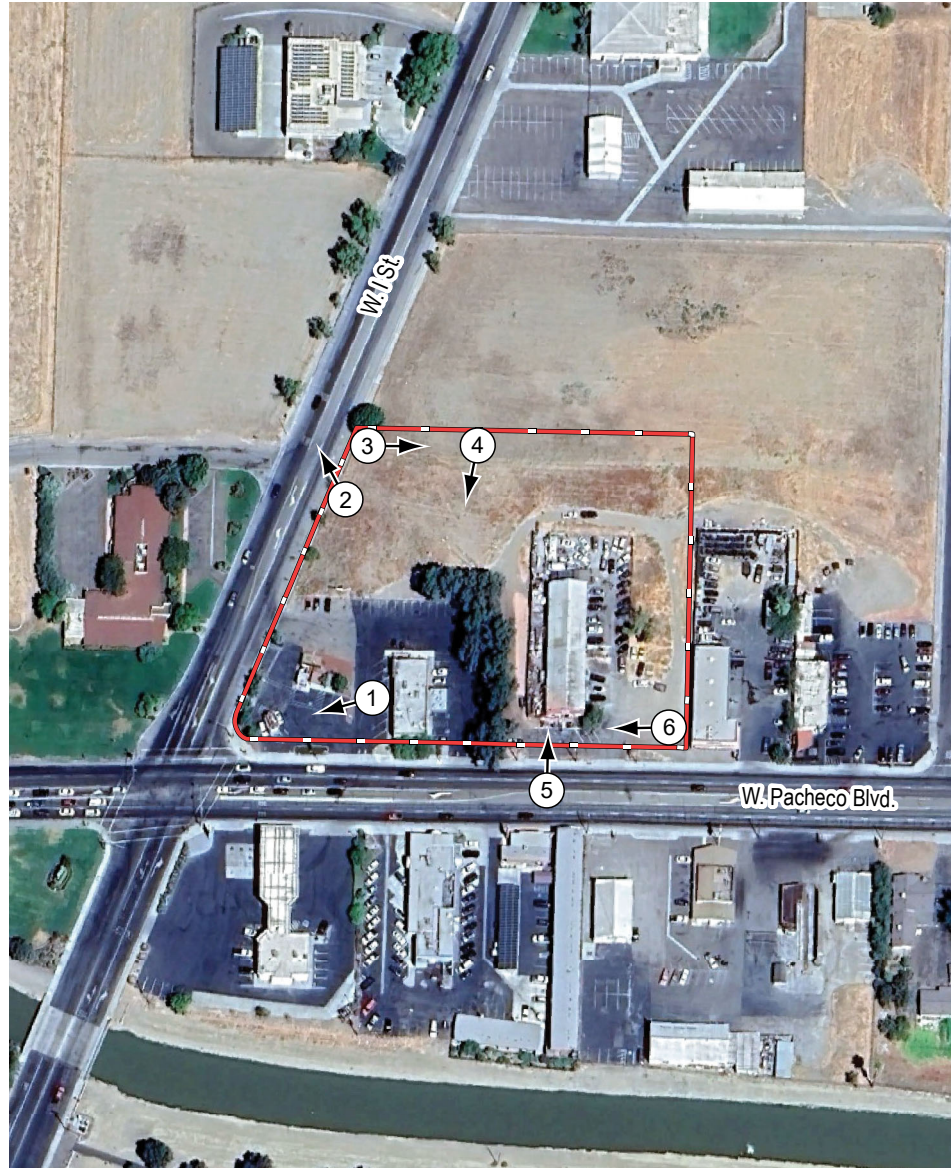
① Facing southwest towards Mr. Taco & the intersection of W "I" St. and Pacheco Blvd.



② Facing northwest from the west edge of project boundary towards the airport.



③ Facing east from the northwest corner of the project boundary.



Project Site

Source: Google Earth 2025
Photographs: EMC Planning Group 2025



④ Facing south towards Me and Eds Pizza from the northern project boundary.



⑤ Facing north from Pacheco Blvd towards thrift shop.

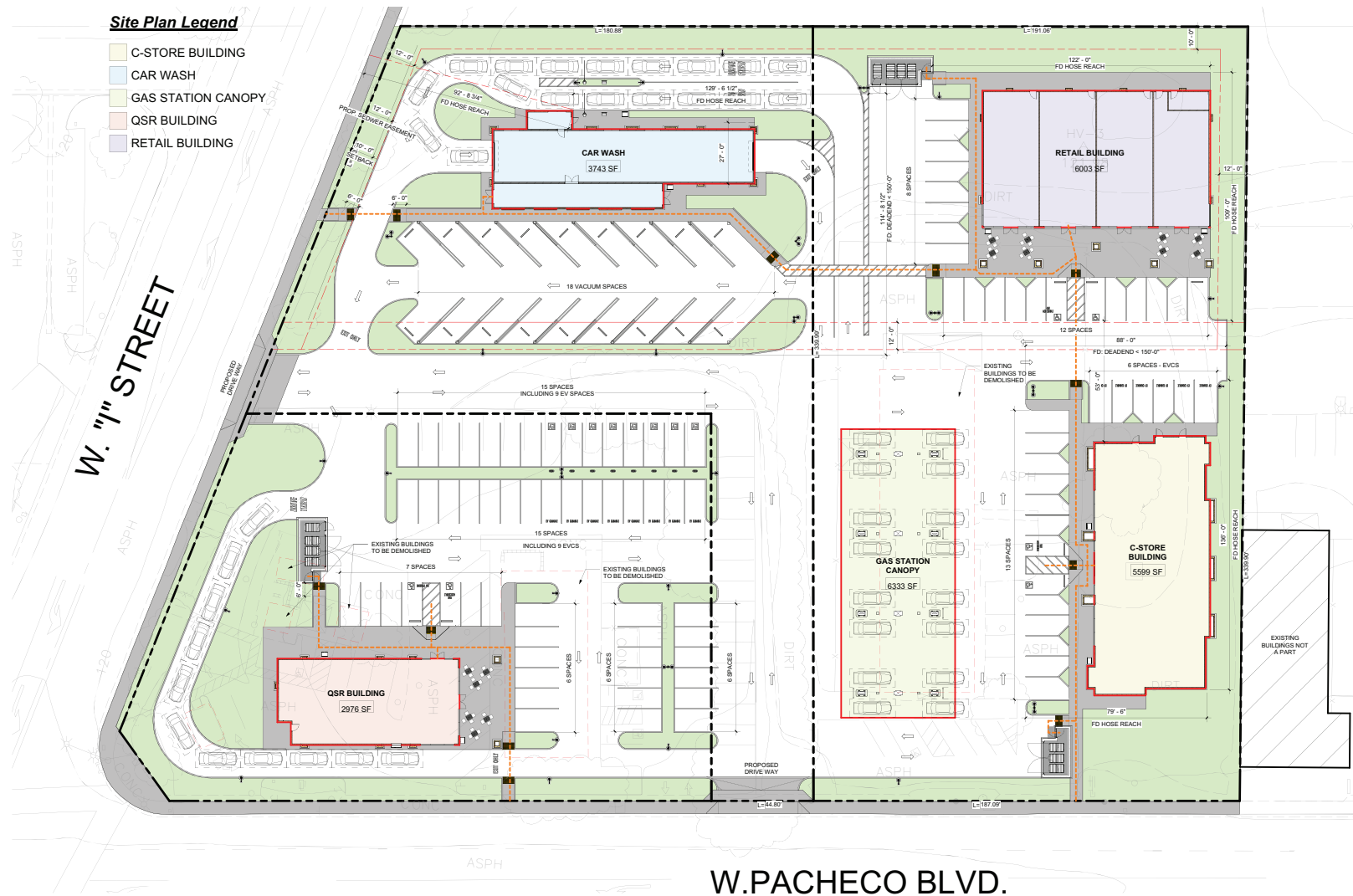


⑥ Facing west from project southeast corner near Pacheco Blvd.

Figure 3 Site Photographs

Northgate 42 Gas Station Initial Study

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Source: WSCS Design 2025

Figure 4
Site Plan

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B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

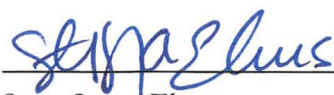
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

C. DETERMINATION

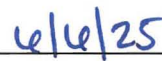
On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ 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 a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) 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.



Stacy Souza Elms

Community & Economic Development Director



Date

D. EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites 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 would 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 onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then 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.
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 Analyses Used. Identify and state where they are available for review.
 - b) Impacts 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. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - 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 significance

1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Comments:

- a. Scenic vistas generally refer to a view or vista possessing high visual and aesthetic value, often involving panoramic landscapes with wide and expansive fields of view. According to the *Los Banos General Plan 2042 Draft EIR* (“General Plan EIR”), Los Banos does not have official scenic corridors or vistas. However, the General Plan EIR indicates that given the flat topography of Los Banos, vistas are limited to the surrounding agricultural and open space land within the sphere of influence. The Coast Ranges-Diablo Range west of Interstate 5 is the most prominent visual landmark (City of Los Banos 2022b, p. 4.1-5).

The project site is located within a developed commercial corridor along West Pacheco Boulevard (State Route 152). The surrounding area consists primarily of commercial development, including restaurants, retail stores, and fuel stations, as well as the Los Banos Municipal Airport and open space. The project would replace existing commercial structures with new, modernized commercial buildings that are consistent with the surrounding development. Development of the proposed project would not obstruct views of the Coast Ranges-Diablo Range for westbound travelers on West Pacheco Boulevard nor would it have any impact on agricultural land or open space (the nearest being more than 800 feet west of the project site across West I Street and Main Canal). Therefore, the project would not have an adverse effect on a scenic vista.

- b. The project site is not located along a state-designated scenic highway, nor does it contain any known scenic resources such as rock outcroppings or historic buildings. The closest eligible scenic highway, a portion of State Route 33, is located several miles to the east and is not officially designated by Caltrans as a State Scenic Highway. State Route 152 (including a portion of State Route 33), which fronts the project site, is not designated as scenic and is currently not eligible for scenic highway status under the California Scenic Highway Program (California Department of Transportation 2019). Therefore, the project would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.
- c. The project site is located at the western limit of developed Los Banos within the Pacheco Boulevard Corridor, which extends from West I Street to H Street. The surrounding area consists primarily of commercial development, including restaurants, retail stores, and fueling stations, as well as open spaces areas and the Los Banos Municipal Airport. The project would replace existing commercial buildings with new, modernized commercial buildings that are consistent with the surrounding uses.

The project is required to comply with *City of Los Banos General Plan 2042* (“General Plan”) Policy LU-P7.1, which requires enhance aesthetics and urban design along Pacheco Boulevard and improve the safety and experience of people walking and driving along the street consistent with the Pacheco Boulevard Complete Streets Plan. Additionally, the project must comply with General Plan Policy LU-P2.6, which requires that development follow the adopted community design standards.

Adopted in 2008, the *City of Los Banos Community Design Standards* establishes a consistent and uniform set of criteria intended to guide the planning and design of development and building projects. The standards provide applicants with clear expectations and design requirements to ensure new development contributes to the community’s desired visual character and quality.

Compliance with applicable General Plan policies and community design standards will ensure that the project would not degrade the existing visual character or quality of public views of the site and its surroundings, or conflict with applicable zoning and other regulations governing scenic quality.

- d. Current light sources at the project site are from the existing commercial structures. While the site is currently developed with existing commercial lighting, redevelopment of the site with expanded commercial uses is expected to increase the number and intensity of exterior light sources. The proposed project will introduce new sources of lighting associated with parking areas, building entries, signage, the fuel canopy, and pedestrian walkways.

All proposed lighting must comply with Section 9-3.3308 of the Los Banos Municipal Code, which establishes standards to reduce light pollution, light trespass, glare, sky glow impacts, and offensive light sources. Pole-mounted fixtures in parking areas are limited in height (generally not to exceed 20 feet), and canopy lighting must be installed such that

the bottom of the light fixture or its lens, whichever is lower, is recessed or mounted flush with the bottom surface of the canopy and parallel to the ground. All light emitted by an under-canopy fixture shall be substantially confined to the ground surface directly beneath the perimeter of the canopy. Refer to Sheet LT1, Photometric Site Plan, of the project plans for more detail about the proposed lighting.

The project site is located within the boundaries of the *Merced County Airport Land Use Compatibility Plan* (“Airport Land Use Compatibility Plan”) (Merced County 2012). The Merced County Airport Land Use Compatibility Plan does not explicitly outline specific lighting requirements for projects. However, it emphasizes the importance of ensuring that developments near airports do not pose hazards to flight operations. This includes considerations related to lighting that could interfere with pilot vision or aircraft navigation. Section 9-1.05 of the Los Banos Municipal Code restricts the use of lighting fixtures that make it difficult for pilots to distinguish airport lighting from other sources, cause glare that affects pilot vision, reduce visibility in the airport vicinity, or otherwise pose a hazard to aircraft during landing, takeoff, or maneuvering operations. Additionally, the project would be required to comply with the lighting requirements outlined in Section 9-3.3308 of the Los Banos Municipal Code.

The applicant has also submitted a photometric site plan (Sheet LT1, refer to [Appendix A](#)), which identifies the exterior lighting schedule and photometric plan, including lighting fixture number, types and locations, lighting intensity and areas of illumination for each light fixture demonstrating that lighting levels are within acceptable thresholds and contained within the project boundaries (WSCS Design 2024).

Compliance with the Los Banos Municipal Code and City approval of the applicant’s photometric site plan would ensure that all proposed lighting would be contained within the project boundaries. This demonstrates that the project will not result in a substantial new source of light or glare, nor will it adversely affect day or nighttime views or create hazards for airport operations. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

2. AGRICULTURE AND FOREST RESOURCES

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

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
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 Resources Agency, to nonagricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Comments:

- a. According to the California Department of Conservation's Farmland Mapping and Monitoring Program, the project site is designated as Urban and Built-Up Land and the nearest important farmland is Farmland of Statewide Importance located more than 800 feet west of the project site across West I Street and Main Canal (California Department of Conservation 2022). The site is currently developed with commercial uses and is adjacent to other commercial uses located across West Pacheco Boulevard and is located

within developed Los Banos. The project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

- b. The project site is zoned Highway Commercial (H-C). According to the California Department of Conservation California Williamson Act Enrollment Finder, the site is not under a Williamson Act contract (California Department of Conservation 2022). Furthermore, there are no identified land under a Williamson Act Contract within one mile of the project site. Therefore, the project would not conflict with agricultural zoning or any Williamson Act contracts.
- c-d. According to the General Plan EIR, the Los Banos Municipal Code does not contain a zoning district for forest land or timberland production and there are no state or national forest lands in the area. Consequently, there would be no impacts to forestry resources (City of Los Banos 2022). The project is located within a developed area of Los Banos and does not contain any forest land. The project site is zoned Highway Commercial (H-C), and the surrounding land uses have Highway Commercial, Light Industrial, Professional Office, and Low-Density Residential designations (City of Los Banos 2023). No portion of the project site or surrounding area is designated or zoned as forest land, timberland, or Timberland Production Zone. As such, the proposed project would not involve the rezoning of forest land or result in the loss or conversion of forest resources. Therefore, the project would have no conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) and the project would not result in the loss of forest land or conversion of forest land to non-forest use.
- e. The proposed project is an infill commercial development replacing existing commercial infrastructure located within a developed corridor. It does not include or adjoin active agricultural or forest lands and would not create indirect pressures for conversion of such land uses elsewhere. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

The project is located within the San Joaquin Valley Air Basin, which is within the jurisdiction of the San Joaquin Valley Air Pollution Control District (“air district”). The discussion in this section is based primarily on the air district’s *Guidance for Assessing and Mitigating Air Quality Impacts* (2015) (GAMAQI), *Guidance for Assessing and Mitigating Air Quality Impacts* and the *2018 Plan for the 1997, 2006, and 2012 PM2.5 Standards* (“air quality plan”), and on the results of emissions modeling using the California Emission Estimation Model (CalEEMod) version 2022.1.

Comments:

- a. The air district has the primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring the area into compliance with the requirements of federal and state ambient air quality standards. CEQA requires the analysis of proposed projects to ensure future development is consistent with applicable air quality plans.

The air district provides guidance on determining potential significant impacts in the GAMAQI. Table 2, Air Quality Thresholds of Significance for Criteria Pollutants, on page 80 of the GAMAQI, can be used to determine if a project’s operational emissions would violate ambient air quality standards. Projects that do not exceed the screening thresholds or criteria pollutant emissions volume thresholds would not conflict with or obstruct implementation of the air quality plan. Projects with emissions that exceed the thresholds have the potential to exceed ambient air quality standards. Such exceedances would be considered a potentially significant impact, as well as a conflict with the air

quality plan. As described in greater detail under item “b” below, the proposed project would generate criteria air pollutant emissions during construction and operations that are well below the air district standards. Therefore, the proposed project would not conflict with or obstruct implementation of the air quality plan.

- b. The six most common and widespread air pollutants of concern, or “criteria pollutants,” are ground-level ozone, nitrogen dioxide, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, reactive organic gases (ROG) also referred to as volatile organic gases (VOC) are a key contributor to the criteria air pollutants because they react with other substances to form ground-level ozone. Health effects from prolonged exposures to criteria air pollutants include asthma, bronchitis, chest pain, coughing, and heart diseases.

The air district is responsible for monitoring air quality in the air basin, which is designated under state criteria as a nonattainment area for ozone and fine particulate matter (PM_{2.5}). Under federal criteria, the air basin is at nonattainment for (8-hour standard) for ozone, and both PM_{2.5} and suspended particulate matter (PM₁₀). The air district has developed criteria pollutant emissions thresholds which are used to determine whether or not a proposed project would violate an air quality standard or contribute to an existing violation during operations and/or construction. The cumulative contribution of criteria pollutants generated during the construction and operations of the project are evaluated relative to the thresholds established by the air district.

Air quality modeling using CalEEMod, was conducted to quantify criteria air pollutant emissions that would be generated during project construction and operation. An “unmitigated” model run was completed to yield estimates of emissions values in the absence of mitigation measures that otherwise might be required. The model accounts for uniformly applied existing regulatory measures that reduce emissions. The CalEEMod results are included in Appendix B. Model inputs include the type and size of proposed use by applying CalEEMod default land uses as shown in Table 1, Project Characteristics.

Table 1 Project Characteristics

Proposed Land Use	CalEEMod Land Use Subtype ¹	Size Metric
C-Store with Fueling Stations and Automated Carwash ²	Convenience Market with Gas Pumps	15,675 square feet
Quick Service Restaurant	Fast Food Restaurant with Drive Thru	2,976 square feet
Retail Building	Free Standing Discount Store	6,003 square feet
Parking lot and driveway	Other Asphalt Surfaces	78,445 square feet
Hardscapes	Other Non-Asphalt Surfaces	10,913 square feet
Landscape	Landscape	32,541 square feet

SOURCE: CalEEMod version 2022.1, WSCS Designs 2024

NOTES:

1. CalEEMod default land use subtype. Descriptions of the model default land use categories and subtypes are found in the User's Guide for CalEEMod Version 2022.1 available online at: <https://caleemod.com/user-guide>.
2. The area for the C-Store with Fueling Stations and Automated Carwash was calculated based on the combined square footage of the proposed C-Store (5,599 square feet), gas station canopy (6,333 square feet), and the automated carwash (3,743 square feet) as indicated in the project plans.

Unless otherwise noted, other data inputs to CalEEMod are based on the following primary assumptions:

- Construction start date will be January 2026;
- Operational date is 2027;
- Approximately 11,500 square feet of existing structures will be demolished;
- The project will provide electric vehicle infrastructure (EV ready parking spaces and EV charging facilities); and
- Daily trip rates are consistent with the transportation impact study prepared for the project (Minagar & Associates, Inc. 2025).

Construction Emissions. Construction activities are temporary sources of potential air quality impacts that, depending on the size and type of the project, commonly occur in limited time periods. Construction emissions have the potential to impact local air quality and/or pose localized health risks. Localized health risks are discussed under item “c” of this section. Construction emissions include equipment exhaust and fugitive dust emissions generated during grading, and ozone precursor emissions generated during the application of architectural coatings and paving material.

The proposed project involves the demolition of existing on-site commercial structures and redevelopment of the site with a new commercial center. Construction activities will include site preparation, grading, installation of landscaping, paving of on-site driveways and circulation areas, and the construction of four new commercial buildings. As shown in [Table 2, Unmitigated Construction Criteria Air Pollutant Emissions](#), construction emissions would be well below the established thresholds of significance. Therefore, the proposed project’s contribution to regional air quality impacts from construction emissions would be less than significant.

Table 2 Unmitigated Construction Criteria Air Pollutant Emissions

	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO _x)	Sulfur Oxides (SO ₂)	Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
Annual Construction ¹	0.31	1.48	>0.01	0.17	0.10	2.05
Air District Thresholds ¹	10.0	10.0	27.0	15.0	15.0	100.0
Exceeds Threshold?	No	No	No	No	No	No

SOURCE: EMC Planning Group 2025, CalEEMod version 2022.1, GAMAQI 2015

NOTES:

1. Expressed in tons per year.

Operational Emissions. Air district guidance on determining potentially significant impacts and potential mitigation of significant impacts is described in the 2015 GAMAQI. The air district provides thresholds of significance for operational criteria air pollutant emissions that can be used to assess whether a project would have significant adverse effects on air quality. [Table 3, Unmitigated Operational Criteria Air Pollutant Emissions](#), indicates that proposed project emissions would not exceed the air district thresholds of significance. Therefore, the project would have a less-than-significant impact and would not result in a cumulatively considerable net increase in criteria air pollutants.

Table 3 Unmitigated Operational Criteria Air Pollutant Emissions

	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO _x)	Sulfur Oxides (SO ₂)	Particulate Matter (PM ₁₀)	Fine Particulate Matter (PM _{2.5})	Carbon Monoxide (CO)
Annual Operational ¹	3.69	1.85	>0.01	0.03	0.02	8.82
Air District Thresholds ¹	10.0	10.0	27.0	15.0	15.0	100.0
Exceeds Threshold?	No	No	No	No	No	No

SOURCE: EMC Planning Group 2024, CalEEMod version 2022.1, GAMAQI 2015

NOTES:

1. Expressed in tons per year.

2. Report emission volumes are conservative and do not include reductions that would accrue from deducting baseline emissions from the project total.

- c. Nearby sensitive receptors include residential neighborhoods located approximately 500 feet to the north and northeast, and Henry Miller Elementary School located approximately 900 feet northeast of the project site. Consequently, the proposed project could expose nearby off-site sensitive receptors to toxic air contaminants (TACs) generated from both the project's construction and operational activities. The most notable source of TAC emissions associated with the project is the gasoline dispensing facility, which may emit benzene and VOCs during fuel storage and transfer operations. Construction-phase emissions from diesel-powered equipment may result in short-term exposure to diesel particulate matter. While these emissions are expected to be relatively minor and short-lived, the proximity to sensitive receptors increases the need for evaluation.

The air district recommends the preparation of a health risk assessment (HRA) for projects with the potential to expose sensitive receptors to significant concentrations of TACs (San Joaquin Valley Air Pollution Control District 2021). To evaluate potential health impacts, a screening-level Health Risk Assessment (HRA) was prepared by Illingworth & Rodkin, Inc., which is included in [Appendix C](#). The analysis modeled impacts to the closest sensitive receptors, including commercial workers located approximately 100 feet from the site and residences located approximately 490 feet from the project site.

The screening HRA found that the maximum increased cancer risk at the closest residence is approximately 1.0 in one million, and the maximum risk at the commercial receptor is 0.9 in one million. Chronic and acute hazard indices were determined to be 0.0 and 0.5, respectively. These findings are substantially below the air district's threshold of significance for cancer risk (20 in one million) and for hazard indices (1.0). The nearest school, Henry Miller Elementary, is located more than 985 feet from the project site and would experience even lower levels of risk due to increased distance and shorter exposure duration for students.

As such, the proposed project would not expose sensitive receptors to substantial concentrations of toxic air contaminants, and the impact would be considered less than significant.

- d. The most common sources of odors identified in complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, autobody shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The proposed project would not produce these types or other significant objectionable odors that would adversely affect a substantial number of people. Therefore, there would be no impacts associated with odor.

4. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
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, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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:

A reconnaissance-level biological field survey of the project site was conducted by EMC Planning Group biologist Rose Ashbach, M.S., on April 4, 2025, to document existing plant communities/wildlife habitats and assess the suitability of the site to support special-status species. Biological resources were documented in field notes, including plant and wildlife species observed, dominant plant communities, wildlife habitat quality, disturbance levels, and aquatic resources.

Prior to conducting the survey, EMC Planning Group biologists reviewed project plans, aerial photographs, natural resource database accounts, and other relevant scientific literature. This included searching the U.S. Fish and Wildlife Service (USFWS) *Endangered Species Database* (USFWS 2025a), California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2025a, CDFW 2025b), and California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2025a) to identify special-status plants, wildlife, and habitats known to occur in the vicinity of the project. A review of the USFWS National Wetlands Inventory (NWI) database was also conducted to identify jurisdictional aquatic features (wetlands, drainages, and/or riparian areas) on or adjacent to the project site (USFWS 2025b).

Existing Conditions

The project site encompasses approximately 3.25 acres (APN 27-130-011, 014, 013, 009), located at 828, 846, and 850 West Pacheco Boulevard (State Route 152), in the City of Los Banos. The northern portion of the site is currently a ruderal field, while the southern portion contains two restaurants and a thrift store. A row of nine eucalyptus trees is located between the restaurants and the thrift store. The project plans involve redeveloping the site into a new commercial center, which will require the demolition of the existing structures and removal of the trees. The parcel is flat and surrounded on three sides by commercial uses, including retail stores, restaurants, service stations, and other businesses. [Figure 5, Habitat Map](#), shows wildlife habitats within the project parcels and vicinity.

Plant and Wildlife Habitats

Ruderal. The northern portion of the site is covered by ruderal species dominated by wall barley (*Hordeum murinum*), silverleaf nightshade (*Solanum elaeagnifolium*), stork's bill (*Erodium* sp.), rat-tailed fescue (*Vulpia myuros*), Russian thistle (*Salsola tragus*), mustard (*Brassica* sp.), chick weed (*Stellaria media*), and fiddle neck (*Amsinckia* sp.). There is a small population of gumplant (*Grindelia* sp.) on the southwest corner of the field. The ruderal field extends towards West Pacheco Boulevard, east of the thrift store. Here additional species include Italian rye (*Festuca perennis*), dock (*Rumex* sp.), and gumplant. The soil throughout the site is compacted and furrowed due to past tilling.

Nine eucalyptus (*Eucalyptus* sp.) trees have been planted between the restaurant parking and thrift store. These mature trees had little understory vegetation. American crow (*Corvus brachyrhynchos*) and rock dove (*Columba livia*) were observed roosting within the trees.

Birds heard and observed throughout the project site include house sparrow (*Passer domesticus*), rock dove, house finch (*Haemorrhous mexicanus*), American crow, and Anna's hummingbird (*Calypte anna*). An active house sparrow nest was observed in the wall of the Me and Ed's pizzeria.

Numerous California ground squirrel burrows (*Otospermophilus beecheyi*) were found throughout the field. Small rodents including mice (*Mus musculus*, *Reithrodontomys megalotis*, and *Peromyscus maniculatus*) may also occur, along with common reptiles such as western fence lizard (*Sceloporus occidentalis*), and Pacific gopher snake (*Pituophis catenifer*) (Jameson 2004, Nafis, G. 2023).



Source: Merced County GIS 2025, Google Earth 2025



Figure 5
Habitat Map

Northgate 42 Gas Station Initial Study

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Aquatic/Wetland

The parcel does not include any wetland or aquatic features. Main Canal is located 350 feet to the south of the project site and is classified by the NWI as a riverine system (USFWS 2025b), however impacts to the canal as a result of the proposed project are not anticipated.

- a. **Special-Status Species.** A search of the CDFW *California Natural Diversity Database* (CNDDB) was conducted for the site and the surrounding eight U.S. Geological Survey (USGS) quadrangles in order to generate a list of potentially occurring special-status species for the project vicinity. Records of occurrences for special-status plants were reviewed for those quadrangles in the CNPS *Inventory of Rare and Endangered Plants of California* (CNPS 2025). A USFWS *Endangered Species Program* threatened and endangered species list was also generated for Merced County, and the USFWS *Critical Habitat for Threatened & Endangered Species* online mapper was reviewed (USFWS 2025a & USFWS 2025c). Special-status species in this report are those listed as Endangered, Threatened, or Rare or as candidates for listing by the USFWS and/or CDFW; as Species of Special Concern or Fully Protected species by the CDFW; or as Rare Plant Rank 1B or 2B species by CNPS. [Appendix D, Special-Status Species with Potential to Occur in the Project Vicinity](#), presents tables with special-status species search results, which lists the special-status species documented within the project vicinity, their listing status, suitable habitat description, and their potential to occur on the project site. [Figure 6, Special-Status Species Documented Within the Project Vicinity](#), presents a map of the CNDDB results.

Special-Status Plant Species. No special-status plants were observed during the biological survey. Suitable habitat for special-status plant species recorded as occurring in the vicinity of the project site was not found at the project site. As such, impacts to special-status plants are not expected to occur.

Special-Status Wildlife Species. Special-status wildlife species with potential to occur on the project site include Swainson's hawk (*Buteo swainsoni*), protected nesting birds, and roosting bats. These species are addressed below.

Swainson's Hawk. Swainson's hawk is listed as a threatened species under the California Endangered Species Act (CESA). Swainson's hawk is a long-distance migrator. Their nesting grounds occur in northwestern Canada, the western U.S., and Mexico and most populations migrate to wintering grounds in the open pampas and agricultural areas of South America (Argentina, Uruguay, southern Brazil). This round-trip journey may exceed 14,000 miles. The birds return to the nesting grounds and establish nesting territories in early March.

Swainson's hawk nests in the Central Valley of California are generally found in scattered trees or along riparian systems adjacent to agricultural fields or pastures. These open fields and pastures are their primary foraging areas. A small amount of suitable foraging habitat for Swainson's hawk is found in the open fields in the northern portion of the project site and the parcel to the north. Potential nesting habitat can be found in the row

of mature eucalyptus between the developed areas on the site. Additional nesting habitat is present within mature trees throughout the city of Los Banos and in the vicinity. 68 observations of this species have been recorded within ten miles of the project site (CNDDDB 2025b). There have been six active Swainson's hawk nests recorded within three miles of the project site (CNDDDB Occurrence No. 1660, 1748, 1752, 2479, 1665, 973, CDFW 2025b), however none have been recorded since 2018.

Tree removal at the project site could result in the disturbance of nesting sites occupied by Swainson's hawk on or adjacent to the project site, if present. The ruderal field provides marginal foraging habitat for Swainson's hawk and will result in the loss of approximately one acre of foraging habitat caused by the project.

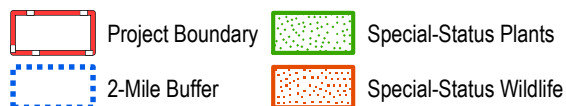
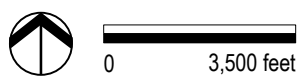
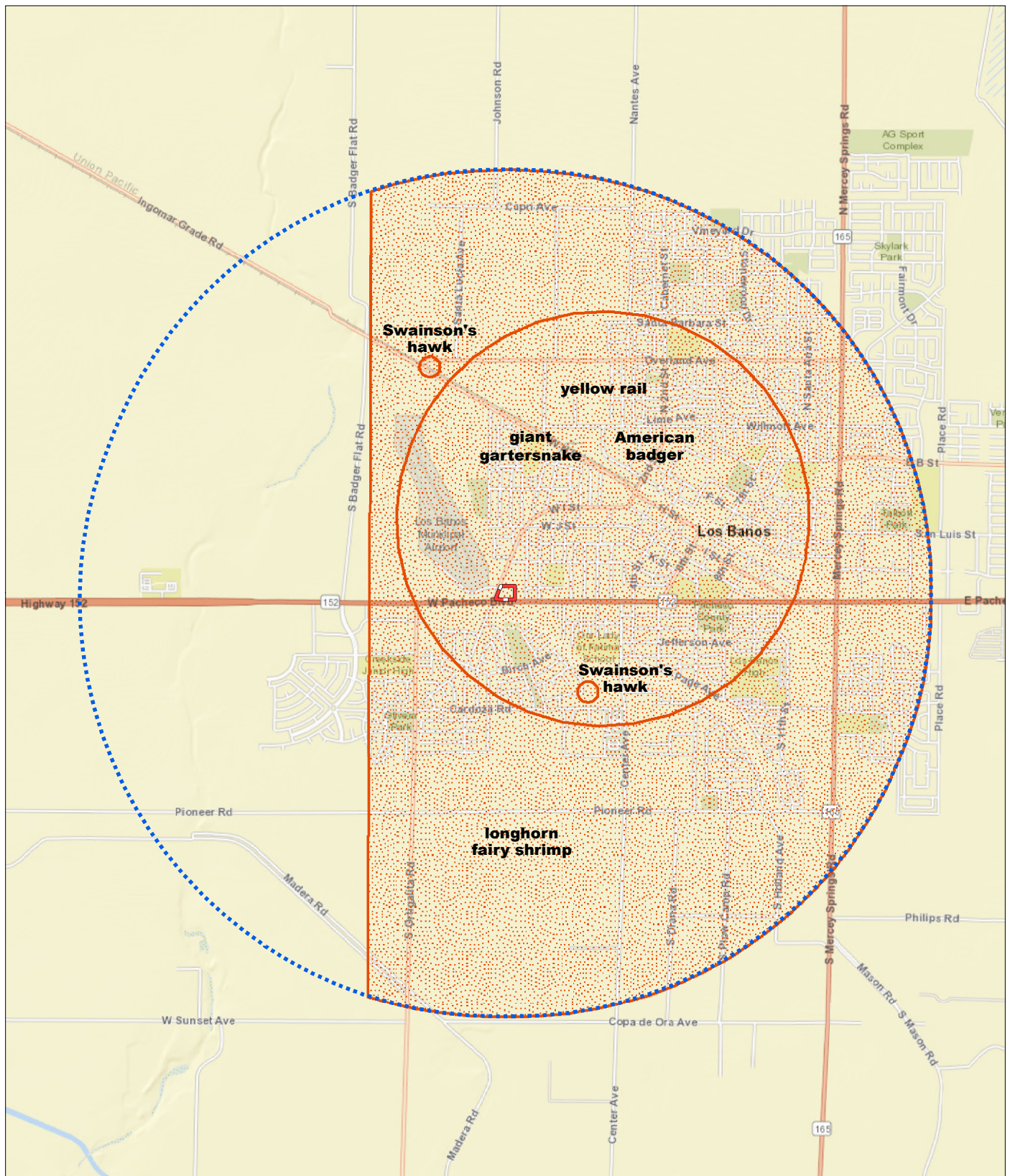
The *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California* ("Staff Report" CDFG 1994) provides guidance on how temporary impacts on Swainson's hawk are to be mitigated. Per the Staff Report, cities should be encouraged to focus development on open lands within already urbanized areas. Since small disjunct parcels of habitat, such as that found at the project site, seldom provide foraging habitat needed to sustain the reproductive effort of a Swainson's hawk pair, CDFW does not recommend requiring mitigation for infill projects in areas which have less than five acres of foraging habitat and are surrounded by existing urban development, unless the project area is within 1/4 mile of an active nest tree.

Loss or harm to Swainson's hawk and their foraging habitat is considered a significant adverse impact. Implementation of the following mitigation measure would reduce the potential, temporary impact to Swainson's hawk to a less-than-significant level.

Mitigation Measure

BIO-1 Swainson's Hawk. The developer shall implement the following measures to avoid loss of or harm to Swainson's hawk:

- a. Building demolition, tree removal and construction activities shall be completed during the nonbreeding season for raptors (September 16–January 31).
- b. If building demolition, tree removal or construction activities cannot be timed outside of nesting season, to avoid, minimize, and mitigate potential impacts on Swainson's hawk nesting on or adjacent to the project site, a qualified biologist shall conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of demolition permits, tree removal permits, and grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) or updated, current guidance, shall be followed for surveys for Swainson's hawk. If no nests are found, a report documenting the results of the survey shall be submitted to the Los Banos Planning Department and no further mitigation shall be required.



Source: Merced County GIS 2025, Google Earth 2025

Figure 6

Special-Status Species Documented in the Project Vicinity

Northgate 42 Gas Station Initial Study

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- c. If Swainson's hawk nests are found, impacts to nesting Swainson's hawks shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.
- d. Monitoring of all Swainson hawk nests by a qualified biologist during construction activities shall be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.
- e. If impacts to Swainson's hawk cannot be avoided, consultation with the California Department of Fish and Wildlife shall be conducted, and an Incidental Take Permit shall be obtained. Compliance with permit conditions shall be required prior to the start of disturbance activities.

Other Protected Nesting Birds. Protected nesting bird species have the potential to nest on open ground, or in any type of vegetation, including trees, during the nesting bird season (January 15 through September 15). The project site and surrounding properties contain a variety of trees, shrubs, and open grassland areas suitable for nesting. Construction activities, including ground disturbance, can impact nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code, should nesting birds be present during construction. If protected bird species are nesting adjacent to the project site during the bird nesting season, then noise-generating construction activities could result in the loss of fertile eggs, nestlings, or otherwise lead to the abandonment of nests. Implementation of the following mitigation measure would reduce the potential impact to nesting birds to a less-than-significant level.

Mitigation Measure

BIO-2 To avoid impacts to protected nesting birds during the nesting season (January 15 through September 15), the developer shall ensure that all construction activities be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for raptors), a qualified biologist shall conduct nesting bird surveys.

- a. Two surveys for active bird nests shall occur within 14 days prior to start of ground disturbance, with the final survey conducted within 48 hours prior to ground disturbance. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence shall be prepared and submitted to the Los Banos Planning Department and no further mitigation is required.
- b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize “normal” bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, the biologist shall submit to the Los Banos Planning Department.

Protected Bat Species. Bat species inhabit a wide variety of habitats including developed areas, grasslands, woodlands, and forests. Trees or buildings on the project site or within 50 feet adjacent to the project site could provide roosting habitat for special-status bat species known to occur in the Central Valley, including State species of concern pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), or Western red bat (*Lasiurus blossevillei*). Pallid bat habitat typically includes rocky outcrops, cliffs, large-diameter live and snag trees, and spacious crevices with access to open habitats for foraging, however they may also roost in caves, mines, bridges, barns, porches, tree crevice roosts, and bat boxes, and even on the ground in stone piles, debris piles, baseboards, and rocks. Townsend's big-eared bats prefer open, cavernous/cavity-type habitats such as caves, tree basal hollows, mines, tunnels, buildings, bridges, or other human-made structures for roosting. Western red bats can be found throughout California's lower elevations, with many records concentrated in the Central Valley. As a foliage roosting bat, the western red bat is associated with well-developed riparian habitats but will also utilize other habitats (e.g., orchard trees, eucalyptus, tamarisk [*Tamarix* sp.], etc.) that provide suitable dense clusters of leaves creating suitable roosting sites. Buildings or trees within the construction area, or within 50 feet of construction disturbance, could provide roosting habitat for bat species.

Construction activities at the project site could result in the disturbance of roost and/or natal sites occupied by special-status bats on or within 50 feet adjacent to the project site, if present. Loss or harm to special-status bats is considered a significant adverse impact. Implementation of the following mitigation measure will reduce the potential impact to special-status bats to a less-than-significant level.

Mitigation Measure

BIO-3 Special-Status Bat Species. The developer shall implement the following measures to avoid loss of or harm to special-status bat species:

- a. Approximately 14 days prior to construction activities, the developer shall contract with a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees or buildings within 50 feet of the project site. These surveys shall include a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within the project site, construction access routes, and 50 feet around these areas. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Assumptions can be made on what species is present due to observed visual characteristics along with habitat use, or the bats can be identified to the species level with the use of a bat echolocation detector such as an “Anabat” unit. Potential roosting features found during the survey shall be flagged or marked.
- b. If no roosting sites or bats are found, a letter report shall be prepared by the biologist and submitted to the Los Banos Planning Department, and no further measures are required.
- c. If bats or roosting sites are found, bats shall not be disturbed without specific notice to and consultation with California Department of Fish and Wildlife.
- d. The bat nursery season is generally considered May 1 to October 1. If bats are found roosting outside of the nursery season, California Department of Fish and Wildlife shall be consulted prior to any eviction or other action. If avoidance or postponement is not feasible, a Bat Eviction Plan shall be submitted to California Department of Fish and Wildlife for written approval prior to project implementation. A request to evict bats from a roost includes details for excluding bats from the roost site and monitoring to ensure that all bats have exited the roost prior to the start of activity and are unable to re-enter the roost until activity is completed. Any bat eviction shall be timed to avoid lactation and young-rearing. If bats are found roosting during the nursery season, they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. Therefore, if a maternal roost is present, a 50-foot buffer zone (or different size if determined in consultation with the California Department of

Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season.

- b. **Riparian Habitat or Sensitive Natural Communities.** The project will cause no impacts to riparian habitat or sensitive natural communities.
- c. **Potentially Jurisdictional Aquatic Features.** There are no wetlands or waterways within the project parcel. The project will not impact potentially jurisdictional aquatic features.
- d. **Wildlife Movement.** Terrestrial species must navigate a habitat landscape that meets their needs for breeding, feeding and shelter. Natural and semi-natural components of the landscape must be large enough and connected enough to meet the needs of all species that use them. Wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity, and usually also provide cover, water, food, and breeding sites.

The project parcel is not located within an essential connectivity area (CDFW 2025c). Because the project is surrounded by development and barriers, impacts to wildlife movement are not anticipated. As such, the proposed project would have no impact on wildlife movement.

e. **Local Biological Resource Policies/Ordinances**

Los Banos General Plan. The Parks, Open Space, and Conservation Element of the 2024 Los Banos General Plan contains the following policies associated with biological resources that are applicable to the project:

Goal P-6. Biological Resources. Protect and restore biological resources of Los Banos.

- Policy P-P6.1. Protect species that are federally or state listed as rare, threatened, endangered, or sensitive.
- Policy P-P6.2. Require assessments of biological resources by a qualified biologist prior to approval of any development within 300 feet of any creeks, wetlands, sensitive habitat areas, or areas of potential special-status species. Protect sensitive habitat areas and special-status species in the following order:
 - Avoidance;
 - on-site mitigation; and
 - off-site mitigation.
- Policy P-P6.3. Review Development proposals in accordance with applicable federal and state laws protecting special-status species and jurisdictional wetland and use the California Natural Diversity Database and field reconnaissance, where necessary, to confirm habitat value, to assist in identifying potential conflicts with sensitive habitat or special-status species and establishing appropriate mitigation and monitoring requirements.

- Policy P-P6.5. Require project applicants to avoid nests of native birds in active use, in compliance with state and federal regulations. For new development sites where nesting birds may be present, initiate vegetation clearing and construction outside the bird nesting season (February 1 through September 15) or conduct preconstruction surveys by a qualified biologist in advance of any disturbance. If active nests are encountered, establish appropriate buffer zones based on recommendations by the qualified biologist and maintain the buffer zones until any young birds have successfully left the nest.

Los Banos City Ordinance, 10-1.09 The designation and protection of heritage trees.

- (f) Tree permit required. Any person desiring to remove one or more Heritage Trees or perform major pruning shall apply for a permit pursuant to procedures established by the Director of Public Works and shall pay a fee established by the City Council.
- (c) any tree or group of trees recommended by the Parks and Recreation Commission and identified by City Council resolution upon a finding that the tree or group of trees is:
 - (1) Of historic value because of its association with a place, building, natural feature or event of local, regional, national or historic significance;
 - (2) Identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district;
 - (3) Representative of a significant period of the City's growth or development and was the result of a planting dedicated by citizens, civic groups or the City; or
 - (4) Identified because of its age, beauty, and/or uniqueness, especially if representative of a species that has significance in natural history and/or ecology.

Protected Trees. The proposed project includes removal of a row of non-native eucalyptus trees. These trees are not considered to be of unique historical, cultural, or biological value. Impacts to protected trees will therefore not occur.

Mitigation measures contained in this section will mitigate impacts to biological resources to a less-than-significant level. With these considerations, the proposed project would not conflict with local regulations related to biological resources.

- f. **Conservation Plans.** There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to the proposed project site.

5. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a <i>historical resource</i> pursuant to section 15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of a <i>unique archaeological resource</i> pursuant to section 15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

An archival database search was conducted through the Central California Information Center (CCIC), of the California Historical Resources Information System affiliated with the State of California Office of Historic Preservation in Sacramento. The CCIC was provided with a location map and coordinates of the project area, with a request for the archaeological and non-archaeological resources within a one-quarter mile radius of the project site boundary.

The CCIC identified no cultural resources in the project site, and three non-archaeological sites within a quarter-mile radius (File No. 13294I). The majority of the project site is already developed; therefore, an archaeological survey was not conducted.

Comments:

a-c. **Historic Structures.** The CCIC results revealed that, a historic canal (P-24-000082), the historic City of Los Banos (P-24-000641), and the Los Banos Miller Lux Canal District (P-24-002104) is located within a quarter-mile of the project site. Implementation of the project would have no adverse impact on these resources.

Indigenous Historic Resources or Unique Archaeological Resources. The results provided by the CCIC, revealed that no indigenous historic or unique archaeological resources were found within the project site. However, unknown or unidentified buried, significant indigenous historic or unique archaeological resources could be present at all project component locations. Such resources, if present, could be damaged or destroyed by ground disturbing construction activities associated with the project. This would be a significant impact. Implementation of the following mitigation measures would ensure potential impacts would be less than significant.

Mitigation Measure

CR-1 The following language shall be incorporated into any construction documents associated with tree removal, demolition, grading, and construction, “In the event that archaeological resources are encountered during ground disturbing activities, contractor shall temporarily halt or divert excavations within a 50 meter (165 feet) of the find until it can be evaluated.

All potentially significant archaeological deposits shall be evaluated to demonstrate whether the resource is eligible for inclusion on the California Register of Historic Resources, even if discovered during construction. If archaeological deposits are encountered, they will be evaluated and mitigated simultaneously in the timeliest manner practicable, allowing for recovery of materials and data by standard archaeological procedures. For indigenous archaeological sites, this data recovery involves the hand-excavated recovery and non-destructive analysis of a small sample of the deposit. Historic resources shall also be sampled through hand excavation, though architectural features may require careful mechanical exposure and hand excavation.

Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance by a qualified archaeologist. Significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.”

Indigenous Human Remains. With no evidence of indigenous sites within the immediate project site or in a quarter mile buffer, the likelihood of the project disturbing Native American human remains is low. However, there remains the possibility that ground disturbing activities associated with the proposed project could damage or destroy previously undiscovered Native American human remains. Disturbance of Native American human remains would be a significant impact. The following mitigation would reduce this potential impact to a less-than significant level.

Mitigation Measure

CR-2 The following language shall be incorporated into construction plans associated with tree removal, grading, and construction, “In the event that human remains (or remains that may be human) are discovered at the project site, Public Resource Code Section 5097.98 must be followed. All grading or earthmoving activities shall immediately stop within 50 meters (165 feet) of the find. The Merced County Coroner will be notified immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the SSCWD shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (Public Resource Code [PRC] § 5097). The coroner shall contact the Native American Heritage Commission (NAHC) to determine the most likely descendant(s) (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD will determine the most appropriate means of treating the human remains and associated grave artifacts, and shall oversee the disposition of the remains. In the event the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site, the landowner or

his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity within the project area in a location not subject to further subsurface disturbance if: a) the Native American Heritage Commission is unable to identify the MLD or the MLD failed to make a recommendation within 48 hours after being allowed access to the site; 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.”

6. ENERGY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Comments:

- a. Energy impacts are assessed based on the proposed project energy demand profile and on its relationship to state energy efficiency regulations. The primary sources of energy consumption will be fuel use in vehicles traveling to and from the project site, as well as natural gas and electricity used during operations. The proposed project's energy demand for each source, described below, is a conservative estimate given that baseline demand would result in a lower net increase.

Electricity. The California Energy Commission Energy Consumption Data Management System reports that in 2022, total electricity consumption in Merced County was 3,185,454,578 kilowatt-hours (kWh). Table 5.11. Operational Energy Consumption – Electricity, in the CalEEMod results included in [Appendix B](#), shows that projected electricity demand for the project would be 2,312,639 kWh per year. The project demand accounts for about 0.07 percent of the countywide 2022 total energy demand.

Natural Gas. According to the California Energy Commission Energy Consumption Data Management System, in 2022, total natural gas consumption in Merced County was 131,220,520 therms. Table 5.11. Operational Energy Consumption – Natural Gas, in the CalEEMod results included in [Appendix B](#), shows that projected natural gas demand for the project would be about 4,302,696,000 BTU per year or approximately 43,026 therms per year. The project demand accounts for about 0.03 percent of the countywide 2022 total natural gas demand.

Transportation Fuel. The analysis of vehicle miles traveled (VMT) in Section 17.0, Transportation, concluded that the proposed project would have a less-than-significant VMT impact. This suggests that transportation fuel demand may be lower than would be expected for a project whose VMT impact is significant. The California Air Resources Board 2021 Emissions Factor model (EMFAC), version 1.0.2 was used to project the annual fuel demand of the proposed project. The EMFAC model was developed by the California Air Resources Board to assess emissions from on-road vehicles including cars,

trucks, and buses in California, and to support related state regulatory and air quality planning efforts to meet the Federal Highway Administration's transportation planning requirements. As detailed in the EMFAC results in [Appendix E](#), total annual fuel demand is projected to be approximately 575,490 gallons.

Regulatory Requirements. A multitude of state regulations and legislative acts are aimed at improving vehicle fuel efficiency, energy efficiency, and enhancing energy conservation. For example, the Pavley I standards focus on transportation fuel efficiency. The gradual increased use of electric cars powered with cleaner electricity will reduce consumption of fossil fuel. Vehicle miles traveled are expected to decline with the continuing implementation of Senate Bill 743, resulting in less vehicle travel and less fuel consumption. In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to, Senate Bill 350 and Executive Order B-16-12. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to, Assembly Bill 2021, CALGreen, and the California Building Standards Code.

The California Building Standards Code is enforceable at the project level. The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the California Building Standards Code, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. California's energy code is specifically designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings.

The Green Building Standards Code (also known as CALGreen), which requires all new buildings in the state to be more energy efficient and environmentally responsible, was most recently updated in July 2022. These comprehensive regulations are intended to achieve major reductions in interior and exterior building energy consumption.

A project could be considered to result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy if its energy demand is extraordinary relative to common land use types, its gross energy demand is excessive relative to total demand in Merced County, and/or it fails to comply with energy efficiency/conservation regulations that are within the applicant's control. The project applicant will be required to comply with the primary state regulatory requirements for reducing building energy demand found in Title 24 of the current California Building Code, and with CALGreen requirements as described above. Further, the project is a common land use type that is not inherently considered to be unnecessary. Given that the project's VMT impact is less than significant, the project could result in less transportation fuel demand than other projects whose VMT impact is found to be significant.

Given the considerations summarized above, the proposed project would have a less-than-significant energy impact.

- b. At this time, there are no regulations at the state or local level that would mandate that the proposed project must include on-site renewable energy sources. The California Building Standards Code require the proposed project be built to the Building Energy Efficiency Standards in effect at the time building permits are issued. By incorporating energy efficiency and renewable energy measures per the Building Energy Efficiency Standards, and incorporating green building features per the CALGreen standards, the project would comply with existing state and local energy standards and would not conflict with or obstruct a state or local plan for energy efficiency.

7. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Directly or indirectly cause 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?	☐	☐	☐	☒
(2) Strong seismic ground shaking?	☐	☐	☒	☐
(3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(4) Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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 wastewater?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Comments:

- a. **Faults.** According to the most recent Alquist-Priolo Earthquake Fault Zone Map, there are no known active earthquake faults within the vicinity of the project site nor is the site located within a designated fault zone (California Department of Conservation 2025). As noted in the General Plan, the nearest mapped faults are the Tesla-Ortogonalita Fault Zone

and the O'Neill Fault Zone, both located approximately eight miles west of Los Banos (City of Los Banos 2022a). Given this distance, development of the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault.

Ground Shaking. Although no active faults are mapped on or immediately adjacent to the project site, the proximity of Los Banos to regional fault zones, including the Ortigalita, Calaveras, San Andreas, and Hayward Faults, places it within Maximum Expectable Earthquake Intensity Zone III, where high severity damage could occur in the event of a major earthquake (City of Los Banos 2022a).

The 2022 California Building Code (CBC), effective January 1, 2023, incorporates seismic design provisions, which establish minimum design loads and criteria for buildings and other structures. These provisions ensure that new construction is designed to withstand seismic forces appropriate to the site's seismic risk, thereby minimizing the potential for structural damage or injury during an earthquake. General Plan Policy S-P1.7 requires that all new buildings be constructed according to the seismic requirements of the current CBC.

Compliance with these uniformly applicable regulations would ensure impacts associated with risks from seismic hazards, including ground shaking, are less than significant.

Liquefaction. Liquefaction is a phenomenon in which loose, saturated, non-cohesive soils, such as silts, sands, and gravels, experience a sudden loss of strength during seismic shaking. According to the General Plan EIR, Los Banos is underlain by alluvial soils that may be susceptible to liquefaction and related seismic ground failure, including lateral spreading and settlement (City of Los Banos 2022b). However, specific liquefaction hazard areas within Los Banos have not been identified. The California Department of Conservation's interactive Seismic Hazards Mapping Tool shows that the project site is not located within a mapped liquefaction hazard zone, which would suggest a reduced risk of liquefaction at this location (California Department of Conservation 2024).

Compliance with the CBC, which includes provisions for seismic safety and soil stability, would ensure that the proposed project is designed and constructed to address potential liquefaction-related risks. Therefore, impacts related to liquefaction would be less than significant.

Landslides. The project site is flat and does not contain, nor is it adjacent to, any steep slopes or unstable hillsides. According to the General Plan EIR, Los Banos and the surrounding area are mostly flat and do not contain areas susceptible to landslides (Los Banos 2022b, p. 4.7-9).

Therefore, development of the project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

- b. As shown in Figure 7-2, Erosion Hazards, in the General Plan, the project site is not identified as an erosion susceptibility area. However, development of the proposed

project would involve construction activities, such as grading and site preparation, that would temporarily disturb on-site soils and could result in short-term erosion or the loss of topsoil.

In accordance with the Los Banos Municipal Code Section 6-13.111, construction projects which disturb one or more acres of soil, such as the proposed project, are required to develop Storm Water Pollution Prevention Plan consistent with Section A of the State Water Resources Control Board Order No. 99-08-DWQ (State Water Resources Control Board 1999). The Storm Water Pollution Prevention Plan would require the implementation of best management practices, such as stabilized construction entrances, dust suppression and watering, and timely revegetation or surface stabilization, designed to prevent erosion, control sedimentation, and minimize soil loss during construction.

With implementation of standard erosion control measures, the project would not result in substantial soil erosion or loss of topsoil and impacts would be less than significant.

- c. The project site is located on a flat developed portion of the City of Los Banos and is underlain by young alluvial soils, which may be susceptible to seismic-related ground failure. According to the General Plan, the region may experience localized hazards such as liquefaction, lateral spreading, or settlement in the event of a strong earthquake. Due to the potential for strong ground shaking combined with groundwater depths of less than 50 feet throughout portions of the city, much of the area is considered susceptible to liquefaction (City of Los Banos 2022b).

The project would be constructed in accordance with the CBC, which includes design standards for seismic loading, soil stabilization, and ground failure risks. These requirements ensure that structures are designed to minimize hazards associated with potentially unstable soils. Additionally, the applicant will be required to prepare a soils report pursuant to General Plan Policy S-P1.4, which will identify where potential danger from geologic hazards may be located on the project site.

Therefore, compliance with the CBC as well General Plan Policy S-P1.4 would ensure less than significant impacts associated with on- or off-site landslide, lateral spreading, subsidence, liquefaction, and collapse.

- d. Expansive soils have the potential to shrink or swell significantly with changes in moisture content, which can exert pressure on foundations and underground infrastructure, potentially leading to cracking, settling, and other forms of structural damage over time. Within the Los Banos Planning Area, the most common soil types include the Woo, Stanislaus, Dosamigos, Capay, Henmel, and Pedcat associations. Of these, all except the Woo series are characterized as expansive soils.

As previously mentioned, the applicant will be required to prepare a soils report pursuant to General Plan Policy S-P1.4. This report would identify site-specific soil conditions and provide recommendations to address any geotechnical constraints, including expansive soils. Furthermore, the project would be required to comply with the current CBC, which

includes design standards for evaluating and mitigating the effects of expansive soils. Compliance with General Plan policies and CBC requirements would ensure that the project would not result in substantial direct or indirect risks to life or property due to expansive soils. Therefore, this impact would be considered less than significant.

- e. The project would connect to the City's public sewer system for the disposal of all wastewater generated on-site. The use of septic tanks or alternative wastewater disposal systems is neither proposed nor necessary for this project. As such, the presence or suitability of on-site soils for septic systems is not relevant to the project, and no impacts related to septic system use or soil compatibility would occur.
- f. **Unique Paleontological Resources.** The General Plan includes the following policy associated with paleontological resources:

Policy P-P10.8. Prohibit the damage or destruction of paleontological resources, including prehistorically significant fossils, ruins, monuments, or objects of antiquity, that could potentially be caused by future development.

According to the General Plan EIR (pages 4.7-20 and 21), geological formations underlying Los Banos have the potential to contain unique paleontological resources. Potential future development would be required to comply with the federal Paleontological Resources Preservation Act that limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency and the California Public Resources Code Section 5097 that prohibits the removal of any paleontological site or feature from public lands without the permission of the jurisdictional agency. Ground-disturbing construction activities (e.g., grading and excavation) associated with potential future development in Los Banos could uncover fossilized remains of organisms from prehistoric environments that have not been recorded. The implementation protocols and adherence to the Society of Vertebrate Paleontology standards would ensure the protection of unique paleontological resources during construction of future development. Some protocols include, but are not limited to:

- Excavations within a 50-foot radius of the find shall be temporarily halted or diverted;
- Ground-disturbance work shall cease until a City-approved, qualified paleontologist determines whether the resource requires further study;
- The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards as appropriate, evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5;

- The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find;
- If is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Los Banos for review and approval prior to implementation; and
- All construction activities shall adhere to the recommendations in the excavation plan.

Because paleontological resources could accidentally be discovered during earth-moving activities, and to be consistent with General Plan Policy P-P10.8, implementation of the following mitigation measure would ensure if such resources are found, the impact would be less than significant.

Mitigation Measure

GEO-1 The following language shall be included on all demolition, grading, and building plans and permits:

“If paleontological resources are discovered during demolition or earthmoving activities, work shall immediately stop within 100 feet of the discovery. A qualified paleontologist or geologist shall be retained to assess the significance of the find and, if determined to be a unique resource, shall develop and implement appropriate treatment measures in consultation with the City of Los Banos Community and Economic Development Department.”

Unique Geologic Features. Unique geologic features are those considered significant to the field of geology due to their rarity, scientific value, or educational importance. These may include formations that illustrate key geologic processes, contain rare minerals, or serve as regionally significant examples of geologic history. However, such features are not common in the City of Los Banos or the surrounding area (City of Los Banos 2022b).

As described in the Los Banos General Plan EIR, the geology and soils within the EIR Study Area are representative of widespread alluvial deposits and geologic processes that are typical throughout the region. These conditions are not considered unique either locally or regionally. The project site itself is flat and partially developed and does not contain any known geologic features of scientific, educational, or historic significance.

Therefore, the proposed project would not result in the direct or indirect destruction of a unique geologic feature, and no impact would occur.

8. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Comments:

- a. The City has not adopted a plan for reducing greenhouse gas (GHG) emissions, nor adopted a threshold of significance for GHGs. Similarly, the air district has not developed or adopted a threshold of significance for GHGs from land use development projects, such as the proposed project. In lieu of an available qualified plan, guidance from the Sacramento Metropolitan Air Quality Management District (SMAQMD) found in the 2020 *Greenhouse Gas Thresholds for Sacramento County* was utilized for evaluating project impacts (Sacramento Metropolitan Air Quality Management District 2020).

Construction GHG Emissions. The SMAQMD threshold of significance for construction emissions is 1,100 metric tons of GHG equivalent (MT CO₂e) per year. The CalEEMod results, included in [Appendix B](#), show that over the construction period, the highest annual GHG emissions volume is projected at 341 MT CO₂e. This is below the threshold of significance, and therefore, construction GHG impacts would be less than significant.

Operational GHG Emissions. The SMAQMD guidance for assessing significance of operational GHG emissions impacts is performance based. Projects that are consistent with the guidance are assumed to have a less-than-significant operational GHG emissions impact. All projects must implement two performance measures or best management practices (BMPs):

- BMP 1 - No natural gas: Projects shall be designed and constructed without natural gas infrastructure; and
- BMP 2 - Electric vehicle (EV) ready: Projects shall meet the current California Green Building Code (CALGreen) Tier 2 standards.

Where the project GHG emissions volume exceeds 1,100 MT CO₂e per year after implementing BMPs 1 and 2, a third BMP is required:

- BMP 3 – Retail projects shall achieve a no net increase in total vehicle miles traveled to show consistency with California Senate Bill 741.

Each of these BMPs is summarized below for reference.

BMP 1 - No Natural Gas: Energy used in nonresidential buildings in California comes primarily from natural gas and electricity, the generation and consumption, which can result in GHG emissions. Natural gas usage emits GHGs directly when it is burned for space heating, cooking, hot water heating and similar uses, whereas electricity usage emits GHGs indirectly to the extent that it is generated by burning carbon-based fuels. For the building sector to achieve carbon neutrality, natural gas usage will need to be phased out and replaced with electricity usage, and electrical generation will need to shift to 100-percent carbon-free sources. To support these shifts, future projects should be required to be built without natural gas infrastructure, and instead, constructed as all electric. Using electric instead of natural gas-powered appliances and end uses replaces a more emissions-intensive fossil fuel source of energy with a less emissions-intensive source of energy, electricity from the grid that is increasingly transitioning to renewable sources.

The proposed project includes commercial uses, such as the quick serve restaurant, that may require natural gas infrastructure to support operations. However, with ongoing advancements in electric appliance technology, it may be feasible to construct the project as an all-electric development. At this time, it is unknown whether full electrification is feasible for all proposed uses, consistent with BMP 1.

The unmitigated CalEEMod results, included in [Appendix B](#), provide estimates of operational GHG emissions associated with natural gas consumption for each proposed use. If the applicant determines that one or more uses cannot feasibly operate without natural gas, then GHG reduction measures must be implemented to reduce GHG emissions resulting from natural gas use in an amount equivalent to the GHG emissions from that source.

BMP 2 - Electric vehicle (EV) Ready: The requirements for incorporating electric vehicle (EV) infrastructure in new land use development projects are identified in the California Green Building Standards Code (CALGreen). These standards are set forth in Title 24 of the California Code of Regulations, and they are regularly updated on a three-year cycle. The CALGreen standards consist of a set of mandatory standards for new development, as well as two sets of voluntary standards known as Tier 1 and Tier 2. Although the Tier 1 and Tier 2 standards are voluntary, they often form the basis of future mandatory standards adopted in subsequent updates. The voluntary standards outline more aggressive actions than do the mandatory standards. As noted above, SMAQMD BMP 2 requires conformance with Tier 2 voluntary standards for EV infrastructure.

Providing EV supporting infrastructure per Tier 2 standards increases fuel redundancy for electric vehicles even if an extreme weather event disrupts other fuel sources, in addition to reducing GHG emissions. This enables drivers of electric vehicles to drive a larger share of miles, thereby displacing GHG emissions from gasoline consumption.

Chapter 5 of the 2022 CALGreen code specifies the requirements for EV infrastructure in nonresidential developments (California Building Standards Commission 2023). The table outlines the number of EV-capable spaces and electric vehicle charging stations (EVCS) required for individual projects based on the total number of specified parking spaces. An EV-capable space is a parking space equipped with the necessary electrical raceways and panel capacity to support future charging equipment, whereas an EVCS is fully outfitted with EV charging equipment. The current requirements for EV infrastructure are shown in [Table 4, 2022 CalGreen Nonresidential EV Infrastructure Requirements](#), below.

Table 4 2022 CalGreen Nonresidential EV Infrastructure Requirements

Total Number of Actual Parking Spaces	Number of Required EV Capable Spaces	Number of EVCS ¹
0-9	0	0
10-25	4	0
26-50	8	2
51-75	13	3
76-100	17	4
101-150	25	6
151-200	35	9
201 and over	20 percent of total ²	25 percent of EV Capable Spaces ²

SOURCE: California Building Standards Commission 2023

NOTES:

1. The number of required EVCS (EV Capable Spaces with Electric Vehicle Supply Equipment) in column 3 count toward the total number of required EV capable spaces shown in column 2.
2. Calculation of spaces shall be rounded to the nearest whole number.

The project design indicates a total of 82 parking spaces will be provided. Of the total parking spaces nine will be constructed as EV ready spaces and fifteen will be EVCS spaces. The combined total of 24 spaces exceeds the number currently required under 2022 CALGreen code. Therefore, the project design is consistent with SMAQMD BMP 2.

The SMAQMD has established a quantified threshold of significance for operational GHG emissions of 1,100 MT CO₂e. As stated in the SMAQMD guidance, if after subtracting the GHG reduction volumes from implementing BMPs 1 and 2 from a project's annual operations emissions volume, the volume drops below 1,100 MT CO₂e, the project can be found to have a less-than-significant impact and no further analysis is

required. The total unmitigated operational GHG emissions associated with the proposed project are estimated at 5,653 MT CO₂e per year. This is a conservative estimate that does not account for the reduction in GHG emissions resulting from the removal of the existing on-site uses. While implementation of the EV BMP would achieve some emissions reduction, the reduction would be nominal relative to the project's total mobile source emissions. Therefore, annual operational emissions would still exceed the 1,100 MT CO₂e threshold of significance.

BMP 3 - No Net Increase in Total Vehicle Miles Traveled (VMT): As described in Section 17, Transportation, the proposed project consists of local-serving retail uses totaling less than 50,000 square feet of building area and is intended to provide goods and services to nearby residents and motorists already traveling along West Pacheco Boulevard (State Route 152). According to significance criteria provided by the Governor's Office of Planning and Research (now the Governor's Office of Land Use and Climate Innovation), local-serving retail projects of this scale can be presumed to result in a less than significant impact on VMT. By reducing the need for residents to travel to more distant locations for similar services, the project is expected to reduce regional VMT. Therefore, the project would be consistent with BMP 3.

As previously stated, there is not sufficient information available to determine if the implementation of BMP 1 is feasible for this project. Consequently, the project would have a potentially significant impact from generating GHG emissions as it currently does not meet all three BMPs.

The SMAQMD guidance includes options for reducing GHG emissions where a project cannot meet one or more of the BMPs. Projects must reduce emissions in an amount equal to or greater than emissions that would not be avoided by implementing one or more of the BMPs. Operational emissions would need to be mitigated through alternative reduction means due to the assumed project inconsistency with BMP 1. Implementation of the following mitigation measure would reduce the GHG emissions impact of the project to less than significant.

Mitigation Measure

GHG-1 To ensure the proposed project would not have a significant greenhouse gas emissions impact, one of the following mitigation measures shall be implemented by the applicant or developer, prior to issuance of a building permit.

- a. All of the proposed uses shall be electric. The building plans must show that no permanent natural gas infrastructure shall be permitted as part of the project plans and no natural gas shall be made available through permanent natural gas infrastructure.

or

- b. If the preference is to construct one or more of the proposed uses with natural gas infrastructure, the applicant shall prepare a Greenhouse Gas (GHG) Reduction Plan which identifies one or more GHG reduction actions that will be taken to reduce GHG emissions by an equivalent volume of carbon dioxide equivalent (CO₂e) per year as a

basis for fully mitigating GHG emissions from natural gas. The following table presents estimated emissions from natural gas use for each proposed land use as quantified in CalEEMod. The GHG Reduction Plan shall prioritize on-site GHG reduction design features. Additional measures may be added by the applicant.

Proposed Land Use	CalEEMod Land Use Subtype ¹	GHG Emission ² (MT CO ₂ e / year)
C-Store with Fueling Stations and Automated Carwash ³	Convenience Market with Gas Pumps	168
Quick Service Restaurant	Fast Food Restaurant with Drive Thru	1,196
Retail Building	Free Standing Discount Store	19

SOURCE: CalEEMod version 2022.1, WSCS Designs 2024

NOTES:

1. CalEEMod default land use subtype. Descriptions of the model default land use categories and subtypes are found in the User's Guide for CalEEMod Version 2022.1 available online at: <https://caleemod.com/user-guide>.
2. Greenhouse gas (GHG) emission values reported in metric tons of carbon dioxide equivalent per year (MT CO₂e / year).
3. The volume of emissions quantified for the C-Store with Fueling Stations and Automated Carwash was calculated based on the combined square footage of the proposed C-Store (5,599 square feet), gas station canopy (6,333 square feet), and the automated carwash (3,743 square feet) as indicated in the project plans.

The applicant may choose to retain a qualified air quality/GHG professional to quantify the GHG reductions that would result from implementing the GHG Reduction Plan based on substantial evidence to be included in the GHG Reduction Plan.

If the applicant elects to quantify the GHG emissions reductions from on-site measures and/or investments in off-site reduction programs and the reductions are insufficient to reduce project emissions by an equivalent volume per year, the applicant may secure the reduction balance by purchasing and retiring carbon offset credits. The carbon offset credits shall meet the following performance standards:

- Carbon offset credits shall be issued by a recognized, reputable and accredited registry that mandates the use of established protocols for quantifying and issuing the offset credits. Credits issued based on protocols approved by the California Air Resources Board should be prioritized. Examples of such registries include the Climate Action Reserve, American Carbon Registry, and Vierra.
- The carbon offset credits should be generated from projects developed in the United States. Credits from projects developed internationally should not be used unless the applicant demonstrates with substantial evidence that sufficient carbon offsets from projects in the United States are unavailable. International offsets must be quantified and issued using established protocols that are recognized in the United States and that are issued by recognized, reputable and accredited registries.
- All carbon offset credits purchased to reduce GHG emissions, must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2).

In lieu of or in addition to one or more of the on-site measures above, the applicant may make direct investments in off-site GHG reduction activities/programs in the vicinity. Examples of direct investments include building retrofit programs that pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting energy efficient windows, and insulation. Other examples include financing programs for installing electric vehicle charging stations, electrifying school buses, or planting local urban forests.

The applicant shall submit the GHG Reduction Plan for review and approval of the City of Los Banos Community and Economic Development Director prior to City issuance of a building permit. If carbon offsets are proposed, prior to approval of an occupancy permit for the first proposed use, the applicant shall provide an executed contract or other certification to the City of Los Banos Community and Economic Development Director that the requisite volume of carbon offset credits have been purchased.

- b. Given that neither the City nor the air district have an adopted plan for assessing the impact of GHG emissions, SMAQMD guidance is considered to be the applicable plan for reducing GHG emissions. The proposed project would be consistent with the SMAQMD guidance with implementation of mitigation measure GHG-1. Therefore, it would have no impact from conflict with the applicable plan for reducing GHG emissions.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release 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?	☐	☐	☒	☐
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, create a significant hazard to the public or the environment?	☐	☐	☐	☒
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 a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☒	☐	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Comments:

- a. The project proposes a gas station, which would include the transport and use of hazardous materials. As a result, the proposed project could create a significant hazard to the public or the environment. However, the proposed project will be required to operate in compliance with uniformly applied federal, state, and local regulations designed to lessen risks associated with hazardous materials. These include, but are not limited to:
- California Health and Safety Code, Chapter 6.7, requires underground storage tanks (UST) installed after 1988 to have a leak detection system consisting of at least one of the following detection methods: secondary containment with interstitial

monitoring, automatic tank gauging systems (including continuous automatic tank gauging systems), vapor monitoring (including tracer compound analysis), groundwater monitoring, statistical inventory reconciliation, or other method meeting established performance standards.

- Efficacy requirements established by the Environmental Protection Agency (EPA) require that leak detection methods be able to detect certain leak rates. In general, methods must detect the specified leak rate with a probability of detection of at least 95 percent and a probability of false alarm of no more than 5 percent (United States Environmental Protection Agency 2024). EPA found that, with effective leak detection, operators can respond quickly to signs of leaks and minimize the extent of environmental damage and the threat to human health and safety.
- USTs and associated fuel delivery infrastructure (i.e., fuel dispensers) would be required to comply with applicable federal, state, and local regulations, including those provisions established by Section 2540.7, Motor Fuel Dispensing Facilities and Service Stations, of the California OSHA Regulations; Chapter 61, Liquefied Petroleum Gases, of the California Fire Code; the Resource Conservation and Recovery Act; and the County Fire Department Hazardous Materials Team.
- The proposed project would also be required to incorporate high-efficiency Phase I and Phase II enhanced vapor recovery (EVR) systems to capture and control gasoline fumes. EVR refers to a new generation of equipment to control emissions at gasoline dispensing facilities in California. EVR systems collect gasoline vapors that would otherwise escape into the atmosphere during bulk fuel delivery (Phase I) or fuel storage and vehicle refueling (Phase II). Since 2009, the installation of Phase I and Phase II EVR systems has been required for gasoline dispensing facilities.
- The fuel dispensers, USTs, and associated fuel delivery infrastructure would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over convenience service station facilities.

Therefore, based on required compliance with federal, state, and local regulations, impacts associated with the handling, transport, use, and disposal of hazardous materials during operation of the project would be less than significant.

- b. Construction activities would require the temporary use of hazardous substances, such as fuel, lubricants, and other petroleum-based products for operation of construction equipment as well as oil, solvents, or paints. As a result, the proposed project could result in the exposure of persons and/or the environment to an adverse environmental impact due to the accidental release of a hazardous material. However, the transportation, use, and handling of hazardous materials would be temporary during short-term project construction activities. Additionally, handling, transport, use, and disposal of hazardous materials must comply with all applicable federal, state, and local agencies and regulations.

In addition to construction-related materials, earth-moving and demolition activities have the potential to release hazardous substances into the air or soil due to past and existing uses of the site. Historically, the project site may have been used for agricultural production, which can leave behind residual pesticides, herbicides, and other chemicals in

the soil. More recently, the site has operated as a used car sales lot, which could have involved the handling of petroleum products (e.g., oils, fuels, lubricants) that may have resulted in localized contamination of subsurface soils.

Additionally, the existing on-site structures proposed for demolition may have been constructed prior to 1978, and have the potential presence of asbestos-containing materials and lead-based paint. Demolition activities could disturb these materials and release hazardous airborne particulates, posing health risks to construction workers and nearby sensitive receptors if not properly identified and managed.

These issues should be addressed prior to the commencement of demolition and earth-moving activities to adequately address these potential risks. Implementation of the following mitigation measure would ensure that potential hazardous materials are identified and appropriately managed. This would reduce the projects potential to pose a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, thereby reducing impacts to a less-than-significant level.

Mitigation Measure

HAZ-1 Prior to the issuance of demolition or grading permits, the project applicant shall retain a qualified environmental professional to conduct a Phase I Environmental Site Assessment (ESA). The Phase I ESA shall evaluate the potential for hazardous materials contamination from prior agricultural activities, automotive-related operations, and hazardous building materials (such as asbestos and lead-based paint) associated with existing on-site structures.

All required remediation or abatement measures shall be completed to the satisfaction of the City of Los Banos Community and Economic Development Department and other applicable regulatory agencies prior to the start of demolition or ground-disturbing activities.

- c. Operation of the gas station would involve the storage and handling of hazardous materials, including petroleum and associated toxic air contaminants (TACs), such as benzene and diesel particulate matter. The project site is located approximately 900 feet southwest of Henry Miller Elementary School, placing it within the 0.25-mile (1,320 feet) screening radius established under California Health & Safety Code Section 42301.6.

The project would be required to comply with all applicable local, state, and federal regulations governing the storage, handling, and dispensing of hazardous materials, as discussed in item “a,” above. As described in greater detail in Section 3, Air Quality, of this initial study, a screening-level HRA was prepared in accordance with the air district approved methodology to evaluate potential health risks associated with toxic air contaminant emissions from the proposed gas station.

The HRA modeled emissions from fuel dispensing activities and assessed potential impacts to nearby sensitive receptors, including Henry Miller Elementary School located approximately 1,000 feet southeast of the project site. The analysis concluded that the maximum cancer risk would be 6.8 in one million, and the chronic and acute hazard

indices would be 0.0 and 0.5, respectively. All results are below the air district's thresholds of significance for health-based impacts. Therefore, the project would not emit hazardous substances or involve the handling of hazardous materials in a manner that would pose a significant risk to nearby sensitive receptors and the impact would be less than significant.

- d. Government Code Section 65962.5, commonly referred to as the "Cortese List," identifies sites known to be associated with the presence or release of hazardous materials. This includes databases maintained by the California Department of Toxic Substances Control and the State Water Resources Control Board, as well as other regulatory agencies.

The proposed project site is not included in any of the hazardous materials databases compiled under Section 65962.5, including:

- The California Department of Toxic Substances Control's EnviroStor database (California Department of Toxic Substances Control 2025a);
- The State Water Resources Control Board's GeoTracker database of leaking underground storage tank sites (State Water Resources Control Board 2025a);
- The State Water Resources Control Board's list of solid waste disposal sites with waste constituents exceeding hazardous levels outside the waste management unit (State Water Resources Control Board 2025b);
- The State Water Resources Control Board's list of "active" Cease and Desist Orders and Cleanup and Abatement Orders (State Water Resources Control Board 2025c); and
- The California Department of Toxic Substances Control's list of hazardous waste facilities subject to corrective action under Health and Safety Code Section 25187.5 (California Department of Toxic Substances Control 2025b).

The project site is not identified in any of the referenced regulatory databases and, therefore, would not create a significant hazard to the public or the environment as a result of inclusion on one of these lists.

- e. The project site is located within the boundaries of the *Merced County Airport Land Use Compatibility Plan* (2012) ("Airport Land Use Compatibility Plan") for the Los Banos Municipal Airport. The site lies partially within Zone A (Runway Protection Zone/Object Free Area) and Zone B1 (Inner Approach/Departure Area), which are identified primarily for airport safety and overflight protection.

The Airport Land Use Compatibility Plan defines incompatible uses within these zones to include residences, schools, hospitals, and other sensitive receptors. The proposed project includes only commercial uses that are considered conditionally compatible in Zones A and B1, provided safety design features are incorporated (e.g., height limitations, prohibition of large assemblies of people, and avoidance of reflective materials). According to the Airport Land Use Compatibility Plan Policy 2.1.3.b, all buildings shall be limited to a maximum of two stories in height. The proposed convenience store building is 28 feet, which may exceed the two-story maximum height policy.

Additionally, Airport Land Use Compatibility Plan Policy 2.1.4.a states that the City of Los Banos shall submit all major land use actions listed in Policy 1.4.3 to the Airport Land Use Commission for review until such time that the City's Land Use Diagram is amended to remove direct conflicts with the Airport Land Use Compatibility Plan or the airport is relocated as the General Plan envisions. The project's proposed uses fall under the definition of major land use action and, pursuant to Policy 1.4.3.a, City staff provided the proposed project materials to the Airport Land Use Commission for review.

As described in greater detail in Section 13.0, Noise, noise generated in Zone A and Zone B1 typically ranges from 55 to 65 dB, which falls within the "Normally Acceptable" level for commercial uses according to the General Plan. This suggests that future workers at the site would not be exposed to excessive noise from aircraft operations.

Although the project does not include any incompatible land uses, the proposed convenience store building exceeds the maximum height allowed within the Airport Land Use Compatibility Plan Zone B1. Therefore, the following mitigation is required to ensure that development of the project would not result in a safety hazard for people working in the project area.

Mitigation Measure

HAZ-2 Prior to issuance of a building permit, the project developer shall implement any design changes that may be recommended by the Los Banos Municipal Airport Land Use Commission.

- f. While the City does not have a standalone emergency evacuation plan, emergency procedures and response protocols are coordinated through regional efforts and the Merced County Office of Emergency Services. Merced County does not specifically identify evacuation routes in its *Multi-Jurisdictional Hazard Mitigation Plan*; however, emergency evacuation routes are primarily major roadways like highways and arterial roads. In the City of Los Banos, it is assumed that roadways such as West Pacheco Boulevard (State Route 152) west towards State Route 33, State Route 156, and H Street would be utilized as evacuation routes.

The project site is located at the corner of West Pacheco Boulevard (State Route 152) and West I Street. The adjacent roadways serve as established circulation routes that may be used for emergency access and evacuation. The proposed project would include improvements to site access, including two driveways on West Pacheco Boulevard and on West I Street, which have been designed to ensure safe and efficient vehicle ingress and egress.

The project would not require the closure or reconfiguration of any public roads, nor would it interfere with access to or from adjacent properties. Additionally, pursuant to General Plan Policy S-P4.1, emergency access within the site would be designed in accordance with Los Banos Fire Department standards and applicable provisions of the California Fire Code, ensuring adequate clearance for emergency vehicles.

The project does not propose any features that would conflict with regional emergency response planning or impair emergency access during a disaster event. Therefore, the proposed project would not impair implementation of or physically interfere with an adopted emergency response or evacuation plan.

- g. The project site is not located within or adjacent to any State Responsibility Area or Very High Fire Hazard Severity Zone, and is therefore not subject to wildland fire risks as defined by Cal Fire and the California Office of Emergency Services.

According to the City of Los Banos 2042 General Plan, the project site is located within a Local Response Area, which is jointly serviced by the Los Banos Fire Department and Merced County Fire Department. Fire hazards in this area are further reduced by the presence of urban infrastructure, fire suppression systems, and ongoing fire prevention measures (City of Los Banos 2022).

The project includes the installation and operation of underground storage tanks for gasoline, which involves the handling of flammable materials. However, such uses are common and regulated under stringent local and state safety standards. In particular, Section 9-3.2101 of the Los Banos Zoning Code requires that the storage of flammable and explosive materials be provided with adequate safety devices to guard against fire and explosion hazards, and that projects be equipped with fire suppression and emergency response systems approved by the Fire Department.

Compliance with all applicable fire safety codes, local zoning regulations, and Fire Department requirements would ensure that the project does not result in a significant fire risk. Therefore, the project would not expose people or structures to substantial risk from wildland fires, and the impact would be considered less than significant.

10. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(1) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
(4) Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Comments:

- a. **Construction Phase.** Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in nearby drainage systems. When soils are disturbed, sediments and construction-related pollutants (e.g., oils, chemicals, debris) may be mobilized and discharged into the storm drainage system or surrounding environment.

The City of Los Banos lies within the jurisdiction of the Central Valley Regional Water Quality Control Board (Region 5) who regulate its water quality and is subject to the waste discharge requirements of the General Permit for Stormwater Discharges for Phase II Small MS4s Order No 2013-0001-DWQ. The proposed project would disturb over three acres, which exceeds the one-acre threshold requiring coverage under the State Water Resources Control Board's Construction General Permit (California State Water Resources Control Board 2010). As a condition of permit coverage, the project contractor must submit a Notice of Intent and prepare a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention Plan must include and implement best management practices to prevent or control erosion, manage stormwater flows, and minimize the discharge of pollutants during all construction activities. Additionally, the project developer shall comply with the requirements of the Los Banos Municipal Code Title 6, Chapter 13, Los Banos Urban Storm Water Management and Discharge Control, which specifies construction-phase best management practices to protect water quality.

With implementation of the Storm Water Pollution Prevention Plan and all applicable regulations outlined in the Los Banos Municipal Code associated with protecting water quality during construction, the project would be constructed in a manner that ensures compliance with applicable water quality standards and waste discharge requirements, and would not substantially degrade surface or groundwater quality during construction.

Operational Phase. Under the Municipal Separate Storm Sewer System Permit (Permit No. CA000004, Water Quality Order No. 2013-0001 DWQ), development projects that create or replace 5,000 square feet or more of impervious surface are classified as regulated projects. These projects must implement low impact development measures for site design, source control, runoff reduction, stormwater treatment, and baseline hydromodification management to minimize water quality impacts under post-development conditions.

The proposed project includes construction of over 5,000 square feet of new impervious surfaces, including paved areas, rooftops, and driveways, exceeding the Municipal Separate Storm Sewer System Permit threshold. In accordance with General Plan Policies PFS-P4.3 and PFS-P4.4, the project will be required to incorporate appropriate low impact development features and post-construction stormwater controls to minimize pollutant loading and maintain downstream water quality. In compliance with General Plan Policy PFS-P4.1, the project includes green infrastructure improvements by providing multiple landscaped areas throughout the site that help to absorb the pollutants in stormwater before it can be carried off-site and into the City's stormwater system. The project applicant will also be required to comply with the city's stormwater management and rainwater retention requirements pursuant to municipal code section 9-6.03.13.

Compliance with the regulations and standards outlined in the Los Banos Municipal Code and General Plan will ensure that water quality standards will be met such that associated impacts would be less than significant.

- b. **Groundwater Supplies.** Los Banos obtains its water supply entirely from the San Joaquin Valley Groundwater Basin, specifically the Delta-Mendota Subbasin (City of Los Banos 2022a). Although the subbasin is designated as being in critical overdraft under the Sustainable Groundwater Management Act (State Water Resources Control Board 2024), the City's groundwater demand, based on growth projected by the General Plan, is expected to remain within the groundwater basin's sustainable yield (City of Los Banos 2022b, p. 4.16-16). The City's General Plan EIR notes that groundwater extraction will become more efficient as properties transition from private wells to municipal service, reducing unmanaged withdrawals and improving basin sustainability (City of Los Banos 2022b).

The City is in the process of updating their 2010 water distribution master plan. The City's existing *2010 Final Report Master Plan for Water Distribution System* establishes water demand coefficients based on land use and development area. For commercial land uses, the plan identifies a demand coefficient of 2,500 gallons per day per acre (Carollo 2010, p. 4-8). This coefficient was used to estimate water demand for both existing site conditions and the proposed project. As shown in Table 5, Water Demand Comparison, implementation of the proposed project would result in a net increase of 2,725 gallons per day relative to the existing conditions.

Table 5 Water Demand Comparison

	Water Demand (gallons per day)
Existing Conditions (2.16 acres developed)	5,400
Future Proposed Conditions (3.25 acres developed)	8,125
Net Change	2,725

SOURCE: City of Los Banos 2010

Although the proposed project does not involve direct groundwater extraction, it would result in increased on-site water demand that would be met by the City's municipal water system, which relies entirely on groundwater from the Delta-Mendota Subbasin. Table 4.16-2, Water Demand Increase, in the General Plan EIR, commercial water demand is projected to increase by 57 percent, from 1,107 acre-feet per year in 2020 to 1,740 acre-feet per year by 2045, representing a total increase of 633 acre-feet per year (City of Los Banos 2022b). The total net increase in water demand generated by the proposed project is estimated to be 994,625 gallons per year (2,725 gallons per day x 365) or approximately 3.1 acre-feet per year. This would represent approximately 0.5 percent of the city's total anticipated 633 acre-feet per year increase in commercial water demand.

While the project would contribute to an incremental increase in groundwater use, it would be served by a regulated public water supplier and must comply with applicable water efficiency standards. Therefore, the project would not substantially decrease groundwater supplies.

Groundwater Recharge. The project would increase the amount of impervious surface on the site, potentially reducing opportunities for on-site groundwater infiltration. However, according to the General Plan, groundwater recharge in Los Banos primarily occurs through deep percolation of rainfall and applied irrigation water across larger agricultural and undeveloped areas. The project site is an infill site that is already served by existing public stormwater infrastructure. In compliance with City stormwater management requirements, the project would be required to implement low impact development measures designed to promote infiltration, manage runoff, and support groundwater recharge to the extent feasible, consistent with General Plan Policy PFS-P4.3 for long-term water resource protection.

Because the project would be will be served by a regulated municipal system and must comply with current stormwater standards, it would not substantially interfere with groundwater recharge.

- c. Redevelopment of the project site would alter the existing on-site drainage patterns through grading activities, resurfacing, and the installation of new impervious surfaces, including rooftops, driveways, and parking areas. The potential impacts associated with these changes, including erosion, flooding, runoff, and flood flow, are discussed below.

Erosion. The proposed project would involve site grading, excavation, and other ground-disturbing activities that have the potential to cause temporary erosion and sediment transport during construction. However, the project would be required to comply with the State Water Resources Control Board Construction General Permit, including preparation and implementation of a Stormwater Pollution Prevention Plan. The Stormwater Pollution Prevention Plan would include appropriate best management practices, such as silt fencing, stabilized construction entrances, and dust suppression measures, to minimize erosion and prevent sediment-laden runoff from leaving the site. With these standard erosion control practices in place, the potential for substantial on- or off-site erosion or siltation would be less than significant.

Flooding. A majority of the project site is currently developed with commercial structures and paved surfaces and already generates a relatively high volume of impervious runoff. The proposed redevelopment would alter the existing site layout and result in an increase in impervious surface area and associated drainage area. Increases in imperviousness have the potential to raise peak stormwater runoff volumes, contribute to higher discharge rates in local drainage systems, and increase the potential for nuisance flooding, particularly in areas with insufficient stormwater infrastructure.

As stated in the General Plan EIR, all future development must comply with the requirements of the EPA's Phase II stormwater rule and the City's LID Manual currently in development (City of Los Banos 2022b, p. 4.10-24). Projects must implement low impact development best management practices that effectively minimize imperviousness, retain or detain stormwater on-site, decrease surface water flows, and slow runoff rates. Adherence to these regulatory requirements would minimize the amount of surface running which would result in flooding on- or off-site and the associated impact would be less than significant.

Runoff. The proposed project would redevelop an existing commercial site, resulting in the creation over 5,000 square feet of impervious surfaces, triggering stormwater treatment requirements under the Phase II Small Municipal Separate Storm Sewer System Permit. In accordance with General Plan Policy PFS-P4.4, the applicant will be required to prepare and submit a Stormwater Management Checklist to the City's Public Works Department prior to grading permit issuance to demonstrate compliance with applicable site design and stormwater retention requirements (City of Los Banos 2022a p. PFS-17). Compliance with these regulatory requirements will ensure that runoff is adequately managed prior to discharge into the local storm drain system. Therefore, the project would not exceed the capacity of existing or planned stormwater drainage systems or create substantial polluted runoff, and the impact would be less than significant.

Flood Flows. The site is relatively flat and not located within a mapped 100-year floodway or regulatory floodplain, according to Federal Emergency Management Agency Flood Insurance Rate Maps (Federal Emergency Management Agency 2025). The project does not involve grading or development in areas that would affect the movement of floodwaters. Furthermore, the project would be subject to City drainage and flood management standards during site plan review and permitting. Therefore, the project would not impede or redirect flood flows, and this impact would be less than significant.

- d. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. Floodplain zones (Special Flood Hazard Areas) are determined by the Federal Emergency Management Agency and used to create Flood Insurance Rate Maps. The project site is not located within a 100-year flood hazard zone (Federal Emergency Management Agency 2025). There are also no landlocked bodies of water near the project site that would affect the site in the event of a seiche and there is no risk from tsunami hazards.

Therefore, the project would not risk release of pollutants due to project inundation associated with flood hazard, tsunami, or seiche zones.

- e. The proposed project will be served by the City of Los Banos municipal water system, which relies on groundwater from the San Joaquin Valley Groundwater Basin, specifically the Delta-Mendota Subbasin. As indicated in item "b" above, the subbasin is identified by the California Department of Water Resources as being in critical overdraft and is subject to the requirements of the Sustainable Groundwater Management Act. The San Joaquin Valley Groundwater Basin is covered by 23 exclusive Groundwater Sustainability Agencies (GSA) grouped into seven GSA Groups that have entered into a memorandum of agreement to comply with Sustainable Groundwater Management requirements. The project site is located within the San Joaquin River Exchange Contractors GSA Group.

The most recent groundwater sustainability plan is the *Groundwater Sustainability Plan for the Delta-Mendota Subbasin*, which was prepared in July 2024 and addresses the deficiencies identified by the California Department of Water Resources in March 2023. The State Water Resources Control Board will evaluate the plan when it decides whether to place the Subbasin on "probationary" status in 2025 (Delta-Mendota Sustainability Groundwater Management Agency 2025).

Water demand associated with the proposed project is consistent with growth projections anticipated by the City's General Plan and evaluated in the General Plan EIR, which determined that buildout of the Planning Area would remain within the sustainable yield of the basin. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan.

11. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Physically divide an established community?	☐	☐	☐	☒
b. Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Comments:

- a. The project is the redevelopment of an existing commercial site. The project would not introduce new roadways, infrastructure or development features that would divide an established community; therefore, there would be no impact related to physically dividing an established community.
- b. The project site has a General Plan land use designation of Regional Commercial and is zoned Highway Commercial (H-C). These designations are intended to accommodate auto-oriented commercial uses such as gas stations, restaurants, and retail services that serve both local and regional needs. The proposed project—which includes a convenience store, vehicle fueling station, automated car wash, and fast-food restaurant—is consistent with both the General Plan land use designation and zoning classification.

The project is also located within the Pacheco Boulevard Corridor, a focus area in the General Plan intended to promote enhanced urban design, commercial development, and safe multimodal access. The proposed site improvements, building design, and layout would be reviewed by the City for compliance with adopted Community Design Standards, Los Banos Municipal Code provisions, and other applicable land use regulations. These standards and policies are specifically intended to avoid or mitigate environmental effects related to aesthetics, circulation, and community character.

As discussed in Section 3.0, Air Quality, the project is consistent with the Clean Air Plan. As discussed in Section 4.0, Biological Resources, there are no habitat conservation plans that apply to the project site. The discussion in Section 13.0, Noise, concludes that the proposed project would not conflict with General Plan policies or Los Banos Municipal Code requirements for reducing noise exposure to acceptable levels. As described in Section 16.0, Transportation, the proposed project would not conflict with General Plan policies or the Los Banos Municipal Code regulations.

For these reasons, the proposed project would not result in significant impacts due to conflicts with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

12. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒

Comments:

- a-b. According to the General Plan, there are no mineral resource zones or mineral resource production areas located in or adjacent to the project site. Therefore, the project would not result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state nor would it result in the loss or availability of a locally important mineral resource recovery site.

13. NOISE

Would the project result in:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive ground-borne vibration or ground borne noise levels?	☐	☒	☐	☐
c. For a project located within the vicinity of a private airstrip or 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, expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Comments:

- a. The Safety and Noise Element of the General Plan establishes land use compatibility criteria for transportation noise sources in terms of the Day-Night Average Level (L_{dn}) to describe noise exposure for noise compatibility planning purposes. The guidelines define an outdoor level of 55.0 to 70.0 dB L_{dn} as being “normally acceptable” for commercial uses (City of Los Banos 2022a).

Construction Noise. Construction of the proposed project would involve temporary noise-generating activities such as demolition, grading, paving, and building construction, which could generate elevated noise levels from equipment such as excavators, haul trucks, loaders, concrete mixers, and paving machines. These activities would occur within proximity to existing commercial uses and would be audible at nearby residences and Henry Miller Elementary School, especially during site preparation and heavy equipment use.

Implementation of General Plan Policy S-P8.6 and General Plan Action A-A8.3, outlined below, in addition to the compliance with the Los Banos Municipal Code Article 27, Noise Control, would ensure that potentially significant impacts associated with temporary construction noise would be less than significant.

General Plan Policy S-P8.6. Require the use of Best Available Control Technology (BACT) to minimize noise from all stationary sources as well as mobile/temporary sources such as operation of construction equipment.

General Plan Action S-A8.3. The City shall establish and adopt a list of construction best management practices to be implemented during the construction phase and incorporated into Los Banos Municipal Code Article 27, Noise Control, to protect noise sensitive receptors (e.g., residences, schools, and hospitals) from the temporary effects of construction noise. The City of Los Banos Building Department shall verify that construction best management practices, as appropriate, are on the demolition, grading, and construction plans prior to issuance of demolition, grading and/or building permits.

Operational Noise. The proposed project is adjacent to West Pacheco Boulevard (State Route 152) and the Los Banos Municipal Airport, two of the most prominent sources of environmental noise in the city. Existing ambient noise levels from these transportation sources exceed the levels expected to be generated by the proposed commercial development (City of Los Banos 2022a).

The project includes commercial retail uses, such as a drive-through restaurant, convenience store, gas station, and automated car wash. Typical noise sources associated with these uses include roof-mounted HVAC systems, delivery trucks, loading and unloading activities, parking lot activity, and drive-through speaker systems.

Roof-mounted HVAC units typically generate 37–42 dBA at a distance of 250 feet from the building façade, which would not exceed applicable outdoor noise standards for nearby sensitive receptors. Noise due to traffic in parking lots is typically limited by low speeds and is not usually considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems and the opening and closing of car doors and trunk lids. Such activities can occur at any time. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day and other factors. It is typical for a passing car in a parking lot to produce a maximum noise level of 60 to 65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice. Occasional truck deliveries may generate 60 to 66 dBA at a distance of 175 feet., but these occurrences would be infrequent and temporary in nature (WJV Acoustics 2020).

The project would also incrementally increase traffic volumes on West Pacheco Boulevard (State Route 152) and West I Street. According to the traffic analysis (Minagar & Associates, Inc. 2025), the project would generate approximately 6,252 new daily vehicle trips. In comparison, this segment of State Route 152 currently carries an average of 31,500 daily trips (Caltrans 2022). As described in the General Plan EIR, existing traffic noise along State Route 152 ranges from 69 to 81 dBA (City of Los Banos 2022b, p. 4.12-14). A doubling of traffic is generally required to result in a perceptible 3 dBA increase in noise. The proposed project would not double current volumes and, therefore, would not generate an audible increase in traffic-related noise.

Operational noise levels associated with the project would be similar to those of surrounding commercial uses and would not exceed the standards outlined in the Los

Banos Municipal Code, Article 27, Noise Control Ordinance. Therefore, the project would not generate a substantial permanent increase in ambient noise levels in excess of standards established in the General Plan or Los Banos Municipal Code.

- b. The proposed project will involve the demolition of existing structures and pavement breaking. It is unknown whether or not pile driving would be necessary during construction activities. These activities are known to generate ground borne vibration that could affect nearby sensitive receptors. General Plan Policy S-P8.6 requires the use of Best Available Control Technology to minimize noise from all stationary sources as well as mobile/temporary sources such as operation of construction equipment (City of Los Banos 2022a, p. S-30).

According to the General Plan EIR, construction activities such as pile driving within certain proximities to structures require a noise and vibration analysis to assess and mitigate potential impacts. Specifically, if pile driving is conducted within 135 feet of fragile structures, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or 75 feet of engineered concrete and masonry structures, a qualified acoustical consultant must evaluate the potential for vibration-related damage. Should pile driving be necessary during construction, the following mitigation measure shall be implemented.

Mitigation Measure

- N-1 If construction of the project would require pile driving activities conducted within 135 feet of fragile structures, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or 75 feet of engineered concrete and masonry structures, the applicant shall hire a qualified acoustical consultant to evaluate the potential for vibration-related damage. If the evaluation concludes the impact could be significant, measures shall be incorporated into the building permit to ensure pile driving activities would not have an adverse effect on adjacent structures.

- c. The project site is located within the boundaries of the *2012 Merced County Airport Land Use Compatibility Plan* (Airport Land Use Compatibility Plan) for the Los Banos Municipal Airport, which is approximately 100 acres in size. The project site falls partially within Zone A (Runway Protection Zone and Object Free Area) and Zone B1 (Inner Approach/Departure Area).

While aircraft takeoffs and landings at the Los Banos Municipal Airport would generate intermittent noise, these operations are limited in frequency. According to the City of Los Banos General Plan EIR, the airport accommodates approximately 16,000 flights annually, averaging approximately 44 flights per day. As shown in Figure 4.12-6, Los Banos Municipal Airport Noise Contours, of the General Plan EIR, existing noise levels within Zones A and B1 typically range from 55 to 65 dB Community Noise Equivalent Level (CNEL). Per Table 4.12-10 of the General Plan EIR, noise levels between 55 and 70 dB CNEL are considered “Normally Acceptable” for commercial uses (City of Los Banos 2022b).

The Airport Land Use Compatibility Plan identifies incompatible uses in Zones A and B1 as residences, schools, hospitals, convalescent homes, and places of worship (Merced County 2012, p. D-3). Commercial uses are generally considered conditionally compatible within Zones A and B1 under the Airport Land Use Compatibility Plan, provided they meet specific design and safety criteria. More detail on safety criteria and design standards are provided in Section 9.0, Hazards and Hazardous Materials, item “e.”

The proposed project consists solely of commercial uses and falls within the normally acceptable noise range for the area pursuant to the General Plan. Therefore, the project would not expose workers or members of the public to excessive noise levels from airport operations.

14. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Comments:

- a. The project includes the construction of commercial development and does not involve residential uses. Therefore, the project would not induce unplanned population growth.
- b. The project site is currently developed with commercial structures and does not include any existing residential uses. No housing units or occupied dwellings would be displaced as a result of the proposed development. Therefore, the project would have no impact related to the displacement of housing or people.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	☐	☐	☒	☐
b. Police protection?	☐	☐	☒	☐
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒
e. Other public facilities?	☐	☐	☐	☒

Comments:

- a. The proposed commercial project would result in an increase in service population, which would require fire protection services. Fire protection services for the project site are provided by the Los Banos Fire Department, which currently operates two fire stations (Station 1 and Station 2), and the Merced County Fire Department, which operates one station (Station 71) within the city limits. The following general plan policies are applicable to new development within the city:

- **Policy LU-P1.6.** Require that new development projects include full mitigation of impacts to City-funded services and infrastructure, including parks and recreational services, police and fire services, and City-owned infrastructure, both on- and off-site.
- **Policy S-P4.1.** Maintain a five- to six-minute response standard for fire service within a 1.5-mile radius of a fire station.
- **Policy S-P4.2.** Require adequate firefighting infrastructure and access for emergency vehicles in all new development, including adequate street width, vertical clearance on new streets, high-visibility street signs in all conditions, and minimum water pressure necessary for sustained fire suppression.
- **Policy PFS-P3.3.** Require new development to document that water supply capacity, quality, and infrastructure are in place prior to approval of new development.

The project site is located approximately 0.2 miles south of the Los Banos City Fire Substation located on West I Street, as indicated on Figure 4.14-1, Fire and Police Stations, in the General Plan EIR (City of Los Banos 2022b, p. 4.14-5). The proposed

development would be subject to Title 24 of the California Building Standards Code, as well as Title 4, Chapter 3, City's Fire Prevention Code, of the Los Banos Municipal Code. As part of the development permitting process, the City of Los Banos reviews building plans and conducts construction inspections to ensure compliance with applicable building and fire safety codes. This includes adherence to the California Fire Code and specific requirements of the Los Banos Fire Department, such as provisions for fire apparatus access, hydrant placement, hose reach, and installation of fire suppression systems. In addition, the project would be subject to the City's development impact fees in effect at the time of project approval. Compliance with these regulations and payment of required fees would ensure that the proposed project does not create the need for new or expanded fire protection facilities. As a result, impacts related to fire protection services would be less than significant.

- b. The proposed commercial project would result in a minor increase in service population and generate demand for police protection services. Law enforcement in the area is provided by the City of Los Banos Police Department. The City recently constructed a new police facility at 1111 G Street designed to meet long-term service needs for up to 50 years of anticipated growth, including that associated with the proposed project (City of Los Banos 2022b, p. 4.14-16).

In accordance with Los Banos Municipal Code Title 8, Chapter 1, new development is required to contribute its fair share toward public service improvements through the payment of applicable development impact fees. Payment of these fees by the project applicant would ensure that the proposed development contributes proportionally to the funding of necessary police service enhancements. Therefore, impacts on police services would be less than significant.

- c-e. The proposed project involves commercial development and does not include any residential uses that would increase the local population. As such, it would not generate new student enrollment or additional demand for public school services, nor would it increase demand for public park or recreational facilities, or other public facilities.

16. RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
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?	☐	☐	☐	☒
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:

- a-b. The proposed project does not include any residential uses that would result in population growth or generate new residents who would utilize nearby public parks or open space amenities. Therefore, the project would not 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. Additionally, the project does not include recreational facilities or require the construction or expansion of recreational facilities.

17. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d. Result in inadequate emergency access?	☐	☐	☒	☐

Comments:

Minagar & Associates, Inc. prepared the *Revised VMT (Vehicle Miles Traveled) Assessment for Northgate 42 LLC Project at NEC of W. "I" St & W. Pacheco Blvd in City of Los Banos, CA* ("VMT analysis") on April 28, 2025.

Additionally, although not required by CEQA, the City did require preparation of a traffic impact analysis. Therefore, the applicant submitted the *Final Revised Traffic Impact Analysis for the "Northgate 42, LLC" Project at NEC of W. "I" St & W. Pacheco Blvd in Los Banos, CA* ("traffic impact analysis") prepared by Minagar & Associates, Inc on May 27, 2025.

Two peer reviews of earlier versions of the traffic impact analysis and VMT analysis were completed by Kittleson and Associates (Kittleson and Associates 2025). Information in this section was sourced from the traffic impact analysis and VMT analysis unless otherwise noted. The final traffic impact analysis and VMT analysis reports can be found in [Appendix F](#).

- a. **Transit Facilities.** Public transit in Los Banos is currently served by the Merced Regional Transit System, also known as "The Bus." The Bus is administered and governed by the Transit Joint Powers Authority for Merced County. Employees generated by the proposed project may choose to use transit service if it were convenient to the site. Route LB, which runs along West Pacheco Boulevard, is the nearest route. The nearest transit stops are located at San Luis Plaza on West I Street, approximately 0.1 miles south of the project site, and on West Pacheco Boulevard, approximately 0.3 miles west of the project site.

It is unlikely that the proposed project will employ a sufficient number of staff to support Transit Joint Powers Authority Board of Merced County's consideration of requiring an

additional bus stop near the project site. Additionally, there are no transit stop improvements planned as part of the project. Regardless, the project is consistent with the City's policies promoting transit use and, therefore, would have no impact.

Roadway Facilities. Access to the site would be provided from West Pacheco Boulevard (State Route 152) and West I Street. In accordance with General Plan Policy C-P2.2, a traffic impact analysis was prepared because the project would generate more than 100 peak-hour trips. The analysis concludes that with the implementation of updated signal timing at the intersection of West Pacheco Boulevard and West I Street, the project would not result in any unacceptable levels of service or traffic safety hazards.

The project is also required to comply with General Plan Policy C-P1.2, which mandates that all new development provide right-of-way and improvements consistent with General Plan, street designations and City cross-section standards. Additionally, per Los Banos Municipal Code Article 17, traffic development impact fees shall be paid prior to issuance of building permits to ensure fair-share funding of transportation improvements.

Compliance with the abovementioned General Plan policies and the Los Banos Municipal Code would ensure that the project does not conflict with a program, plan, ordinance, or policy addressing the circulation system, including roadway facilities.

Mitigation Measure

TR-1 The City of Los Banos shall coordinate with Caltrans to modify the signal timing at the intersection of West Pacheco Boulevard and West I Street to optimize traffic operations prior to project occupancy.

Compliance with the applicable General Plan policies, Municipal Code requirements, and Mitigation Measure TR-1 would ensure that the project does not conflict with any adopted plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the impact would be less than significant with mitigation.

Bicycle Facilities. There is an existing Class II bikeway along I Street northwest of the project site, connecting the project site to the neighborhoods to the north and into the city center (Figure 11, Existing Los Banos Bikeways). The City's bicycle pedestrian master plan identifies a proposed Class 1 Bikeway along Pacheco Boulevard, west of the project site, but not adjacent to the boulevard (Figure 19, Proposed Bikeways in Los Banos) (City of Los Banos 2018). Development of the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including bicycle facilities.

Pedestrian Facilities. There are existing sidewalks on both sides of West Pacheco Boulevard and on the east side of West I Street fronting the project site. There are no General Plan policies that apply to the project and, therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including pedestrian facilities.

- b. Vehicle miles traveled (VMT) impacts of the proposed project are evaluated in the VMT analysis (Minagar & Associates 2025). Significance criteria provided by the Governor's Office of Land Use and Climate Innovation have been used in this analysis. The criteria identify general direction regarding methods to be employed and significance criteria to evaluate VMT impacts. Screening criteria can be used to quickly identify whether a project can be presumed to have a less than significant VMT impact without conducting a detailed study. Projects meeting at least one of the screening criteria can be presumed to have a less than significant VMT impact.

According to the VMT analysis, the proposed project would fit under the screening criteria of local-serving non-residential development. This criterion is assessed by measures that note that local-serving retail uses can reduce travel by offering customers more choices in closer proximity. Local-serving retail uses of 50,000 square feet or less of building area can be presumed to have a less than significant impact. The proposed project includes less than 50,000 square feet of building area and would provide goods and services to nearby residents and motorists already traveling on West Pacheco Boulevard (State Route 152).

By reducing the need to travel to more distant locations to access similar services, the proposed project will have a positive effect (i.e., reduction) on total regional VMT. Therefore, VMT impacts of the proposed project can be presumed to be less than significant.

- c-d. The proposed project does not include circulation improvements that could result in related public safety hazards or inadequate emergency access. Access will be at new driveways on West Pacheco Boulevard and West I Street. All transportation improvements must be consistent with the City's specifications, which are based on standard engineering practice for safe and efficient facility design. This includes specifications for emergency vehicle access (both onsite and offsite), sight distance, vehicle speed, turning radii, etc. As part of the development permitting process, the City of Los Banos reviews building plans and conducts construction inspections to ensure compliance with applicable building and fire safety codes to ensure that circulation improvements are designed consistent with their respective standards for safe movement of vehicles, pedestrians, bicyclists and emergency vehicles. Additionally, the project will be required to comply with General Plan Policy S-P4.2, which requires adequate firefighting infrastructure and access for emergency vehicles in new development. Required approvals from the various City departments as well as compliance with applicable General Plan policies would ensure that the project does not substantially increase hazards due to a geometric design feature nor result in inadequate emergency access.

18. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or	☐	☐	☐	☒
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Comments:

- a. The City sent out letters to California Native American tribes on March 14, 2025. No responses were received.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Comments:

- a. The proposed project would connect to existing public utility infrastructure provided by the City and utility service providers operating in the area. The project site is located in a developed area already served by water, wastewater, storm drainage, electricity, natural gas, and telecommunications systems. Utility connections are available adjacent to the site along West Pacheco Boulevard and West "T" Street (City of Los Banos 2022a). However, to serve the proposed project, utilities would be expanded into the project site as part of the proposed project, which could cause significant environmental effects. The environmental impacts associated with the construction of expanding these utilities can be found in the following sections of this initial study: air quality, biological resources, cultural resources, energy, greenhouse gas emissions, and noise. Implementation of the mitigation measures, Los Banos Municipal Code regulations, and applicable General Plan policies found within these sections of this initial study would ensure that impacts are less than significant.

- b. The proposed project would be served by the City of Los Banos municipal water system, which relies on groundwater from the Delta-Mendota Subbasin. The subbasin is currently designated as being in critical overdraft under the Sustainable Groundwater Management Act. Despite this designation, the City's 2020 *Urban Water Management Plan* ("Water Management Plan") projects that groundwater supplies will remain sufficient to meet future demand through 2045, including during normal, single-dry, and multiple-dry year scenarios, provided conservation measures and planning strategies are fully implemented (City of Los Banos 2021). Therefore, the project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single-dry and multiple- dry years.

In 2020, the City's total water demand was approximately 8,309 acre-feet per year (AFY), with the majority allocated to residential land uses. According to Table 4.16-2, Water Demand Increase, in the General Plan EIR, commercial water demand is projected to increase by 57 percent, from 1,107 acre-feet per year in 2020 to 1,740 acre-feet per year by 2045, representing a total increase of 633 acre-feet per year (City of Los Banos 2022b).

As stated in Section 10, Hydrology and Water Quality, of this initial study, the proposed project's estimated increase in water demand is approximately 994,625 gallons per year, or about 3.1 acre-feet per year. This represents roughly 0.3 percent of the City's 2020 water demand. Therefore, the proposed project would be adequately served by existing water supplies under both current and projected future conditions, and impacts would be considered less than significant.

- c. The proposed project would connect to the City of Los Banos municipal sewer system. Wastewater generated by the project would be conveyed to the Los Banos Wastewater Treatment Plant located at 17963 West Henry Miller Avenue, approximately four miles northeast of the project site. According to the General Plan EIR, the Wastewater Treatment Plant has a permitted capacity of 4.9 million gallons per day (MGD) and currently processes an average of approximately 3.16 MGD, leaving a surplus treatment capacity of 1.41 MGD.

As a general rule, wastewater generation volume is assumed to be 85-90 percent of a project's water demand volume. Therefore, considering a water generation volume of 994,625 gallons per year, wastewater demand is assumed to be about 895,163 gallons per year, or approximately 0.002 MGD. This represents less than one percent of the Wastewater Treatment Plant's available daily capacity. Therefore, the project would not exceed the capacity of the wastewater treatment provider to accommodate its demand in combination with existing service commitments and the impact would be considered less than significant.

- d-e. Solid waste collection in the City of Los Banos is provided by Mid Valley Disposal and transported approximately 4.5 miles west to the Billy Wright Landfill (the "Landfill"), which is operated by the Merced County Regional Waste Management Authority. The

Landfill includes approximately 172 acres dedicated to landfill operations, has a maximum permitted throughput of 1,500 tons per day, and a remaining permitted capacity of approximately 11 million tons (City of Los Banos 2022b). The landfill's estimated closure date is December 31, 2054.

The proposed project would generate solid waste during both the construction and operational phases. Construction activities, including demolition of existing structures and site preparation, would result in a temporary increase in solid waste generation. These activities would be required to comply with the California Green Building Standards Code (CALGreen), which mandates diversion of at least 65 percent of construction and demolition debris from landfills. During operation, the proposed commercial uses would generate typical amounts of commercial solid waste. Table 5.13, Operational Waste Generation, of the CalEEMod results, included in [Appendix B](#), indicates that the proposed project would generate an estimated 648 tons of waste per year or approximately 1.8 tons per day. This volume represents a small fraction (less than one percent) of the landfill's permitted daily capacity and would not significantly affect landfill operations or available capacity.

The Merced County Regional Waste Management Authority is responsible for ensuring that its solid waste management activities are consistent with related state regulatory requirements and for providing sufficient solid waste capacity for its member agencies, including Merced County. As needed, the Merced County Regional Waste Management Authority would implement programs (e.g., recycling, diversion, etc.) necessary to meet state solid waste management mandates. The project would also be subject to compliance with all applicable state and local solid waste regulations, including but not limited to, AB 939 (solid waste management, source reduction, recycling, composting, and market development.), AB 341 (mandatory commercial recycling), and AB 1826 (mandatory organics recycling), as enforced by CalRecycle and the City. As such, the project would not exceed the capacity of the local solid waste system or conflict with applicable waste reduction and management regulations. Therefore, the impact would be less than significant.

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Comments:

- a-d. The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The nearest state responsibility area is located more than five miles west of the project site (CAL FIRE 2025). Therefore, no further discussion is required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Measures Incorporated	Less-Than- Significant Impact	No Impact
a. Does the project have the potential to substantially 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; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)	☐	☒	☐	☐
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Comments:

- a. Project impacts associated with biological resources are described in Section 4, Biological Resources. The proposed project has potential to impact special status wildlife species and the mitigation identified reduces this impact to a less-than-significant level.

Project impacts associated with cultural and tribal cultural resources are described in Sections 5 and 18, respectively. No cultural or tribal cultural resources that could represent important evidence of California history are known to exist within or adjacent to the project site. Impacts on unknown resources, should they be uncovered during project construction activities, would be reduced to a less-than-significant level through implementation of the mitigation measures presented within Section 5, Cultural Resources.

- b. Cumulative project impacts are evaluated and disclosed in the Los Banos General Plan 2042 EIR. The project would result in greenhouse gas emissions that contribute to adverse impacts on regional air quality and climate change. However, as discussed in Section 8, Greenhouse Gas Emissions, the project would implement Mitigation Measure GHG-1 to address the project’s contribution to GHG emissions and global climate change. With this mitigation, the project’s contribution to GHG impacts would be less than cumulatively considerable.

The project would result in an increase in water demand associated with the intensified use proposed at the site. However, the project is consistent with the General Plan and its water demand can be sufficiently served as discussed in Section 10, Hydrology and Water Quality (item “b”) and Section 19, Utilities and Service Systems (item “b”). Therefore, cumulative water supply impacts would be less than significant.

The project would generate traffic-related noise that contributes to cumulative ambient noise levels along local roadways. As detailed in Section 13, Noise, the increase in traffic noise would be marginal and would not exceed thresholds of significance. Therefore, cumulative noise impacts would also be less than significant.

In summary, while the project would contribute to cumulative impacts in areas such as GHG emissions, water supply, and traffic noise, these impacts would be less than cumulatively considerable or less than cumulatively considerable with mitigation incorporated.

- c. Characteristics of the project and its location have the potential to result in adverse effects on human health and safety. The project site is located within a quarter mile of a school and the proposed project includes a fueling station, which would generate criteria air pollutants such as toxic air contaminants. However, as discussed in Section 3, Air Quality, the potential impacts were determined to be less than significant.

Section 9, Hazards and Hazardous Materials, discusses the project’s potential to result in a safety hazard for people working in the project area due to its proximity to the Los Banos Municipal Airport and the proposed convenience store building height exceeding height limitations for this location. However, Mitigation Measure HAZ-1 would ensure that impacts would be reduced to a less-than-significant level.

Considering all applicable mitigation measures and regulatory requirements, the project would not result in substantial adverse effects on human beings and the impact would be considered less than significant with mitigation incorporated.

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