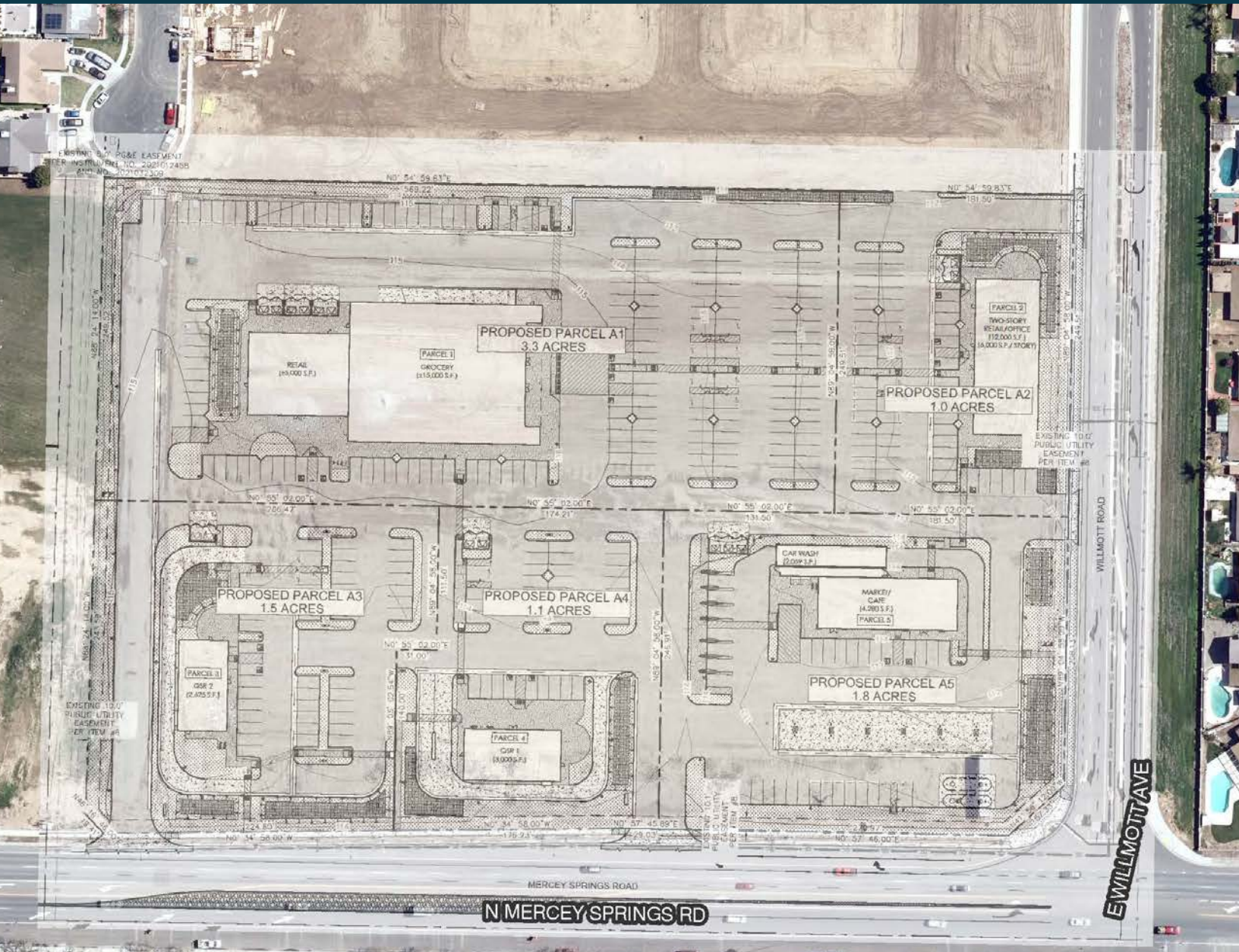


Draft Initial Study and Mitigated Negative Declaration for Vintners Distributors LLC – Willmott Commercial Development Center

June 2025



Prepared By:



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Prepared For:



City of Los Banos
520 J Street
Los Banos, CA 93230

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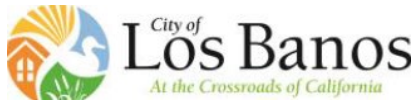
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City of Los Banos
520 J Street
Los Banos, CA 93635

SECTION I: CEQA Review Process

Project Title: Vintners Distributors LLC – Willmott Commercial Development Center

1.1. California Environmental Quality Act Guidelines

Section 15063 of the California Environmental Quality Act (CEQA) Guidelines requires that the Lead Agency prepare an Initial Study to determine whether a discretionary project will have a significant effect on the environment. All phases of the project planning, implementation, and operation must be considered in the Initial Study. The purposes of an Initial Study, as listed under Section 15063(c) of the CEQA Guidelines, include:

- (1) *Provide the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration;*
- (2) *Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration;*
- (3) *Assist the preparation of an EIR, if one is required, by:*
 - (a) *Focusing the EIR on the effects determined to be significant,*
 - (b) *Identifying the effects determined not to be significant,*
 - (c) *Explaining the reasons for determining that potentially significant effects would not be significant, and*
 - (d) *Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.*
- (4) *Facilitate environmental assessment early in the design of a project;*
- (5) *Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment*
- (6) *Eliminate unnecessary EIRs;*
- (7) *Determine whether a previously prepared EIR could be used with the project.*

1.2. Initial Study

This document is the Initial Study/Mitigated Negative Declaration for the proposed subdivision of approximately 30.02 acres of undeveloped land for the construction and operation of 159 single-family residential dwelling units ("Project"). The City of Los Banos ("City") will act as the Lead Agency for this Project under CEQA and the State CEQA Guidelines.

1.3. Environmental Checklist

The Lead Agency may use the CEQA Environmental Checklist Form (CEQA Guidelines, Section 15063(d)(3) and (f)) in preparation of an Initial Study to provide information for determination if there are significant effects of the project on the environment. A copy of the completed Environmental Checklist is set forth in **Section 3**.

1.4. Notice of Intent to Adopt a Negative Declaration

The Lead Agency shall provide a Notice of Intent to Adopt a Negative Declaration (CEQA Guidelines, Section 15072) to the public, responsible agencies, trustee agencies and the county clerk within which the project is located, sufficiently prior to adoption by the Lead Agency of the Negative Declaration to allow the public and agencies the review period. The public review period (CEQA Guidelines, Section 15105) shall not be less than 20 days, unless the Initial Study/Negative Declaration is submitted to the State Clearinghouse, in which case the review period shall not be less than 30 days unless a shorter period is approved by the State Clearinghouse (CEQA Guidelines, Section 15073(a)).

Prior to approving a project, the decision-making body of the Lead Agency shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the public review process, and shall adopt the proposed Negative Declaration or Mitigated Negative Declaration only if it finds on the basis of the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Lead Agency's independent judgment and analysis (CEQA Guidelines, Section 15074(b)).

The written and oral comments received during the public review period will be considered by the City of Los Banos prior to adopting the Negative Declaration. Regardless of the type of CEQA document that must be prepared, the overall purpose of the CEQA process is to:

- 1) Assure that the environment and public health and safety are protected in the face of discretionary projects initiated by public agencies or private concerns;
- 2) Provide for full disclosure of the project's environmental effects to the public, the agency decision-makers who will approve or deny the project, and the responsible trustee agencies charged with managing resources (e.g. wildlife, air quality) that may be affected by the project; and
- 3) Provide a forum for public participation in the decision-making process pertaining to potential environmental effects.

According to CEQA Guidelines Section 15070, a public agency shall prepare or have prepared a proposed negative declaration for a project subject to CEQA when:

The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or the initial study identifies potentially significant effects, but:

- 1) *Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
- 2) *There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

The Environmental Checklist Discussion contained in Section Three of this document has determined that the environmental impacts of the Project are less than significant with mitigation measures and that a Mitigated Negative Declaration is adequate for adoption by the Lead Agency.

1.5. Negative Declaration or Mitigated Negative Declaration

The Lead Agency shall prepare or have prepared a proposed Negative Declaration or Mitigated Negative Declaration (CEQA Guidelines Section 15070) for a project subject to CEQA when the Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment. The proposed Negative Declaration or Mitigated Negative Declaration circulated for public review shall include the following:

- (a) A brief description of the project, including a commonly used name for the project.
- (b) The location of the project, preferably shown on a map.
- (c) A proposed finding that the project will not have a significant effect on the environment.
- (d) An attached copy of the Initial Study documenting reasons to support the finding.
- (e) Mitigation measures, if any.

1.6. Intended Uses of Initial Study/Negative Declaration Documents

The Initial Study/Negative Declaration document is an informational document that is intended to inform decision-makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed Project. The environmental review process has been established to enable the public agencies to evaluate environmental consequences and

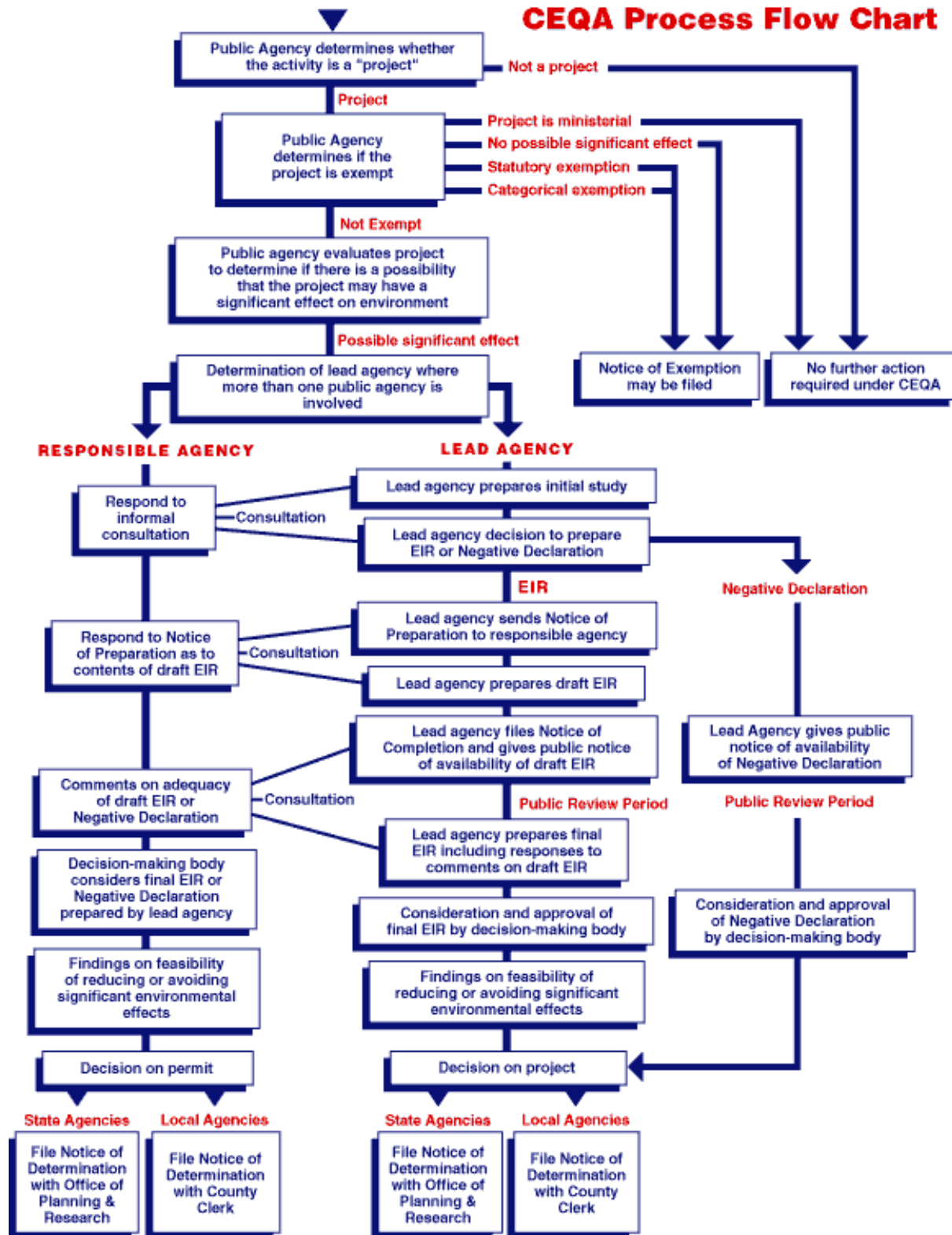
to examine and implement methods of eliminating or reducing any adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency must balance any potential environmental effects against other public objectives, including economic and social goals. The City of Los Banos, as the Lead Agency, will make a determination, based on the environmental review for the Environmental Study, Initial Study and comments from the general public, if there are less than significant impacts from the proposed project and the requirements of CEQA can be met by adoption of a Mitigated Negative Declaration.

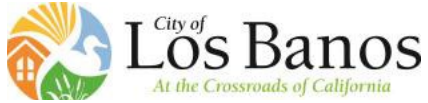
1.7. Notice of Determination (NOD)

The Lead Agency shall file a Notice of Determination within five working days after deciding to approve the Project. The Notice of Determination (CEQA Guidelines, Section 15075) shall include the following:

- (1) An identification of the project including the project title as identified on the proposed negative declaration, its location, and the State Clearinghouse identification number for the proposed negative declaration if the notice of determination is filed with the State Clearinghouse.*
- (2) A brief description of the project.*
- (3) The agency's name and the date on which the agency approved the project.*
- (4) The determination of the agency that the project will not have a significant effect on the environment.*
- (5) A statement that a negative declaration or a mitigated negative declaration was adopted pursuant to the provisions of CEQA.*
- (6) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted.*
- (7) The address where a copy of the negative declaration or mitigated negative declaration may be examined.*
- (8) The identity of the person undertaking a project which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.*

1.8. CEQA Process Flow Chart





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

SECTION 2: Project Description

Project Title: Vintners Distributors LLC – Willmott Commercial Development Center

2.1. Project Description and Purpose

The proposed Project (Project or project) consists of an approximately 9-acre (9.2 acres) commercial project to be located on a currently vacant parcel at the northeast corner of Mercey Springs Road and Willmott Road in the City of Los Banos, California. The project proposes to develop a 20,000 sq. ft. grocery/retail building (15,000 sq. ft. grocery, 5,000 sq. ft. retail), a 12,000 sq. ft. retail/office building (6,000 sq. ft. retail, 6,000 sq. ft. office), two fast-food restaurants with drive-throughs totaling 5,625 sq. ft., a 4,280 sq. ft. convenience market/café, a gasoline fueling station with six (6) fueling dispensers, and a 2,425 sq. ft. car wash. A total of four (4) driveways would be provided for the project site, which would include two (2) driveways on Mercey Springs Road and two (2) driveways on Willmott Road. The Project will also provide a northbound right-turn deceleration lane from Willmott Road to the proposed southerly driveway on Mercey Springs Road. The new development will also include a parking lot, landscaping, exterior lighting, two free-standing signs (and utility improvements to be consistent with the City of Los Banos City Standards. The Project will also consist of Conditional Use Permit for the allowance of the on-sale and on-site consumption of alcohol through a Type 21 General Alcohol ABC license. Also, two free-standing signs will be constructed, a 26'-3" sign at the southern part of the site and a 19'-6" sign at the north side.

2.2. Project Location

The proposed Project consists of approximately nine (9) acres of land in the northeast portion of the City encompassing one parcel (Assessor's Parcel Number 428-280-011, -000). The site would be subdivided into 6 parcels. The Project Site is currently vacant. It is approximately 115 feet above mean sea level and gently slopes to the east. Archival research of available historical topographic maps and aerial photographs identified the Project Site as being utilized for agricultural purposes prior to 1985 (per Google Earth historical map). However, urban-type development (in the form of single-family residences) is directly west of the site. Single-family residential development has gradually replaced former agricultural lands to the east and north/northeast of the site since 1985. The site is currently vacant and is predominantly surrounded by single-family residences.

2.3. Other Permits and Approvals

- City of Los Banos
 - Approval of the Tentative Subdivision Map
 - Other ministerial actions such as grading, building, and encroachment permits
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
 - Approval of the Dust Control Plan
 - Compliance with Regulation VIII, Rules 3135, 4101, 9510 and others as specified/determined by the Air District
- Central Valley Regional Water Quality Control Board
 - Approval of the Stormwater Pollution Prevention Plan
- Caltrans District 10

Figure 2-1 Regional Map

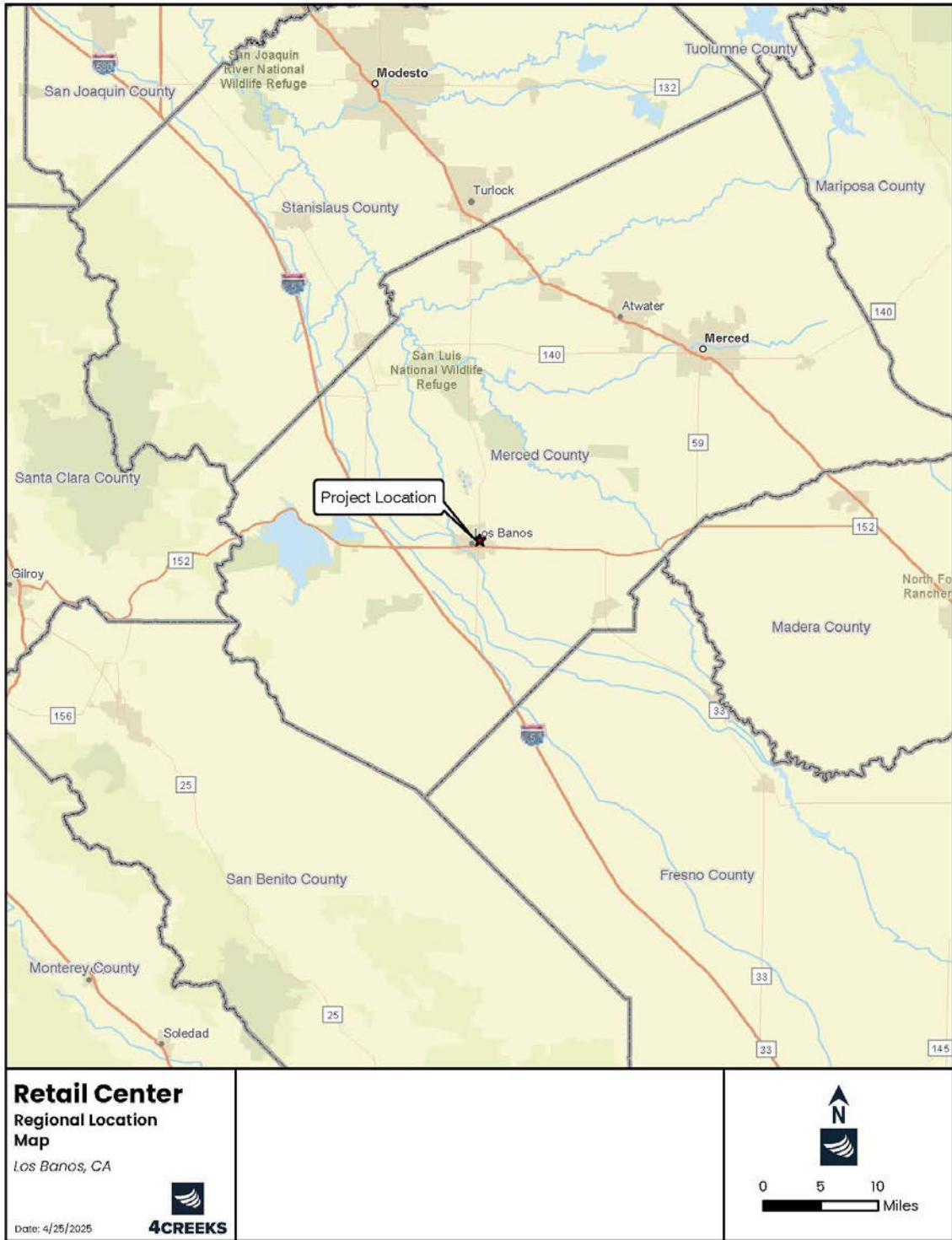


Figure 2-2 Vicinity Map



Figure 2-3. Site Plan





City of Los Banos

520 J Street
Los Banos, CA 93635

SECTION 3: Evaluation of Environmental Impacts

Project Title: Vintners Distributors LLC – Willmott Commercial Development Center

This document is the Initial Study/Mitigated Negative Declaration for the proposed subdivision of approximately 9.2 acres of currently vacant, undeveloped land for the construction and operation of a commercial center that would include a grocery building; retail/office building; two fast-food restaurants (with drive throughs); convenience market/café; gasoline fueling station (with six (6) fueling dispensers; and a car wash. Also, the Project would include a total of four (4) driveways for the Project site (two driveways on Mercey Springs Road and two driveways on Willmott Road). The Project will also provide a northbound right-turn deceleration lane from Willmott Road to the proposed southerly driveway on Mercey Springs Road. The new development will also include a parking lot, landscaping, exterior lighting, and utility improvements to be consistent with the City of Los Banos City Standards. The City of Los Banos is the Lead Agency for this Project under CEQA and the State CEQA Guidelines.

3.1 Purpose

This environmental document aims to implement CEQA. State CEQA Guidelines Section 15002(a) describes the basic purposes of CEQA:

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.*
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.*
- (3) Prevent significant, avoidable damage to the environment by requiring changes in Projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.*
- (4) Disclose to the public the reasons why a governmental agency approved the Project in the manner the agency chose if significant environmental effects are involved.*

This Initial Study of environmental impacts has been prepared to conform to the requirements of CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). According to State CEQA Guidelines Section 15070, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

(1) *The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment, or*

(2) *The initial study identifies potentially significant effects, but:*

a.) Revisions in the Project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and;

b.) There is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment.

3.2 Initial Study/Mitigated Negative Declaration

1. Project Title: Vintners Distributors LLC – Willmott Commercial Development Center

Lead Agency:

City of Los Banos
520 J Street
Los Banos, CA 93635
Contact Person: Stacy Souza Elms
Economic & Community Development Director
Phone Number: (209) 827-2433

2. Applicant: Sunny Goyal, AU Energy, LLC

41805 Albrae Street
Fremont, CA, 94538
(510) 270-3411

3. Contact Person: Chris Brown, PM Design Group, Inc.

2455 Bennett Valley Rd., Suite A102
Santa Rosa, CA 95404
(707) 921-1204

4. Project Location: As noted earlier, the proposed Project consists of an approximately 9-acre (9.2 acres) commercial development to be located on a currently vacant parcel at the northeast corner of Mercey Springs Road and Willmott Road in the City of Los Banos, California, encompassing one parcel (APN 428-280-011).

5. General Plan Designation: Regional Commercial

6. Zoning Designation: Highway Commercial (H-C)

7. Project Description: The Project proposes construction and operation of a commercial center on currently vacant land that would include a grocery building; retail/office building; two fast-food restaurants (with drive throughs); convenience market/café; gasoline fueling

station (with six (6) fueling dispensers; and a car wash. Also, the Project would include a total of four (4) driveways for the Project site (two (2) driveways on Mercey Springs Road and two (2) driveways on Willmott Road). The Project will also provide a northbound right-turn deceleration lane from Willmott Road to the proposed southerly driveway on Mercey Springs Road. The new development will also include a parking lot, landscaping, exterior lighting, and utility improvements to be consistent with the City of Los Banos City Standards.

Parking and Access

The Project will provide 343 parking stalls Two (2) access/egress driveways will be constructed along Mercey Springs Road and one (1) access/egress driveway will be constructed along Willmott Road.

Open Space Recreation

Not required for the Project. The Project will include landscaped areas containing grasses, shrubs/bushes, and ornamental trees.

Utilities

Pacific Gas & Electric (PG&E) would provide electricity to the Project Site. There are various providers (e.g., AT&T) available to provide telecommunication services. Stormwater would be retained on-site in bioretention basins then piped to the existing stormwater drainage system along Willmott Road and Mercey Springs Road. The sewer for the Project would tie into existing pipelines along Willmott and Mercey Spring Roads.

8. Surrounding Land Uses and Settings:

South, East, and West:

- Existing Land Use: Single-Family Residential
- Zoning: R-1 (Single-Family Residential)
- General Plan Designation: Low Density Residential

North:

- Existing Land Use: Commercial
- Zoning: HC (Highway Commercial)
- General Plan Designation: Commercial

9. Required Approvals: The following discretionary approvals are required for the proposed Project. It should be noted that this list is not exhaustive and additional permits and approvals may also be required:

- City of Los Banos
 - Approval of the Tentative Parcel Map, Site Plan Review, and Conditional Use Permit.
 - Other ministerial actions such as grading, building, and encroachment permits
- San Joaquin Valley Air Pollution Control District (SJVAPCD)

- Approval of the Dust Control Plan
- Compliance with Regulation VIII, Rules 3135, 4101, 9510, and others as determined by the SJVAPCD
- Central Valley Regional Water Quality Control Board
 - Approval of the Stormwater Pollution Prevention Plan

10. Native American Consultation: AB 52 requires the lead agency to notify tribes that have previously indicated they are traditionally and culturally affiliated with that geographic area regarding their expertise concerning tribal cultural resources. As part of the process of identifying tribal cultural resources in or near the Project Site, the City sent a letter via certified mail on March 27, 2025, inviting the local Tribes to consult with the City regarding this Project. The 30-day response window has closed and response or request for consultation has been received to date (May 7, 2025). As required by AB 52, the Tribal Consultation process will be completed prior to consideration of adoption of the mitigated negative declaration document.

Acronyms

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
APCD	Air Pollution Control District
AQMD	Air Quality Management District
ARB	Air Resources Board
BMP	Best Management Practices
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CRHR	California Register of Historical Resources
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	Carbon Monoxide
DOC	California Department of Conservation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EIA	Energy Information Administration
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
HCS	Hierarchical Cell Structure
HSC	Health and Safety Code
ISMND	Initial Study Mitigated Negative Declaration
LOS	Level of Service
MCL	Maximum Contaminant Level
MEIR	Master Environmental Impact Report
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NOI	Notice of Intent
NRHP	National Register of Historic Places
NPDES	National Pollutant Discharge Elimination System
OS	Open Space
O3	Ozone
PM10	Particulate Matter less than 10 microns
PM2.5	Particulate Matter less than 2.5 microns
PRC	Public Resources Code
ROW	Right-of-Way
RWQCB	Regional Water Quality Control Board
SB	Senate Bill

SJVAPCD San Joaquin Valley Air Pollution Control District

SWPPP Storm Water Pollution Prevention Plan

TAC Toxic Air Contaminant

TCR Tribal Cultural Resource

USGS United States Environmental Protection Agency

USEPA United States Geological Survey

USDOT United States Department of Transportation

3.3 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 reference information sources show that the impact simply does not apply to Projects like the one involved (e.g., the Project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impact.
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 (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3)(D). In this case, a brief discussion should identify the following:
 - Earlier Analysis Used. Identify and state where they are available for review.
 - 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.
 - Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated.” Describe and 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.

3.4 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.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology and Water Quality | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use and Planning | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities and Service System |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency) Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.

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. A Negative Declaration 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 (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is requested.

SIGNATURE	DATE
PRINTED NAME	City of Los Banos
	LEAD AGENCY

3.5 Environmental Analysis

The Project is the Vintners Distributors LLC – Willmott Commercial Development Center (hereinafter commercial/retail center or alternatively simply the proposed Project or Project.) The following section evaluates the impact categories and questions in the checklist and identifies mitigation measures, if applicable. It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Aesthetics resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated by reference herein in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated herein by reference in their entirety. It is noted that not all goals and policies for a particular resource will specifically apply to the Project, as such only those applicable to the Project have been included in the regulatory setting discussions. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

I.AESTHETICS

Would the Project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Figure 3-2 Vicinity Map, shows that the Project site is predominantly surrounded by existing residential uses. The photos in Figure 3-4 show that the proposed Project site is on a relatively flat area. As the immediate surroundings of the Project site are predominantly developed as single-family residential uses, no scenic vistas or other natural features, such as the Sierra Nevada Mountains to the east or the Coastal Range to the west, are visible from the Project site.

There are no aesthetic resources identified in the City of Los Banos General Plan; however, the views of the Sierra Nevada Mountains are considered to be an important scenic vista in Merced County.

Sierra Nevada Mountains and Coastal Range: The Sierra Nevada Mountain range and its foothills stretch along the east area of the county and are a valuable aesthetic resource. The Coastal Range are another valuable aesthetic resource that is located east of the City. However, as the project is essentially an infill development surrounded by existing residential uses on all sides, neither of these ranges are visible from the Project site.

Regulatory Setting

Federal

None that apply to the Project.

State

State Scenic Highways

The State Scenic Highway Program is implemented by the California Department of Transportation (Caltrans) and was developed to preserve the aesthetic quality of certain highway corridors. Highways included in this program are designated as scenic highways. A highway is designated as scenic based on how much of the natural landscape is visible to travelers, the quality of that landscape, and the extent to which development obstructs views of the landscape. There are no designated State Scenic Highways or highways that are eligible for designation within the City of Los Banos. The nearest officially designated State Scenic Highway in Merced County is approximately four (4) miles west of the city limit.

Local

City of Los Banos General Plan

The City of Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) describes the Los Banos Municipal Code (LBMC), Community Design Standards, and Goals and

Policies applicable to aesthetics. The LBMC includes various directives to minimize adverse impacts to visual resources in Los Banos.

Local

City of Los Banos General Plan

The City of Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) describes the Los Banos Municipal Code (LBMC), Community Design Standards, and Goals and Policies applicable to aesthetics. The LBMC includes various directives to minimize adverse impacts to visual resources in Los Banos.

Los Banos Municipal Code (LBMC)

The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to aesthetics impacts are included in Title 9, *Planning and Zoning*. The following are some LBMC sections applicable to the Project:

- Title 9, *Planning and Zoning*. The site development standards for each zoning district, such as, minimum lot area, maximum building coverage, maximum floor-area ratio (FAR), minimum setbacks, maximum height, yard size and open space, parking standards, lot sizes, set back standards and design standards, are contained throughout this title.
- Chapter 9.3, *Zoning*, Article 20, *Off-street Parking*. Section 9-3.2009, *Parking Design Standards*, states that for illuminated parking areas of nonresidential uses, lighting fixtures should be equipped with directional prismatic lenses and hooding devices to deflect lighting away from residential sites and from keep light from interfering with the driving safety of vehicular traffic.
- Chapter 9.3, *Zoning*, Article 21, *Performance Standards*. Section 9-3.2108, *Glare*, establishes a regulation that no direct or reflected glare, whether produced by floodlight or high temperature, shall be visible from any property boundary line. Direct sky-reflected glare shall not emanate from any building, so as to cause an annoyance or inconvenience, while in and about such area.
- Chapter 9.3, *Zoning*, Article 23, *Application Processing, Site Plan Review Procedure, Administrative Permits, Use Permits, Variances and Appeals*. Section 9-3.2317, *Project Review Board*, establishes the review body for projects in Los Banos. The Project Review Board reviews and considers the site plan design of project proposals in light of the General Plan, any applicable specific plan, the adopted design review policies set forth in the Community Design Standards, any applicable development standards set forth in this LBMC, and provides an advisory recommendation to the Planning Commission.

- Chapter 9.3, *Zoning*, Article 33, *Outdoor Lighting*. This chapter contains lighting requirements, ensuring the proper installation and maintenance of outdoor lighting to safeguard safety, security, and aesthetics. Section 9-3.3308, Design Standards, sets the quality lighting design standards aimed to reduce light pollution, undesired glare, and encourage quality lighting designs. Maximum height of ground-mounted luminaires on all pedestrian walkways are not to exceed a maximum height of 20 feet. All building luminance levels are required to not exceed 10 foot-candles.

The Los Banos General Plan Update 2042, in its entirety, can be accessed at:

<https://losbanos2042.org/>

The Los Banos General Plan 2042 Environmental Impact Report, in its entirety, can be accessed at:

https://losbanos2042.org/wp-content/uploads/2022/06/LosBanosGeneralPlan2042DraftEIR_061722.pdf

The Los Banos Planning and Zoning Ordinance, specifically Chapter 9 Section 3 Zoning, in its entirety, can be accessed at: <https://ecode360.com/43458430#43458430>

Los Banos Community Design Standards

The City adopted the Community Design Standards in November 2008 to promote excellence in the design of buildings, sites, and neighborhoods. The Community Design Standards are applied to new development or improvements to existing development in the following General Plan land use designations: Downtown Commercial, Highway, Commercial, Commercial, and Residential

The *Community Design Standards* are intended to assist staff and the decision-making bodies in judging the suitability of proposed projects in terms of their architecture, site design, landscaping, circulation, and compatibility with existing and planned adjacent development. The *Community Design Standards* are authorized through implementing ordinances in the LBMC that spell out procedures and adopt the provisions of the Community Design Standards by reference.

The main goal of the *Community Design Standards* is to help maintain the City's small-town atmosphere, while ensuring all new development is following the highest level of design quality. Design standards, organized by General Plan land use designations listed previously, address building size, mass, scale, and compatibility; facades and walls; architectural features and details; building entryways; window design; building materials; building color; rooftops; utilities and services; historic structures; setbacks; alleys, lanes, and driveways; off-street and on-street parking; loading docks, storage, and service facilities; open space and landscaping; lighting; signage; streets; streetscapes; pedestrian facilities; circulation; downtown gateways;

site layouts; sustainability; sensitivity to surroundings; single-family and multifamily; compact development; and character.

The Los Banos Community Design Standards, in its entirety, can be found at: https://losbanos.org/wp-content/uploads/2013/09/community_design_standards.pdf

Discussion

a) Would the Project have a substantial adverse effect on a scenic vista?

No Impact: A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscapes for the benefit of the general public. The Sierra Nevada Mountains are the primary scenic vista within this region. Areas along the eastern and western peripheries (edges) of the City can typically view the Sierra Nevada Mountains to the east and Coastal Range to the west; respectively.

The Project Site is located within the City of Los Banos in western Merced County. It is approximately 40 miles west of the foothills of the Sierra Nevada Mountains. Due to the distance and intervening urban development, there are no views of the mountains from the Site. Although located approximately six (6) miles from the Coastal Range, the range cannot be viewed from the Project location as the view is obstructed by existing development. As noted earlier, the Project involves developing an approximately 9-acre vacant parcel into a commercial/retail center that is surrounded on all sides by existing residential development within an area of the City already zoned and designated for the proposed commercial/retail uses.

According to the City of Los Banos 2042 General Plan EIR, the entire City does not contain any scenic vistas. Therefore, the proposed Project would not have an impact on this resource.

As such, based on the analysis and information provided herein, the Project would not obstruct or degrade any designated scenic vistas and there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within state scenic highway?

No Impact: There are no officially designated State Scenic Highways (Scenic Highway) within the City of Los Banos. As noted in the EIR, the nearest officially designated Scenic Highway is SR-152 from the Santa Clara line to the Merced County line at the junction between Interstate

5 (I-5), approximately four (4) miles west of the City's western limit. Merced County does not have any eligible State Scenic Highways. The distance and built environment between the Project Site and the I-5/SR-152 junction precludes visibility of the Project Site from the I-5/SR-152 junction. Additionally, the Project Site is currently vacant land with no scenic resources such as significant trees, rock outcroppings, or historic buildings.

Therefore, based on the analysis and information provided herein, the Project would not damage any scenic resources within a state scenic highway corridor. As such, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

c) In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of the Site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

No Impact: The Project Site is located within the City limits and is considered part of an urbanized area. The Project Site is zoned and designated for commercial land uses.

The Project design is required to adhere to the City's zoning regulations and design guidelines; thus, the Project would be consistent with City requirements for commercial development. Landscaping, building materials, and architectural styles would also be consistent with City standards. Therefore, based on the analysis and information provided herein, the Project would not conflict with applicable zoning or regulations governing scenic quality and would result in a *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact: The Project would introduce new lighting sources on the Project Site, including street lighting, exterior lighting, and interior lighting visible from windows at night. These lighting installations are typical for commercial development and are necessary for safety and functionality.

Project lighting would comply with the City's lighting standards and ordinances, which are designed to minimize light spillover, glare, and skyglow. Specifically, the Project would adhere to the City's Zoning Ordinance at Chapter 9.3, *Zoning*, Article 33, *Outdoor Lighting*. This chapter contains lighting requirements, ensuring the proper installation and maintenance of outdoor lighting to safeguard safety, security, and aesthetics. Section 9-3.3308, Design Standards, sets the quality lighting design standards aimed to reduce light pollution, undesired glare, and encourage quality lighting designs. Maximum height of ground-mounted luminaires on all pedestrian walkways are not to exceed a maximum height of 20 feet. All building luminance levels are required to not exceed 10 foot-candles.

Therefore, based on the analysis and information provided herein, the Project would result in a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

Cumulative Impact: Less Than Significant

The proposed Project would continue to be subject to General Plan goals, policies, and actions and the LBMC and Community Design Standards provisions related to aesthetics, including project-level design review requirements. Additionally, as part of the approval process, the Project is subject to design review, as applicable, to ensure that the development is aesthetically pleasing and compatible with adjoining land uses. With the development review mechanisms in place, the proposed Project would not create substantial impacts to visual resources. Therefore, based on the analysis and information provided herein, the proposed Project would not result in a cumulatively considerable impact on aesthetic resources and cumulative impacts would be *less than significant*.

II. AGRICULTURE AND FOREST RESOURCES:

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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 non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forestland or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Agricultural and Forest Resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by

reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Agriculture is a vital component of the City's economy and is a significant source of the County-wide and many Cities' cultural identity. As such, preserving the productivity of agricultural lands is integral to maintaining the overall culture and economic viability of the County.

The Project Site is not under a Williamson Act contract and is designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program. The Project Site is not currently used for agricultural operations.

Regulatory Setting

Although the General Plan contains numerous goals and policies applicable to this resource, the following is a discussion of those that ,

Federal

None that apply to the Project.

State

California Farmland Mapping and Monitoring Program (FMMP)

The FMMP is implemented by the California Department of Conservation (DOC) to conserve and protect agricultural lands within the State. The land included in this program is based on soil type, annual crop yields, and other factors that influence the quality of farmland. The FMMP mapping categories for the most important statewide farmland are as follows, defined by the DOC:

- **Prime Farmland:** Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. Prime farmland has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agriculture production at some time during the four years prior to the mapping date.
- **Farmland of Statewide Importance:** Is similar to Prime Farmland, but with minor shortcomings, such as steeper slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **Unique Farmland:** Consists of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been farmed at some time during the four years prior to the mapping date.
- **Farmland of Local Importance:** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In some counties, Confined Animal Agriculture facilities are part of Farmland of Local Importance but they are shown separately.
- **Grazing Land:** Is the land on which the existing vegetation is suited to the grazing of livestock suitable for grazing livestock.
- **Urban and Built-up Land:** Is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

Local

Merced County General Plan

Merced County has a significant agricultural economy and upbringing, with more than 90 percent of the entire land area being designated farmland. The 2030 Merced County General Plan is a comprehensive long-range guide for land in the unincorporated portions of the county, including land directly in the surrounding periphery of the Los Banos city limit. The plan was adopted in 2013. While the land within the city limit of Los Banos is regulated by the City's general plan, the unincorporated areas outside of the city limit is governed by the County General Plan.

City of Los Banos General Plan and EIR

The General Plan EIR concluded that conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, would designate a majority of these lands within the General Plan planning area to non-agricultural uses, would result in a significant impact. The General Plan 2042 Land Use (LU) Element; Parks, Open Space, and Conservation (P) Element; and Public Facilities and Services (PFS) Element contain goals, policies, and actions that require local planning and development decisions to consider impacts that development could have on existing agricultural land. The following General Plan 2042 goals, policies, and actions would

serve to minimize potential adverse impacts related to the loss of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland:

- Goal LU-1. Provide for orderly, well-planned, and balanced development.
 - Policy LU-P1.1 Promote sustainable, balanced, and well-paced growth and land use patterns that meet existing and future needs of Los Banos
 - Policy LU-P1.2 Maintain a well-defined compact urban form, with a defined urban growth boundary and development intensities on land designated for urban uses.
 - Policy LU-P1.12 Locate land uses to balance travel origins (homes) and destinations (schools, shopping, and jobs) as close as possible to reduce vehicle miles traveled (VMT).

Although the General Plan contains numerous goals and policies to minimize conversion of agricultural lands, the majority of them apply to areas remaining within unincorporated areas rather than incorporated areas within the City limit. As the proposed Project lies entirely within the City limits and is surrounded by development, agricultural-related goals/policies would not apply to this Project. Rather, the Project would be consistent with the land use goals/policies noted above.

Discussion

a) Would the Project 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 non-agricultural use?

Less Than Significant Impact: The Project Site is designated as Prime Farmland under DOC's FMMP. The Project site is currently vacant. The Project Site is located within the City's Urban Growth Boundary (UGB) and within the City limits. The Project Site is designated by the General Plan as a regional commercial land use designation and classified as a Highway Commercial (H-C) zone (see <https://losbanos.org/wp-content/uploads/2024/11/Los-Banos-Zoning-Map-Update-REV-11.15.23.pdf>)

The Project Site is already within the City limits, and therefore there are no General Plan policies that would require farmland mitigation. The adopted/certified General Plan EIR previously determined that agricultural land within the City limit would ultimately develop into urban-type uses and a Statement of Overriding Consideration (SOC) was included as part of the EIR's adoption/certification regarding this resource. Further, as the Project is within the City's UGB, within the City limits, and on land already designated for commercial use, the Project is consistent with the City's goals for orderly urban growth and efficient land use that was memorialized in the General Plan's Environmental Impact Report. Therefore, based on the analysis provided herein and the Project's consistency with the City's General Plan and zoning ordinances, the Project would result in a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act Contract?

No Impact: The Project site is not zoned for agricultural use nor is the Project site under an active Williamson Act contract. As noted earlier, the Project site has a General Plan land use designation of Regional Commercial and is classified as a Highway Commercial (H-C) zone. As such, the proposed Project is consistent with the existing zoning. Therefore, based on the analysis and information provided herein, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

c) Would the Project 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))?

No Impact: The Project site would not conflict with existing zoning for forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or Timberland Production (as defined by Government Code section 51104(g)). There is no forest land located on the Project Site, and the Project does not involve any activities related to forestry resources. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

d) Would the Project result in the loss of forestland or conversion of forest land to non-forest use?

No Impact: The Project site does not contain any forestland as defined under Public Resources Code section 12220(g) or Government Code. The Project site is currently vacant and is zoned for commercial development. As such, the Project would not result in the loss of

forestland or the conversion of forest land to non-forest use. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, no mitigation measures would be required.

e) Would the Project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

Less Than Significant Impact: The Project would permanently convert approximately 9.2 acres of Prime Farmland as shown in the FMMP. However, the Project site does not meet the Prime Farmland criteria that the land must have been used for irrigated agriculture production at some time during the four years prior to the mapping date. Further, the entire site where the Project would occur is currently vacant and devoid of any agricultural uses. While this represents a direct conversion of Farmland, several factors mitigate the significance of this impact:

- Consistency with UGB: The Project Site is within the City's UGB and City limits, where urban development is anticipated and encouraged. The Project is consistent with Policy LU-G-1 Promote a sustainable, balanced land use pattern that satisfies existing needs and safeguards future needs of the City; LU-G-2 Maintain a well-defined compact urban form, with a defined urban growth boundary and development intensities on land designated for urban uses. LU-1-4. Require contiguous development within the SOI unless it can be demonstrated that development of property which is contiguous to urban development is unavailable or economically infeasible. The Project would complement the existing single-family residential land uses immediately surrounding the Project site as it would provide proximate shopping, fueling, dining, and other consumer needs.
- Zoning and General Plan Compliance: The Project Site is zoned for commercial development and designated by the General Plan as Regional (which is consistent with the zoning). The Project's proposed commercial development is consistent with General Plan Policy LU-P1.1 Promote sustainable, balanced, and well-paced growth and land use patterns that meet existing and future needs of Los Banos; Policy LU-P1.2 Maintain a well-defined compact urban form, with a defined urban growth boundary and development intensities on land designated for urban uses; and Policy LU-P1.12 Locate land uses to balance travel origins (homes) and destinations (schools, shopping, and jobs) as close as possible to reduce vehicle miles traveled (VMT).
- Adjacent Land Uses: The Project is immediately adjacent to existing residential developments on all sides. The Project would complement the existing residential

neighborhoods that are located on all sides by improving community development cohesion.

- **No Impact on Adjacent Farmland:** The Project would not directly induce the conversion of adjacent Farmland to non-agricultural uses since the Project is consistent with the City's anticipated and previously approved growth patterns, which includes the land surrounding as well as the Project Site.

The Project comply with the City's planning policies, previously approved mitigation measures, and the promotion of orderly urban growth within the UDB as discussed in the adopted/certified General Plan EIR. Although Project involves the conversion of designated Farmland to a non-agricultural use, it is noted that the site does not meet the criteria as farmland as it has not been irrigated in more than four years prior to the mapping date. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

Cumulative Impact: Less Than Significant

As described in the Los Banos General Plan Draft EIR (EIR), the Los Banos planning area includes a buildout projection and population growth that would increase the urbanization of the city and potentially its SOI if annexation proposals are submitted. To accommodate anticipated growth and achieve City goals, the EIR anticipated and evaluated the conversion of agricultural land to various types of residential and job-generating development over time. Moreover, the 2030 Merced County General Plan EIR found that a significant cumulative impact would result with respect to the conversion of agricultural lands elsewhere in Merced County. With implementation of the proposed project in combination with agricultural impacts identified throughout Merced County, the proposed project would contribute to cumulative impacts to agricultural resources. However, in and of itself, the Project would not contribute to conversion of agricultural land previously identified in the EIR; rather, by developing within previously developed areas within the City limits the Project would preserve existing agriculturally productive lands within the City's periphery and within unincorporated areas of Merced County. As such, the Project's impact would be *less than significant*.

III. 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 With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Air Quality resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Qualified consultants Core Environmental Consulting, LLC., prepared the *“Technical Memorandum-an Air Quality, Greenhouse Gas, Health Risk Assessment for Vintners Distributors Los Banos”* (AQ Memorandum) project which is used to provide technical expertise support regarding air quality, greenhouse gas, and health risk assessment items of this MND. The AQ Memorandum is included in its entirety as Appendix B of this MND. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

San Joaquin Valley Air Basin

The Project lies in western Merced County, within the San Joaquin Valley Air Basin. The San Joaquin Valley Air Basin is bordered by the Sierra Nevada Mountains to the east, Coastal Ranges to the west, and the Tehachapi Mountains to the south. These mountain ranges restrict air movement and prevent the dispersal of pollution in the Valley below.

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is comprised of the San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare counties and the Valley portion of Kern County and has jurisdiction over most air quality matters in the San Joaquin Valley Air Basin (SJVAB). Due to topographic features and the prevalence of agriculture in the region, the San Joaquin Valley Air Basin has one of the most severe air pollution problems in the State of California and the nation. Air pollution is hazardous to health, reduces visibility, degrades or soils materials, and can damage native vegetation. State and national ambient air quality standards were created to protect health and welfare, and to minimize other impacts. The ambient air quality standards are outlined in the Regulatory Setting section.

The SJVAPCD has developed a Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) to act as an advisory document for addressing air quality in environmental documents. The GAMAQI was used as a guide for addressing air quality impacts in this report.

Air Pollutants of Concern

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards for outdoor concentrations. The federal and state standards have been set at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons such as children, pregnant women, and the elderly, from illness or discomfort. Criteria air pollutants include ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter 2.5 microns or less in diameter (PM_{2.5}), particulate matter ten microns or less in diameter (PM₁₀), and lead (Pb). Note that reactive organic gases (ROGs), which are also known as reactive organic compounds (ROCs) or volatile organic compounds (VOCs), and nitrogen oxide (NO_x) are not classified as criteria pollutants. However, ROGs and NO_x are widely emitted from land development projects and participate in photochemical reactions in the atmosphere to form O₃; therefore, NO_x and ROGs are relevant to the proposed Project and are of concern in the air basin and are listed below along with the criteria pollutants. As shown in Table 3-1, the SJVAB is in nonattainment for several pollutant standards.

Ozone

Ozone is not emitted directly into the environment but is generated from complex chemical reactions between reactive organic gases (ROG), or non-methane hydrocarbons, and oxides of nitrogen (NOX) that occur in the presence of sunlight. ROG and NOX generators in Merced County include motor vehicles, recreational boats, other transportation sources, and industrial processes.

PM10

PM10, or particulate matter, is a complex mixture of primary or directly emitted particles, and secondary particles or aerosol droplets formed in the atmosphere by precursor chemicals.

Carbon Monoxide

Carbon Monoxide (CO) is a colorless, odorless, and poisonous gas produced by incomplete burning of carbon in fuels. When CO enters the bloodstream, it reduces the delivery of oxygen to the body's organs and tissues. Health threats are most serious for those who suffer from cardiovascular disease, particularly those with angina or peripheral vascular disease. Exposure to elevated CO levels can cause impairment of visual perception, manual dexterity, learning ability and performance of complex tasks. The primary source of carbon monoxide is automobile use.

Nitrogen Dioxide

Nitrogen Dioxide (NO₂) is a brownish, highly reactive gas that is present in all urban atmospheres. NO₂ can irritate the lungs, cause bronchitis and pneumonia, and lower resistance to respiratory infections. Nitrogen oxides are an important precursor both to ozone (O₃) and acid rain and may affect both terrestrial and aquatic ecosystems.

The major mechanism for the formation of NO₂ in the atmosphere is the oxidation of the primary air pollutant nitric oxide (NO). NO₂ plays a key role, together with VOCs, in the atmospheric reactions that produce O₃. NO₂ forms when fuel is burned at hot temperatures. The two major emission sources are transportation and stationary fuel combustion sources such as electric utility and industrial boilers.

Sulfur Dioxide

Sulfur Dioxide (SO₂) affects breathing and may aggravate existing respiratory and cardiovascular disease in high doses. Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children, and the elderly. SO₂ is also a primary contributor to acid deposition, or acid rain, which causes acidification of lakes and streams and can damage trees, crops, historic buildings, and statues. In addition, sulfur compounds in the air contribute

to visibility impairment in large parts of the country. This is especially noticeable in national parks. Ambient SO₂ results largely from stationary sources such as coal and oil combustion, steel mills, refineries, pulp, and paper mills and from nonferrous smelters.

Table 3-1: San Joaquin Valley Attainment Status.

Pollutant	Federal Standards	State Standards
	Ozone – One hour	No Federal Standard ^f
Ozone – Eight hour	Nonattainment/Extreme ^e	Nonattainment
PM 10	Attainment ^c	Nonattainment
PM 2.5	Nonattainment ^d	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Unclassified
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

^a See 40 CFR Part 81
^b See CCR Title 17 Sections 60200-60210
^c On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.
^d The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).
^e Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).
^f Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

Source: SJVAPCD

Ambient Air Quality

Ambient air quality in Los Banos can be inferred from ambient air quality measurements conducted at the nearest air quality monitoring station located in Merced, CA. Existing levels of ambient air quality and historical trends and projections in the vicinity of Los Banos are documented by measurements made by the SJVAPCD, which also maintains air quality monitoring stations which process ambient air quality measurements.

The purpose of the monitoring station is to measure ambient concentrations of pollutants and determine whether ambient air quality meets the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). Ozone and particulate matter (PM10 and PM2.5) are pollutants of particular concern in the SJVAB. The monitoring station located closest to the proposed Project site and most representative of air quality near the proposed Project site are in Merced, which is approximately 8.56 miles north of the Project site. Ambient emission concentrations vary due to localized variations in emissions sources and climate and should be considered “generally” representative of ambient concentrations

near the Project site. Air monitoring data was retrieved from the S. Coffee Avenue monitoring station to provide data from the years 2014 to 2023. This monitoring station provided only ozone readings at this location which showed that nine (9) ozone Estimated Expected Number of Exceedance Days had occurred during this 10-Year period. Merced's 2334 M Street monitoring station recorded PM10 emissions showing no monitored exceedances between 2014-2023; however, 5.8 "estimated" days occurred in 2020. The M Street site's PM2.5 data showed an average of 10.1 exceedances per year during the 10-Year monitoring period and 11.6 exceedance per year during the 10-Year monitoring period at the S. Coffee Avenue site. It is noted that an exceedance of a standard is not necessarily related to a violation of the standard. Air monitoring data can be found on the California Air Resources Board website at: <https://arb.ca.gov/adam/trends/trends1.php>. California and National Air Quality Standards has been included in Table 3-2, California and National Ambient Air Quality Standards.

Pollutant	Averaging Time	California Standards	National Standards	
		Concentration ³	Primary	Secondary
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)	--	Same as Primary Standard
	8 Hour	0.070 ppm (137 µg/m ³)	0.075 ppm (147 µg/m ³)	
Respirable Particulate Matter (PM ₁₀)	24 Hour	50 µg/m	150 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m ³	--	
Fine Particulate Matter (PM _{2.5})	24 Hour	--	35 µg/m ³	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m ³	15 µg/m ³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	--
	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	--
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)	--	--
Nitrogen Dioxide (NO ₂) ⁸	1 Hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	--
	Arithmetic Mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)	Same as Primary Standard
Sulfur Dioxide	1 Hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	--
	3 Hour	--	--	0.5 ppm (1300 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (for certain areas)	--
	Annual Arithmetic Mean	--	0.030 ppm (for certain areas)	--
Lead ^{10,11}	30 Day Average	1.5 µg/m ³	--	--
	Calendar Quarter	--	1.5 µg/m ³ (for certain areas)	Same as Primary Standard
	Rolling 3-Month Average	--	0.15 µg/m ³	

Visibility Reducing Particles ¹²	8 Hour	See Footnote 1	No National Standards
Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	
Vinyl Chloride ¹⁰	24 Hour	0.01 ppm (26 $\mu\text{g}/\text{m}^3$)	
<i>Source: California Air Resources Board (CARB). 2016.</i>			

Toxic Air Contaminants

In addition to the criteria pollutants discussed above, toxic air contaminants (TACs) are another group of pollutants of concern. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For regulatory purposes, carcinogenic TACs are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals. Noncarcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis.

There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes, such as petroleum refining and chrome-plating operations; commercial operations, such as gasoline stations and dry cleaners; and motor vehicle exhaust. Public exposure to TACs can result from emissions from normal operations, as well as from accidental releases of hazardous materials during upset conditions. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage, or short-term acute effects such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches.

To date, CARB has designated 244 compounds as TACs. Additionally, CARB has implemented control measures for a number of compounds that pose high risks and show potential for effective control. The majority of the estimated health risks from TACs can be attributed to a relatively few compounds. CARB identified diesel particulate matter (DPM) as a TAC. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particulates and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine.

Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, lightheadedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. Sensitive population groups include children, the elderly, the acutely ill, and the chronically ill, especially those with cardiovascular diseases. Residential areas are considered sensitive receptors to air pollutions because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Children are considered more susceptible to health effects of air pollution due to their immature immune systems and developing organs. As such, schools are also considered sensitive receptors, as children are present for extended durations and engage in regular outdoor activities. Recreational land uses are considered moderately sensitive to air pollution. Although exposure periods are generally short, exercise places a high demand on respiratory functions, which can be impaired by air pollution. In addition, noticeable air pollution can detract from the enjoyment of recreation.

Regulatory Setting

Regional Attainment Status

The state and federal standards for the criteria pollutants are presented in Section 8.4 of The San Joaquin Valley Unified Air Pollution Control District's 2015 "Guidance for Assessing and Mitigating Air Quality Impacts". These standards are designed to protect public health and welfare. The "primary" standards have been established to protect public health. The "secondary" standards are intended to protect the nation's welfare and account for air pollutant effects on soils, water, visibility, materials, vegetation, and other aspects of general welfare. The U.S. EPA revoked the national 1-hour ozone standard on June 15, 2005, and the annual PM₁₀ standard on September 21, 2006, when a new PM_{2.5} 24-hour standard was established.

CEQA requires lead agencies to determine if each Project of a certain threshold has an impact on the air quality of the area. The Air Quality standards and Greenhouse Gas guidance measures are used to establish levels of air quality impact of a Project. The following regulatory background represents global, federal, state, and local standards and guidance that have been reviewed in this study.

Federal Clean Air Act

The 1977 Federal Clean Air Act (CAA) authorized the establishment of the National Ambient Air Quality Standards (NAAQS) and set deadlines for their attainment. The Clean Air Act identifies specific emission reduction goals, requires both a demonstration of reasonable further progress and an attainment demonstration, and incorporates more stringent sanctions for failure to meet interim milestones. The U.S. EPA is the federal agency charged with administering the Act and other air quality-related legislation. EPA's principal functions include setting NAAQS; establishing minimum national emission limits for major sources of pollution; and promulgating regulations. Under CAA, the NCCAB is identified as an attainment area for all pollutants.

California Clean Air Act

California Air Resources Board coordinates and oversees both state and federal air pollution control programs in California. As part of this responsibility, the California Air Resources Board monitors existing air quality, establishes California Ambient Air Quality Standards, and limits allowable emissions from vehicular sources. Regulatory authority within established air basins is provided by air pollution control and management districts, which control stationary-source and most categories of area-source emissions and develop regional air quality plans. The Project is located within the jurisdiction of the San Joaquin Valley Air Pollution Control District. *San Joaquin Valley Air Pollution Control District (SJVAPCD)*

The SJVAPCD is responsible for enforcing air quality standards in the Project area. The following SJVAPCD rules and regulations may apply to the proposed Project (and is not all inclusive):

- **Rule 2010:** Permits Required. The purpose of this rule is to require any person constructing, altering, replacing, or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting, or falsifying any Permit to Operate.
- **Rule 3135:** Dust Control Plan Fee. All Projects which include construction, demolition, excavation, extraction, and/or other earth moving activities as defined by Regulation VIII (Described below) are required to submit a Dust Control Plan and required fees to mitigate impacts related to dust.
- **Rule 4002:** National Emission Standards for Hazardous Air Pollutants. This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).

- **Rule 4101:** Visible Emissions. District Rule 4101 prohibits visible emissions of air contaminants that are dark in color and/or have the potential to obstruct visibility.
- **Rule 4102:** Nuisance. The purpose of this rule is to protect the health and safety of the public.
- **Rule 4601:** Architectural Coatings. The purpose of this rule is to limit VOC emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.
- **Rules 4621:** Gasoline Transfer Into Stationary Storage Containers, Delivery Vessels, and Bulk Plants. The purpose of this rule is to limit VOC emissions from stationary storage containers, delivery vessels, and bulk plants and to provide the administrative requirements for determining compliance with this rule.
- **4622:** Gasoline Transfer into Motor Vehicle Fuel Tanks. The purpose of this rule is to limit emissions of gasoline vapors from the transfer of gasoline into motor vehicle fuel tanks.
- **4623:** Storage of Organic Liquids. The purpose of this rule is to limit Volatile Organic Compound (VOC) emissions from the storage of organic liquids.
- **4624:** Transfer of Organic Liquid. The purpose of this rule is to limit Volatile Organic Compound (VOC) emissions from the transfer of organic liquids.
- **Rule 4641:** Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.
- **Rule 9510:** Indirect Source Review (ISR). This rule reduces the impact PM10 and NOX emissions from growth on the SJVB. This rule places application and emission reduction requirements on applicable development Projects in order to reduce emissions through onsite mitigation, offsite SJVAPCD administered Projects, or a combination of the two. This Project will submit an Air Impact Assessment (AIA) application in accordance with Rule 9510's requirements.
- **Regulation VIII:** Fugitive PM10 Prohibitions. Regulation VIII is composed of eight rules which together aim to limit PM10 emissions by reducing fugitive dust. These rules contain required management practices to limit PM10 emissions during construction, demolition, excavation, extraction, and/or other earth moving activities.

City of Los Banos

The LBMC and General Plan contain numerous air quality goals, policies, standards, etc. applicable to the Project. The following is not all inclusive and other applicable rules and regulations may apply.

General Plan

The following General Plan 2042 goals and policies would minimize potential adverse air quality impacts:

Goal LU-4. Protect and enhance Los Banos' image and unique sense of place.

Policy LU-P4.8. Facilitate environmentally sensitive development practices by:

- Exploring and promoting the use of new sustainable building materials, such as mass timber and cross laminated timber in new development, consistent with State building codes;
- Encouraging the purchase of locally or regionally available materials, when practical;
- Encouraging both passive solar design features and the incorporation of solar panels or solar readiness;
- Promoting the use of the U.S. Green Building Council's LEED rating system; and
- Creating Green Building Design Guidelines to be used in the development review process.

Goal C-2. Make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks, and employment centers for all users, and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy.

Policy C-P2.6. Reduce vehicle miles traveled (VMT) through measures such as improvements to public transportation and carpooling and offering safe routes for pedestrians and bicyclists.

The following General Plan 2042 goal and policies would minimize potential adverse impacts related to construction phase (short-term) regional criteria air pollutant emissions.

Goal P-11. Maintain and improve air quality within Los Banos.

Policy P-P11.6. Require developers to implement best management practices to reduce air pollutant emissions due to construction work and operation of equipment. During clearing, grading, earth-moving or excavation operations, fugitive dust emissions shall be controlled by regular watering, paving of construction roads, or other dust-preventive measures.

- All materials excavated or graded shall be either sufficiently watered or covered by canvas or plastic sheeting to prevent excessive amounts of dust.
- All materials transported off-site shall be either sufficiently watered or covered by canvas or plastic sheeting to prevent excessive amounts of dust.

- All motorized vehicles shall have their tires watered before exiting a construction site.
- The area disturbed by demolition, clearing, grading, earth-moving, or excavation shall be minimized at all times.
- All construction-related equipment shall be maintained in good working order to reduce exhaust from this equipment. As part of the development process, individual, site-specific projects accommodated under the proposed project that meet the criteria of SJVAPCD Rule 9510 (Indirect Source Review (ISR)) would be required to prepare a detailed air quality impact assessment. To the extent applicable under Rule 9510 for each individual development, SJVAPCD would require calculation of the construction emissions from the development. The purpose of the air quality impact assessment is to confirm a development's construction exhaust emissions, and therefore be able to identify appropriate mitigation, either through implementation of specific mitigation measures (e.g., use of construction equipment with USEPA Tier 4-rated engines) or payment of applicable off-site fees. As stated, under Rule 9510, each project that is subject to this Rule would be required to reduce construction exhaust emissions by 20 percent for NOx or pay offset mitigation fees for emissions that do not achieve the mitigation requirements. In addition to Rule 9510, future individual projects would also be subject to other regulatory measures, such as SJVAPCD Rules 4101 and 4601 and CARB's Airborne Toxic Control Measures.

Los Banos Municipal Code

The Los Banos Municipal Code (LBMC) includes various directives to minimize adverse impacts to air quality in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to air quality impacts are included in Title 9, Planning and Zoning, and Title 10, Parks and Recreation, as follows:

- Chapter 3, Zoning, Article 21, Performance Standards, Section 9-3.2106, Odors. Prohibits odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the lot line. In addition, this ordinance requires installation of a secondary safeguard system to control odors should the primary safeguard system fail. (Section 5.25, Ord. 342, as amended by Section 182, Ord. 1095, eff. November 20, 2010)
- Chapter 3, Zoning, Article 21, Performance Standards, Section 9-3.2107, Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. Prohibits emissions that can cause any damage to health, animals, vegetation, or other forms of property or which can cause any excessive soiling at any point. (Section 5.25, Ord. 342, as amended by Section 182, Ord. 1095, eff. November 20, 2010)
- Chapter 1.12, Adoption of the California Green Building Standards Code 2022 Edition. This chapter incorporates CCR Title 24, Part 11, California Green Building Standards Code

Discussion

Thresholds of Significance

The impact analysis provided in the discussion below is based on the application of the following CEQA Guidelines Appendix G, which indicates that a project would have a significant impact on air quality if it would:

1. *Conflict with or obstruct implementation of any applicable air quality plan.*
2. *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.*
3. *Expose sensitive receptors to substantial pollutant concentrations.*
4. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

The significance criteria established by the applicable air quality management or air pollution control district (i.e., SJVAPCD for the Project) may be relied upon to make the above determinations. According to the SJVAPCD, an air quality impact is considered significant if the proposed Project would violate any ambient air quality thresholds, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SJVAPCD has established thresholds of significance for air quality for construction and operational activities of land use development projects, which is shown in Table 3-3 – SJVAPCD Thresholds of Significance for Criteria Pollutants.

Table 3-3. Regional Thresholds for Construction and Operational Emissions			
Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	Emissions (tpy)	Emissions (tpy)	Emissions (tpy)
CO	100	100	100
NOx	10	10	10
ROG	10	10	10
SOx	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Source: SJVAPCD 2015. Guidance for Assessing and Mitigating Air Quality Impacts.

SJVAPCD has also established the following thresholds of significance for risk exposure to toxic air contaminants to nearby sensitive receptors to the Project site, shown below in Table 3-.

Table 3-4: Thresholds of Significance for Toxic Air Contaminants (TAC's)	
Carcinogens	Maximally Exposed Individual risk equals or exceeds 20 in one million
Non-Carcinogens	Acute: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
	Chronic: Hazard Index equals or exceeds 1 for the Maximally Exposed Individual
<i>Source: SJVAPCD</i>	

CO Hotspot Analysis

In addition to the daily thresholds listed above, the proposed Project area would also be subject to the ambient air quality standards, through an analysis of localized CO impacts. The California 1-hour and 8-hour CO standards are:

- 1-hour = 20 parts per million (ppm)
- 8-hour = 9 parts per million (ppm)

The significance of localized impacts depends on whether ambient CO levels in the vicinity of the Project site are above state and federal standards for carbon monoxide. Carbon monoxide concentrations in the San Joaquin Air Basin currently meets the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO).

Methodology

Air pollution emissions can be estimated by using emission factors and examining the level of activity occurring. Emission factors are the emission rate of a pollutant given the activity over time; for example, grams of NO_x per horsepower hour. The ARB has published emission factors for on-road equipment and vehicles in the OFFROAD emission model. An air emissions model (or calculator) combines the emission factors and the various levels of activity and outputs the emissions for the various pieces of equipment.

The California Emissions Estimator (CalEEMod), Version 2022.1.1, is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutants and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use Projects. The model quantifies direct emissions from construction and operations, including vehicle use, as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model incorporates Pavley standards and Low Carbon Fuel standards into the mobile source emission factors. Further, the model identifies mitigation measures to reduce criteria pollutant

and GHG emissions along with calculating the benefits achieved from measures chosen by the user. The CalEEMod model was run based off of the following land use assumption:

- The Project includes a 20,000 square feet (sq. ft.) grocery/retail building; a 12,000 sq. ft. (two story); retail/office building; two fast-food restaurants with drive throughs totaling 5,625 sq. ft.; a 4,280 sq. ft. convenience market/café;
- Gasoline dispensing facility (GDF) with six (6) fuel dispensers; a 2,425 sq. ft. car-wash;
- Associated infrastructure, parking, and site improvements; and
- For the purpose of estimating emissions, construction was assumed to begin January 2026 and last for the default durations calculated by the CalEEMod.

CalEEMod default values were used to estimate construction trips, trip lengths, emission factors for construction equipment, trips and VMT, architectural coatings, area sources, water and wastewater, and solid waste generation. In order to account for recent changes to new residential building standards (2022 update to Title 24, Part 6 of the California Code of Regulations), no natural gas usage is expected for the proposed Project. This update mandates that new homes constructed from 2023 onward must be equipped with electric systems capable of supporting all-electric appliances, which assisted the transition for developers. Therefore, all default natural gas emission factors were set to zero. Electricity to the Project Site would be provided by Southern California Edison. Other non-defaults included locational context, Project-specific construction equipment and schedule, the exclusion of gas, propane, and electric fireplaces, and wood stoves, and the use of the SJVAPCD district-accepted operational fleet mix for residential projects. The full CalEEMod Report for the Project can be found in Appendix A.

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact: The SJVAPCD drafted a series of State Implementation Plans (SIP) for the criteria pollutants that are of concern for the San Joaquin Valley Air Basin. The integration of multiple SIPs for each criteria pollutant collectively form the air quality plan for the San Joaquin Valley Air Basin. The most recent SIP is the “2024 Plan for the 2012 PM 2.5 Standard”, which focuses on meeting the annual PM 2.5 standard of 12 micrograms/cubic meters originally set in 2012. This SIP includes measures to reduce fine particulate matter emissions and improve air quality by the year 2030. The SJVAPCD has established thresholds in the adopted SIPs and other air quality plans prepared by the Air District. These thresholds are depicted earlier in Tables 3-3 and 3-4 for construction and operation. Criteria for determining consistency with the established standards are whether or not the Project’s estimated emissions exceed those thresholds established by the Air District. As long as the Project construction and operational emissions do not exceed the thresholds, the Project would not result in new air violations, delay the timely attainment of air quality standards, or result in increased severity of an existing air quality violation.

Ambient Air Quality

As discussed in the AQ Memorandum (pages 3-4), "The exposure of sensitive receptors to substantial pollutant concentrations can occur if the Project would result in localized exceedances of National or California Ambient Air Quality Standards (NAAQS/CAAQS), or if Project emissions of Toxic Air Contaminants (TAC) would exceed SJVAPCD thresholds of significance (discussed in the HRA section below [in the AQ Memorandum, page 4]). SJVAPCD has determined that, if maximum Project criteria pollutant emissions are below 100 pounds per day for each pollutant, it can be concluded that the Project would not result in a localized exceedance of NAAQS or CAAQS and no further Ambient Air Quality Analysis (AAQA) is required.

The Project includes a variety of different land uses, with mobile emissions resulting from one-way trip lengths of 2 to 4 miles, which is several times the distance prescribed for AAQA. Operational mobile CO emissions were therefore adjusted to include onsite and ¼ mile offsite travel distance. The longest side of the project site was measured, and half of this distance was assumed to be the average total onsite travel distance. Most users would travel a shorter distance (for example, the convenience market, near the boundary, alone accounts for nearly as many VMT as the next three highest uses combined), but this would maintain a health-conservative approach. The ¼ offsite distance was doubled to account for arrival and departure, which again is not required but included to be health-conservative. Thus, a total adjusted travel distance (onsite plus 2x offsite) was deliberately overestimated as 0.575 miles. Total maximum daily mobile CO emissions by source were obtained from the CalEEMod results (Attachment 2). The average trip length by land use was calculated (because it is no longer directly displayed in the latest version of CalEEMod) by dividing the VMT per year by the trips per year, for each land use. The adjusted trip length described above (onsite plus 2x offsite) was divided by the average trip length for each land use to obtain the fraction of trip length that would occur within the adjusted trip length prescribed by APR 2030 (onsite plus 2x the ¼ mile offsite distance) for each land use. The fraction of adjusted trip length, for each land use, was multiplied by the total maximum daily mobile CO emissions for each land use to obtain the adjusted trip length daily mobile CO emissions for each land use. The Project includes a variety of different land uses, with mobile emissions resulting from one-way trip lengths of 2 to 4 miles, which is several times the distance prescribed for AAQA. Operational mobile CO emissions were therefore adjusted to include onsite and ¼ mile offsite travel distance. The longest side of the project site was measured, and half of this distance was assumed to be the average total onsite travel distance. Most users would travel a shorter distance (for example, the convenience market, near the boundary, alone accounts for nearly as many VMT as the next three highest uses combined), but this would maintain a health-conservative approach. The ¼ offsite distance was doubled to account for arrival and departure, which again is not required but included to be health-conservative. Thus, a total adjusted travel distance (onsite plus 2x offsite) was deliberately overestimated as 0.575 miles. Total maximum daily mobile CO emissions by source were obtained from the CalEEMod results (Attachment 2 [in the AQ Memorandum, Appendix B of

this MND]). The average trip length by land use was calculated (because it is no longer directly displayed in the latest version of CalEEMod) by dividing the VMT per year by the trips per year, for each land use. The adjusted trip length described above (onsite plus 2x offsite) was divided by the average trip length for each land use to obtain the fraction of trip length that would occur within the adjusted trip length prescribed by APR 2030 (onsite plus 2x the ¼ mile offsite distance) for each land use. The fraction of adjusted trip length, for each land use, was multiplied by the total maximum daily mobile CO emissions for each land use to obtain the adjusted trip length daily mobile CO emissions for each land use. The adjusted emissions were then summed for a total adjusted trip length maximum daily mobile CO emissions and added to the total maximum daily area and energy emissions (nonadjusted) for a grand total maximum daily adjusted trip length CO emissions. The overall approach is health-conservative and represents a worst-case scenario.

The adjusted trip length CO calculations are included as Attachment 3 [in the AQ Memorandum, Appendix B of this MND]. Maximum Daily Criteria Pollutant Emissions are Compared to the 100-lb-per-day AAQA applicability threshold in the table below [Table 3-5]. Adjusted operational CO emissions are presented in that field; all other emissions are the total maximum daily emissions for simplicity.

Table 3-5: Maximum Daily Criteria Pollutant Emissions Compared to AAQA Screening Threshold (lb./da)						
CONSTRUCTION	CO	Nox	ROG	SOx	PM10	PM2.5
Construction Emissions (max daily, worst year, worst season)	21.9	4.57	13.9	0.05	19.9	10.2
Exceeds 100 lb./day?	NO	NO	NO	NO	NO	NO
OPERATION	CO¹	Nox	ROG	SOx	PM10	PM2.5
Operational Emissions (max daily, worst season)	30	5.88	7.51	0.05	3.93	1.05
SJVAPCD Threshold of Significance	100	10	10	27	15	15
Exceeds 100 lb./day?	NO	NO	NO	NO	NO	NO
<i>CO = carbon monoxide</i> <i>NOx = oxides of nitrogen</i> <i>ROG = reactive organic gases</i> <i>SOx = oxides of sulfur; sulfur dioxide (SO2) is the primary constituent and essentially equivalent</i> <i>PM10 = particulate matter with an aerodynamic diameter less than 10 microns</i> <i>PM2.5 = particulate matter with an aerodynamic diameter less than 2.5 microns</i>						
¹ Operation CO emissions were adjusted for onsite plus 2X ¼ offsite (both ways) as described above; all other emission are totals.						

As shown in the table above, none of the maximum daily criteria pollutant emissions from the Project would exceed the 100-pound-per-day applicability threshold for construction or operation. Therefore, no further AAQA is required and the Project would not expose sensitive receptors to substantial pollutant concentrations by resulting in a localized exceedance of NAAQS or CAAQS. With respect to the numerical threshold established by SJVAPCD, the associated impact would be **less than significant**. No mitigation is required outside of compliance with existing regulations. As discussed in the Criteria Pollutants section above, emissions are expected to be even lower with implementation of all State, regional, and local measures.

To reiterate, as shown in Table 3-5, Project construction and operational emissions would not exceed the SJVAPCD thresholds of significance. As the Project is not anticipated to exceed any SJVAPCD thresholds of significance, the Project will not conflict with or delay the implementation of the SJVAPCD attainment/implementation plans for criteria pollutants. Therefore, based on the analysis and information provided herein, the impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

b) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable Federal or state ambient air quality standard?

Less Than Significant Impact: The SJVAPCD is responsible for bringing air quality in the Los Banos planning area into compliance with federal and state air quality standards. The significance thresholds and rules developed by the SJVAPCD are designed to prevent Projects from violating air quality standards or significantly contributing to existing air quality violations. As discussed in Item a), neither construction-related emissions nor operation-related emissions will exceed thresholds established by the SJVAPCD.

Criteria Pollutants

As indicated in the AQ Report (page 2), "Criteria pollutant emissions were estimated using CalEEMod, version 2022.1.1.29. Building and site improvement square footages were taken from the Proposed Tentative Parcel Map. The Strip Mall land use subtype was selected for the general retail uses because the usage characteristics are the most similar and CalEEMod does not include a separate general retail subtype. The two-story retail/office building includes a first story retail use and a second story general office; consistent with the CalEEMod User Guide, the first story includes the building footprint as lot acreage and the general office lot acreage was set to zero (0). The GDF was modeled based on number of pumps, for the most accurate usage estimates, and the building square footage was set to 0 because the associated market is included as a separate use. All of the non-building paved areas were included as a parking lot along with landscaping areas. CalEEMod defaults were used for the remaining inputs.

Initial results indicated that none of the criteria pollutants would exceed SJVAPCD thresholds of significance; however, as further explained in the Health Risk Assessment section below, cancer risk associated with diesel particulate matter (DPM) from construction could potentially exceed the SJVAPCD threshold. Therefore, Mitigation Measure HRA-1 (Tier 4 Final

Engine Controls for all Diesel-Fueled Off-Road Construction Equipment) was applied to reduce construction cancer risks to a less-than-significant level. The CalEEMod results are included as Attachment 2 [in the AQ Memorandum, Appendix B herein].”

Table 3-6 presents the estimated emissions generated during construction of the Project. The full CalEEMod estimates can be found in Appendix A of this report.

Table 3-6: Criteria Pollutant Emissions Compared to SJVAPCD Thresholds of Significance (tons per year)						
CONSTRUCTION	CO	Nox	ROG	Sox	PM10	PM2.5
Construction Emissions (mitigated, worst year)	2.14	0.41	.015	<0.005	0.20	0.10
SJVAPCD Threshold of Significance	100	10	10	27	15	15
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
OPERATION	CO	Nox	ROG	Sox	PM10	PM2.5
Operational Emissions	30	5.88	7.51	0.05	3.93	1.05
SJVAPCD Threshold of Significance	100	10	10	27	15	15
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
<i>CO = carbon monoxide</i> <i>NOx = oxides of nitrogen</i> <i>ROG = reactive organic gases</i> <i>SOx = oxides of sulfur; sulfur dioxide (SO2) is the primary constituent and essentially equivalent</i> <i>PM10 = particulate matter with an aerodynamic diameter less than 10 microns</i> <i>PM2.5 = particulate matter with an aerodynamic diameter less than 2.5 microns</i>						

The Project will comply with all applicable SJVAPCD rules and regulations, which will further reduce the potential for any significant impacts related to air quality as a result of Project implementation. Because these thresholds and regulations are designed to achieve and/or maintain federal and state air quality standards, and the Project is compliant with these thresholds and regulations, the Project will not violate an air quality standard or significantly contribute to an existing air quality violation. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact: This discussion is partially based on the Health Risk Assessment (HRA) prepared by qualified consultants Core Consulting, LLC., which can be found in Appendix B.

Health Risk Assessment

As noted in the AQ Memorandum (pages 4-5) and summarized as follows, “The Health Risk Assessment (HRA) in this Technical Memo was prepared in accordance with the guidelines outlined in the Office of Environmental Health Hazard Assessment (OEHHA) *Guidance Manual for Preparation of Health Risk Assessments*²; SJVAPCD Policy *APR 1906 – Framework for Performing Health Risk Assessments*³ and *Guidance for Air Dispersion Modeling*⁴; and the California Air Resources Board (CARB) *Gasoline Service Station Industrywide Risk Assessment Guidance*⁵. The reader is encouraged to reference those sources, along with the SJVAPCD *Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI)*⁶ for in-depth discussions regarding setting, regulatory background, pollutant descriptions, and HRA methodologies, as this Technical Memo includes only a critical summary of the project-specific HRA methodology and results.

The primary Toxic Air Contaminants (TAC) of concern include diesel particulate matter (DPM) emissions from diesel-fueled construction vehicle and equipment use, and emissions from operation of the gasoline dispensing facility (GDF). Gasoline is a complex mixture containing a variety of different substances; the main constituents identified by CARB as having the greatest health risk, and therefore requiring HRA, include benzene, ethyl benzene, hexane, naphthalene, propylene (propene), toluene, and xylenes. Emissions occur during loading (into storage tanks), breathing (from vent stacks), fueling, spillage, and hose permeation. Operation would not include any substantial sources of DPM and no other substantial sources of TAC are associated with Project construction or operation.”

“Further, the HRA component of the AQ Memorandum elaborates on estimation techniques for air dispersion modeling, meteorological data, vent stack, loading and breathing exposures, emissions from dispensing pumps, and other parameters described in detail in Appendix B. Construction DPM emissions were estimated using CalEEMod, as described in the Criteria Pollutants section above. SJVAPCD considers PM10 exhaust to be a reasonable surrogate for DPM, and the maximum (worst year) annual emissions were used for subsequent calculations. Initial risk calculations indicated that cancer risk from construction could exceed the SJVAPCD threshold of significance. Thus, Mitigation Measure HRA-1 (Tier 4 Final Engine Controls for Construction Off-Road Equipment) was applied to reduce construction cancer risk to a less than significant level. Operational emissions were estimated using the CARB GDF Guidance.” (see Page 5 in AQ Memorandum in Appendix B of this MND).

Due to the nature of the Project, there is the potential to Impact Sensitive Receptors, as such the HRA component of the AQ Memorandum modeled downwind receptors. As noted in the AQ Memorandum (pages 5-6), “Normalized downwind air concentrations for each receptor (modeled in the step above) were imported into the CARB Hotspots Analysis and Reporting Program (HARP2) *Air Dispersion Modeling and Risk Tool (ADMRT)* and combined with the toxic emissions data to estimate the ground level concentrations of TAC at each receptor.

Separate runs were performed for construction, worker receptors, and residential receptors. The construction risk calculations included the area source described in the modeling above, and annual emissions of DPM. Both worker and residential calculation runs included the point source for loading and breathing, the volume source for fueling and hose permeation, and the volume source for spillage, along with speciated TAC emissions for each source. CARB recommended risk scenarios and exposure pathways were used for each calculation run, with the exception of more health-conservative parameters recommended by SJVAPCD. The final outputs included cancer, chronic, and acute risks from construction and from operation for worker and residential receptors. OEHHA has not established a Reference Exposure Level (REL) for 8-hour chronic, or acute health risk from DPM. Thus, the 8-hour chronic and acute HI are not calculated, except in unusual situations such as when a sensitive receptor is located directly above the emission release point (e.g., on a hillside or in a multi-story apartment building).

Results of the AERMOD modeling and ADMRT calculations are included as Attachment 5 [in the AQ Memorandum, Appendix B of this MND], along with a map of receptors. Modeling input and output files will be made available to reviewing agencies upon request. The highest risks calculated for each scenario are presented in the table below [Table 3-7], along with comparisons to SJVAPCD thresholds of significance. All results are the maximally exposed individual (MEI) for each scenario.

Table 3-7: Health Risk Assessment Results Compared to Thresholds of Significance			
Risk	Carcinogen (risk in one million)	Chronic Hazard Index	Acute Hazard Index
Construction Health Risk	4.45 (Receptor 27)	0.0026 (Receptor 27)	N/A ¹
Thresholds of Significance	20	1	1
Exceeds Threshold?	NO	NO	NO
Operational Health Risk	1.09 (Receptor 27)	0.0038 (Receptor 27)	0.22 (Receptor 6)
Thresholds of Significance	20	1	1
Exceeds Threshold?	NO	NO	NO

¹No HI calculated for Construction DPM Acute risk because OEHHA has not established REL.

As shown in Table 3-7 (Table 3 of the AQ Memorandum), "... the highest risks for construction and operational cancer and chronic risks all occurred at Receptor 27, a residence located approximately 480 feet east of the Project site, across a currently undeveloped dirt lot. The highest acute risk occurred at Receptor 6, a worker receptor located in the car wash just north of the GDF. None of the receptors were exposed to risk above the SJVAPCD thresholds of significance. Therefore, the Project would not expose sensitive receptor to substantial pollutant concentrations resulting in TAC emissions." (See page 6 of the AQ Memorandum).

Modeling the unmitigated DPM emissions in during the construction phase resulted in risk estimates that could exceed the SJVAPCD threshold of significance for carcinogens.

Implementation of Mitigation Measure HRA-1 would reduce DPM emissions to a level that results in carcinogenic risk below the SJVAPCD threshold of significance.

Additionally, the use of Tier 4 Engine Controls is consistent with U.S. EPA, CARB, and SJVAPCD goals for implementing mitigation measures that directly reduce DPM emissions. According to the CalEEMod results and health risk analysis, annual DPM emissions from construction-related and operations-related impacts would not expose nearby single-family residences to threshold levels of significance. As construction- and operation-related emissions would not expose any sensitive receptors to any significant pollutant sources. Therefore, based on the information provided herein, the impact would be *less than significant with mitigation*.

Mitigation Measures: See Mitigation Measure HRA-1.

Based on the analysis and information provided herein, implementation of Mitigation Measures HRA-1 would result in *a less than significant impact*.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact: Some typical construction-related odors would be generated during Project construction. As discussed in Item (c), the Project is adjacent to sensitive receptors to the south, east, west; and northeast of the Project, which may be temporarily affected by such odors. Odors will likely be generated from diesel emissions from construction-related equipment rather than operational-related activities and traffic associated with the Project. Additionally, the proposed Project would not include any odor sources identified in Table 6 of the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) and no health risks associated with such odors were identified in the HRA done by Core Environmental.

The Project may create objectionable odors, but the odors would be short-term, temporary, and intermittent and would not affect a substantial number of people during construction-related activities. The Operational odors would likely result from vehicular traffic rather than the uses proposed for the site. As such, based on the information and analysis provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

Mitigation Measure for Impacts to AirQuality Resources:

Mitigation Measure HRA-1: Implement Tier 4 Engine Controls for all off-road, diesel-fueled equipment during construction. the use of Tier 4 engine controls is consistent with U.S. EPA, CARB, and SJVAPCD goals for implementing mitigation measures that directly reduce DPM emissions. Tier 4 generally requires the addition of emissions control equipment to new engines, such as a Diesel Particulate Filter (DPF).

Cumulative Impact: Less Than Significant with Mitigation

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project's emissions would be less than significant for all criteria pollutants and would be consistent with the Air Quality Plan for this criterion. The Project would be required to comply with all applicable rules and regulations as specified in the applicable air quality plan(s). The project's less-than-significant contribution to air quality and its adherence to applicable rules and regulations would allow the project to remain consistent with the AQP; therefore, the cumulative impact would be less than significant. As shown in Tables 3-5, 3-6 and 3-7, the Project's regional emissions would not exceed the applicable regional criteria pollutant emissions quantitative thresholds. In addition, any permitted sources will be required to comply with Air District rules, regulations, permit conditions, thresholds, (requirements), as applicable. A condition of approval will require the Project applicant to consult with the Air District and obtain approval of the HRA will be incorporated into the Project. Project-related activities would result in less than significant health risks with incorporation of Mitigation Measure HRA-1. The project would not generate a significant source of odors. Therefore, the Project would result in *a less than significant cumulative impact with mitigation.*

IV. BIOLOGICAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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, or regulations, or by the California Department of Fish & Game or U.S. fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Biological Resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion. 4 Creeks staff conducted a California Natural Diversity Database (CNDDDB) search on May 7, 2025, resulting in no special status species are known to existing within the Project site (See Appendix B).

Environmental Setting

The Project Site's topography is relatively flat, with elevations around 265 feet National Geodetic Vertical Datum (NGVD). The site is comprised of Nord fine sandy loam with 0 to 2 percent slopes, which is classified as well-drained and non-hydric, indicating it is not prone to ponding water or forming vernal pools. The soils have been altered over decades of agricultural use, so their native characteristics are not fully present.

The site is vacant and completely denuded of vegetation, including trees and only seasonal ruderal vegetation (such as weedy grasses and forbs) typical of disturbed environments. Historical imagery (via Google Earth historical maps) shows that the site was last used for agricultural purposes in approximately 1995.

Regulatory Setting

Federal

Endangered Species Act (FESA)

The Federal ESA protects plants and animals listed as endangered or threatened by USFWS and the National Marine Fisheries Service (NMFS). Section 9 of the ESA prohibits the taking of listed wildlife, where take is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs "removing, possessing, maliciously damaging, or destroying any listed plant on Federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-Federal land in knowing violation of state law" (16 U.S. Code [USC] 1538).

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712)

The Migratory Bird Treaty Act (MBTA) implements international treaties between the United States and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit.

State

Birds of Prey (CA Fish and Game Code Section 3503.5)

Sections 3800, 3513, and 3503 of the California Fish and Game Code specifically protect birds of prey. Section 3800 states that it is unlawful to take nongame birds, such as those occurring naturally in California, that are not resident game birds, migratory game birds, or fully protected birds, except when in accordance with regulations of the commission or a mitigation plan approved by CDFW for mining operations. Subsection 3503.5 prohibits taking, possessing, or destroying any birds and their nests in the orders Strigiformes (owls) or Falconiformes (hawks and eagles). These provisions, along with the Federal MBTA, serve to protect nesting raptors.

Clean Water Act

Section 404 of the Clean Water Act of (1972) is to maintain, restore, and enhance the physical, chemical, and biological integrity of the nation's waters. Under Section 404 of the Clean Water Act, the US Army Corps of Engineers (USACE) regulates discharges of dredged and filled materials into "waters of the United States" (jurisdictional waters).

California Endangered Species Act (CESA)

The California ESA (California Fish and Game Code §§ 2050- 2116) generally parallels the main provisions of ESA, but unlike its Federal counterpart, the California ESA applies the take prohibitions to species proposed for listing (called "candidates" by the state). Section 2080 of the California Fish and Game Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." the California ESA allows for take incidental to otherwise lawful development Projects. State lead agencies are required to consult with CDFW to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered, threatened, or candidate species or result in the destruction or adverse modification of essential habitat.

Local

City of Los Banos

The Los Banos Municipal Code (LBMC) includes various directives to minimize adverse impacts to biological resources in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to biological resources are included in Title 9, Planning and Zoning, and Title 10, Parks and Recreation, as follows:

- Title 9, Planning and Zoning, Chapter 6, City of Los Banos Water Efficient Landscape Ordinance, Section 9-6.3.06, Landscape Design Plan. This section outlines the requirements for the efficient use of water and use of plant materials to protect and provide habitat for beneficial insects and other wildlife.
- Title 10, Parks and Recreation, Chapter 1, Trees, Shrubs, and Plants. This chapter includes tree regulations that will maintain the ecological balance of the area and protect Historical and Heritage Trees in the city.

Discussion

a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. As noted earlier, the entire Project site is vacant and completely denuded of vegetation, including trees. As such, there is no habitat suitable for special status species within the Project site. The Project site is relatively flat terrain with an elevational range of approximately 115 feet above mean sea level and gently slopes to the east. The Project site is entirely within the City of Los Banos and is completely surrounded by urban-type development; predominantly single-family residential and some commercial development directly adjacent to the north. As noted in the General Plan EIR, biological resources associated with these developed areas are generally limited to common species tolerant of urban environments.

As noted in the General Plan EIR, the potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known to occur within the EIR Study Area. As discussed under Section 4.4.1.2, Existing Conditions (of the EIR), and listed in Table 4.4-1 (in the EIR), Potentially Occurring Special-Status Species, occurrences of 89 special-status species have been documented within the EIR Study Area. Although the EIR notes that as future development occurs on undeveloped land, a significant impact could occur (either directly, or through habitat modifications) which would affect special-status plant and animal species. However, several existing regulations would help ensure that development of the proposed Project site would not result in significant impacts to special-status plant and animal species due to the complete absence of any habitat that would be

suitable for special status species. Also, compliance with the federal, state, regional, and local regulations would protect special-status species should they occur in the Project site by minimizing potential impacts associated with development the proposed Project. For example, the federal and California ESAs, MBTA, California Fish and Game Code, and California NPPA all serve to prevent the potential “take” of federally, state, or locally protected species. Los Banos’ local regulations, such as LBMC Title 9, Planning and Zoning, Chapter 6, City of Los Banos Water Efficient Landscape Ordinance, and Title 10, Parks and Recreation, Chapter 1, Trees, Shrubs, and Plants, serve to protect habitat and open space in the EIR Study Area by outlining requirements for the efficient use of water and use of plant materials to protect and provide habitat for beneficial insects and other wildlife.

A California Natural Diversity Database (CNDDDB) search was conducted by 4Creeks staff on May 7, 2025 (see Appendix B). The results indicate that there are no special status species within or near the Project site. The recent CNDDDB supports the determination that special status species would not be encountered within the City of Los Banos.

Therefore, based on the analysis and information provided herein, a *less than significant impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *mitigation measures BIO-1 would reduce the impact to less than significant.*

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

No Impact: No riparian habitats, or other sensitive natural communities were found on the Project Site. The Project site is vacant and denuded of vegetation, as such, there is no presence of riparian zones or communities classified as sensitive by local, regional, state, or federal regulations. Development of the proposed Project would not adversely affect any riparian habitat or sensitive natural community as identified by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (USFWS). Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

c) Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through director removal, filling, hydrological interruption, or other means?

No Impact: The Project Site does not contain sensitive natural communities or state- and federally-protected wetlands. As noted earlier, The Project site is vacant and denuded of vegetation, as such, there are no sensitive natural communities located on the site. Additionally, there are no jurisdictional water features on the site. As such, based on the analysis and information provided herein, the Project would not impact any state or federally protected wetlands, and there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

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?

Less Than Significant Impact: Wildlife movement corridors are routes that animals regularly and predictably follow during seasonal migration, dispersal from native ranges, daily travel within home ranges, and inter-population movements. Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. Wildlife movement corridors are absent from the Project site. The surrounding area includes adjacent residential developments to the northwest, south, east, and west; and adjacent commercial development to the north. Although unlikely, it is possible that a mammal or avian species might traverse the site while it remains vacant; however, upon completion of construction of the site, that potential corridor would cease to exist. Subsequently, the Project would not significantly interfere with the movement of any resident or migratory fish or wildlife species, nor would it impact established wildlife corridors or impede the use of wildlife nursery sites. Therefore, based on the analysis and information provided herein, impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

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

No Impact: The Project does not propose any removal of trees or other biological resources. The City has existing regulations to help ensure that development activities associated with the proposed project would not conflict with local policies or ordinances to protect biological resources (see earlier discussion regarding Regulatory Framework and LBMC Title 10, Chapter 1). The proposed Project would not affect ongoing enforcement of these local ordinances. As such, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan?

No Impact: The Project Site is not located within the boundaries of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures would be required.*

Cumulative Impact: Less Than Significant

The Los Banos General Plan Update 2024 planning area and its accompanying EIR study area is the cumulative impact area. As noted earlier, the Project site does not include any known biological resources that would be impacted by the Project. Also as noted earlier, this analysis relies on the information, determinations, technical studies, etc., contained in the adopted/certified General Plan EIR and CNDDDB search. The CNDDDB search and the recent May 7, 2025 search results indicate that there are no known resources on the Project site. However, as an abundance of caution, the Project will be required to comply with applicable City requirements to avoid or minimize impacts in the unlikely event that any resources applicable to this Checklist Item are impacted. Therefore, based on the analysis and information provided herein, the Project would result in a *less than significant impact*.

V. CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Cultural Resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion. The results from a California Historic Resources Information System(CHRIS) search conducted on April 23, 2025, and a Native American Heritage Commission (NAHC) sacred lands files search (requested on May 12, 2025) are available in Appendix C.

Environmental Setting

Europeans entered the Los Banos region in 1805 when Gabriel Moraga and his company rode through the area during his mission to explore the San Joaquin Valley. Drawn by the beaver and game that occupied the area, American trappers came to Merced County as early as 1827. The discovery of gold in 1848 drew more people to the state and the San Joaquin Valley served as a source of cattle and sheep for hides, wool, meat, and tallow for the incoming miners and new settlers. The present town of Los Banos originated in the Lone Willow Stage Station, built in 1858 on the west bank of what is now Mud Slough. In 1865, Gustave Kreyenhagen opened a general store in the area, but moved to the junction of the state road and the Stockton-Visalia freight road for better trade. Kreyenhagen moved again in 1870 due to the arrival of Miller and Lux, this time to about two miles south of the present town of Volta. In 1873, an official post office

was established in Kreyenhagen's store under the name Los Banos, after the nearby creek. With the arrival of the railroad on the west side of the San Joaquin Valley in 1889, Henry Miller of Miller and Lux was a driving force in the establishment of Los Banos along the railroad tracks. Los Banos became the headquarters of Miller and Lux as early as 1873. Miller invested enormously in the area: improving infrastructure, planting trees, laying out a city park, and establishing a hotel, bank, and a company store for the community. Los Banos incorporated in 1907. Agriculture acted as the driving force of the economy for most of the twentieth century and was largely dependent on the availability of water resources. The construction of the California Aqueduct and the San Luis Reservoir during the 1960s for the Central Valley Project led to greater population density in the region

Historic cultural resources generally include buildings, roads, trails, bridges, canals, and railroads usually associated with the time period beginning with the first EuroAmerican contact. Because the settlement of Los Banos dates back to the 1880s, after relocation of the city from its original site due to the arrival of Miller and Lux and the railroad, the city is rich in historic cultural resources.

As noted in the General Plan EIR, numerous historical resources are located within the entire General Plan area (See General Plan EIR, page 4.5-12); however, no such resources are located on the Project site.

Tribal Cultural Resources

Los Banos is within the aboriginal territory of the Nopchinchi tribelet of the Northern Valley Yokuts, who lived in the San Joaquin Valley. Little is known of these inhabitants but that their aboriginal lifestyle disappeared in the early nineteenth century when they changed from hunters and gatherers to agricultural laborers who lived at the missions. Most of the aboriginal population gradually moved to the ranches to work as manual laborers in 1834, due to secularization of the missions by Mexico.

A sacred lands file search conducted by the NAHC for the EIR Study Area was requested in February 2022. The City notified the tribal representatives about the proposed project (draft General Plan EIR) and requested information regarding potential resources at or near the General Plan area. No tribal responses were received during the EIR process. Also per AB 52, the City initiated Tribal Consultation for this proposed Project by sending letters via (certified mail) to Tribal representatives from eight (8) Tribes (with a total of 11 representatives) on March 27, 2025. As of May 7, 2025, and at the time of the release of this document, no responses have been received.

Regulatory Setting

This report defines "cultural resources" as prehistoric or historical archaeological Sites and historical objects, buildings, or structures. Following 36 Code of Federal Regulations (CFR) §60.4,

“historical” in this report applies to cultural resources at least 50 years old. The significance or importance of a cultural resource is dependent upon whether the resource qualifies for inclusion at the local level in a local register of historical resources, at the state level in the California Register of Historical Resources (CRHR), or the Federal level in the National Register of Historic Places (NRHP). Cultural resources that are determined to be eligible for inclusion in the CRHR are called “historical resources” (California Code of Regulations [CCR] 15064.5[a]). Under this statute, the determination of eligibility is partially based on the consideration of the criteria of significance as defined in 14 CCR 15064.5(a)(3). Cultural resources eligible for the NRHP are deemed “historic properties.”

National Historic Preservation Act

The National Historic Preservation Act was adopted in 1966 to preserve historical and archeological Sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation offices.

California Environmental Quality Act (CEQA)

Under CEQA, a historical resource is a resource listed in, or determined to be eligible for listing in, the CRHR. Historical resources may include, but are not limited to, “any object, building, structure, Site, area, place, record, or manuscript which a lead agency determines to be historically or archaeologically significant” (PRC §5020.1[j]). In addition, a resource included in a local register of historical resources or identified as significant in a local survey conducted per the state guidelines is also considered a historic resource under California Public Resources Code (PRC) Section 5020.1.

CEQA details appropriate measures for the evaluation and protection of cultural resources in §15064.5 of the CEQA Guidelines. According to CEQA guidelines §15064.5 (a)(3), the criteria for listing on the CRHR includes the following:

1. *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.*
2. *Is associated with the lives of persons important in our past.*
3. *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
4. *Has yielded, or may be likely to yield, information important in prehistory or history.*

According to CEQA guidelines §21074 (a)(1), criteria for tribal cultural resources includes the following:

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

1. *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
2. *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*

Protection of cultural resources within California is additionally regulated by PRC §5097.5, which prohibits the destruction, defacing, or removal of any historic or prehistoric cultural features on land under the jurisdiction of State or local authorities.

Health and Safety Code, Section 7050.5(b) and CEQA Section 15064.5

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered during activities involving ground disturbance. If human remains are discovered or identified in any location other than a dedicated cemetery, there should be no further disturbance or excavation nearby until the county coroner has determined the area is not a crime scene that warrants further investigation into the cause of death and made recommendations to the persons responsible for the work in the manner provided in PRC Section 5097.98. This section provides guidance for proceeding when human remains associated with Native American burials and associated items are encountered. CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered during a project or activity, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native American descendants, if any, as identified by the NAHC. Under certain circumstances, the lead agency (or applicant), is required to develop an agreement with the Native American descendants for the treatment and disposition of the remains. In addition to the mitigating provisions pertaining to accidental discovery of human remains, Section 15064.5(f) of the CEQA Guidelines also requires that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be a Historical Resource or Unique Archaeological Resource, avoidance measures should be implemented, or appropriate mitigation should be available.

Public Resources Code Section 5097.9 PRC Section 5097.9 states that no public agency or private party on public property shall interfere with the free expression or exercise of Native American religion. The code further states that: ...nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres. Government Code Section 65352.3-5 (Senate Bill 18) California Government Code Section 65352.3-5, formerly known as Senate Bill (SB) 18, states that prior to the adoption or amendment of a city or county's

general plan, or specific plans, the city or county shall consult with California Native American tribes that are on the contact list maintained by the NAHC. The intent of this legislation is to preserve or mitigate impacts on places, features, and objects, as defined in PRC 5097.9 and PRC 5097.993, that are within the city or county's jurisdiction. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by Native American consultation. Government Code 65362.3-5 applies to all general and specific plans and amendments proposed after March 1, 2005. Assembly Bill 52 Effective July 1, 2015, Assembly Bill (AB) 52 amended CEQA to require that: (1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and (2) the lead agency consult with any tribe that responded to the project notice within 30 days of receipt with a request for consultation. Topics that may be addressed during consultation include Tribal Cultural Resources, the potential significance of project impacts, the type of environmental document that should be prepared, and possible mitigation measures and project alternatives. A California Native American tribe is defined as "...a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the PRC defines Tribal Cultural Resources for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1

- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. Because Items a) and b) also meet the definition of a Historical Resource under CEQA, a Tribal Cultural Resource may also require additional consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators. Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies provide Tribes that request notification an opportunity to consult at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

City of Los Banos

The Los Banos Municipal Code (LBMC)

The LBMC includes various directives to minimize adverse impacts to cultural and tribal cultural resources in Los Banos. Most provisions related to cultural and tribal cultural resources are included in Title 8, Building Regulations, and Title 10, Parks and Recreation, as follows:

- Title 8, *Building Regulations*, Chapter 1, *Building Codes*, Section 8-1.05, *Adoption of California Historical Building Code 2019 Edition*. The City's building regulations describes specific building standards within the city and prescribes the development standards and specifications that apply to each building in its given district, such as permit fees and improvement standard. The City has adopted the California Historical Building Code, which provides regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of qualified historical buildings or properties.
- Title 10, *Parks and Recreation*, Chapter 1, *Trees, Shrubs, and Plants*, Section 10-109, *The Designation and Protection of Heritage Trees*. This section establishes the definition of a heritage tree in Los Banos and nomination process by any person and with the written consent of the property owner(s), 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; or (2) Identified on any historic or cultural resources survey as a significant feature of a landmark, historic site or historic district; or (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.

Los Banos Community Design Standards

The City adopted the Community Design Standards in November 2008, to promote excellence in the design of buildings, sites, and neighborhoods. The Community Design Standards are applied to new development or improvements to existing development in the following General Plan land use designations:

Downtown Commercial	Commercial
Highway Commercial	Residential

The *Community Design Standards* are intended to assist staff and the decision-making bodies in judging the suitability of proposed projects in terms of their architecture, site design, landscaping, circulation, and compatibility with existing and planned adjacent development. The *Community Design Standards* are authorized through implementing ordinances in the

LBMC that spell out procedures and adopt the provisions of the *Community Design Standards* by reference.

The *Community Design Standards* guidelines contains guiding policies pertaining to historic building preservations to limit the demolition or alteration to a building's façade of existing "historical" sites. These standards include, but are not limited to, the following:

- Prior to demolition or alteration, property owners must request a State Historic Resources Evaluation via Department of Parks and Recreation to determine if the structure has historic or architectural significance.
- Any historic or architecturally significant structure in the downtown commercial or highway commercial district determined as deteriorated or damaged beyond repair by a licensed structural engineer may be demolished.
- When restoring a building, the City's main priority is to maintain the original physical characteristics from the time period a structure existed to ensure the City's historic authenticity.
- Historic structures shall be reused as it was historically or be given a similar new use, requiring minimal change to its distinctive exterior design.
- Distinctive features that characterize a historic building shall not be removed or altered.
- Any new development adjacent to historic buildings are not permitted to clash or dominate the historic color, scale, setbacks, bulk, or enormous disparity in height.
- The replacement of intact or repairable historic materials or alteration of features, and spatial relationships that characterize a building or property shall not be permitted.
- Restoration treatment methods that cause damage to historic materials shall not be used.
- New additions, exterior alterations, or related new construction shall not destroy the historic materials, features, and spatial relationships that characterize a building or property.
- A historical review must precede reconstruction of a landscape, building, structure, or object in its historic location to identify and evaluate those features and artifacts that are essential to its accurate reconstruction.
- Preservation plans are to include measures to preserve any remaining historic materials, features, and spatial relationships when reconstructing a building.

Discussion

a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less Than Significant Impact: As noted earlier, the City is relying on the General Plan EIR regarding Cultural and Tribal Cultural Resources as applied to the Project location/site. As such, as noted in the EIR (page 4.5-12), no known/recorded cultural/historical resources are located on or near the Project site. Also as noted earlier, the entire site is vacant (that is, there

is no presence of vegetation or structures). On April 22, 2025, 4Creeks staff requested that the Central California Information Center (Information Center or CCIC), California Historical Resources Information System (CHRIS), Department of Anthropology – California State University, Stanislaus for the specific Project area and the immediate vicinity of the Project area. CHRIS results were received on April 23, 2025 (see Appendix C). Searches by CHRIS included the following:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CRHR)
- *California Inventory of Historic Resources* (1976)
- *California Historical Landmarks*
- California Points of Historical Interest listing
- Office of Historic Preservation Built Environment Resource Directory (BERD) and the Archaeological Resources Directory (ARD)
- *Survey of Surveys* (1989)
- Caltrans State and Local Bridges Inventory
- General Land Office Plats
- Other pertinent historic data available at the CCalC for each specific county

As indicated in the CHRIS search response, no prehistoric or historic resources within the immediate vicinity of the project area have been formally reported to the Information Center; no resources that are known to have value to local cultural groups have been formally reported to the Information Center; and no previous investigations within the project area have been formally reported to the Information Center (see Appendix C). Also, the NAHC sacred lands file search did not indicate the presence of Tribal resources (see Appendix C) and the City did not receive any responses from Native American tribes that were contacted during the AB52 consultation process as of the release date of this document. Therefore, based on the analysis and information provided herein, impacts regarding historical resources would be *less than significant*.

Mitigation Measures: None required.

Based on the analysis and information provided herein, *no mitigation measures would be required*.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact with Mitigation Incorporated: There are no known archaeological resources located within the Project site area. While past agricultural activities may have potentially destroyed or obscured ground surface evidence of archaeological resources within the Project boundary, intact archaeological resources related to prior occupation of the area may be present subsurface. As such, in the

unlikely event of an inadvertent discovery of a previously unknown archaeological resource at the Project site during construction-related activities (that is, during earthmoving activities). In the inadvertent discovery of an archaeological resource, Mitigation Measure CUL-1 would be implemented to minimize the impact to such a discovery. Therefore, based on the analysis and information provided herein, any impact would be *less than significant with mitigation incorporated*.

c) Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact with Mitigation Incorporated: There are no known human remains buried in the Project vicinity, nor has the Project site been used as a cemetery. However, in the unlikely event that human remains are unearthed during construction-related activities, Mitigation Measure CUL-2 would be implemented to minimize the impact of such a discovery. Therefore, based on the analysis and information provided herein, the Project would result in a *less than significant with mitigation incorporated*.

Mitigation Measures for Impacts on Cultural Resources

Mitigation Measure CUL-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be an important resource under CEQA, additional work such as data recovery excavation and Native American consultation shall be completed to mitigate any adverse effects.

Mitigation Measure CUL-2: If human remains are uncovered during construction, the Merced County Coroner shall be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the Native American Heritage Commission within 24 hours of discovery. The Native American Heritage Commission will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains. The Most Likely Descendent shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Therefore, based on the analysis and information provided herein and implementation of Mitigation Measures CUL-1 and CUL-2, impacts to this resource would be *less than significant with mitigation incorporated*

Cumulative Impact

The geographic area of this cumulative analysis is the Los Banos General Plan Update 2024 planning area. As noted earlier, the Project site does not include any known historical, cultural, or archaeological resources. Also as noted earlier, this analysis relies on the information, determinations, technical studies, etc., contained in the adopted/certified General Plan EIR. CHRIS and NACH search results indicate that there are no known resources on the Project site. However, as an abundance of caution, Mitigation Measures CUL-1 and CUL-2 are incorporated herein to minimize impacts in the unlikely event that any resources applicable to this Checklist Item are discovered. Therefore, based on the analysis and information provided herein, and with implementation of Mitigation Measures CUL-1 and CUL-2 as applicable, cumulative impacts of the Project would be *less than significant with mitigation*.

VI.ENERGY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Energy resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Qualified consultants Core Environmental Consulting, LLC., prepared the “*Technical Memorandum-an Air Quality, Greenhouse Gas, Health Risk Assessment for Vintners Distributors Los Banos*” (AQ Memorandum) project which is used to provide technical expertise support regarding air quality, greenhouse gas, and health risk assessment items of this MND. The AQ Memorandum is included in its entirety as Appendix B of this MND. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Electricity and Natural Gas Electricity is quantified using kilowatts (kW) and kilowatt-hours (kWh). A kW is a measure of 1,000 watts of electrical power and a kWh is a measure of electrical energy equivalent to a power consumption of 1,000 watts for one hour. The kWh is commonly used as a billing unit for energy delivered to consumers by electric utilities.

According to the CEC’s 2022 Total System Electric Generation summary (see: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2022-total-system-electric-generation>) regarding statewide energy demand, total electric energy production in California was 287,22013 gigawatt hours in 2023. A gigawatt is equal to one million kW

Electricity

According to the U.S. Energy Information Administration (see: <https://www.eia.gov/state/print.php?sid=CA>), in 2023, California was the nation's fourth-largest electricity producer and accounted for about 5% of all U.S. utility-scale (1-megawatt and larger) power generation. Renewable resources, including hydropower and small-scale (less than 1-megawatt) customer-sited solar photovoltaic (PV) systems, supplied 54% of California's total in-state electricity generation in 2023. Natural gas-fired power plants provided 39% of the state's total net generation. Nuclear power's share of California's total electricity generation was about 7%. The state has one operating commercial nuclear power plant—the two-reactor Diablo Canyon facility.

In 2023, California was the nation's second-largest conventional hydroelectric power producer after Washington, and it is consistently among the nation's top four hydropower producers. Hydropower's contribution is highly variable and is dependent on rain and snowfall. After a very wet year in California in 2023, led in part by the highest mountain snowpack since the mid-1980s, the state's annual hydropower generation increased by more than 80% from 2022. Nonhydroelectric renewable resources, mainly solar and wind energy, provided 41% of California's total in-state electricity generation in 2023. Coal fuels only a small amount of California's in-state net generation, all of it from one 57-megawatt industrial cogeneration plant.

Although California consumes more electricity than all other states except Texas and Florida, it uses less electricity per capita than any other state but Hawaii. In 2023, California had the nation's second-highest average price of electricity, after Hawaii. The commercial sector accounted for 47% of California's electricity sales in 2023. The residential sector, where three in ten California households use electricity for home heating, accounted for 35% of sales. About 18% of the state's electricity sales went to the industrial sector. Light rail, subways, and the iconic cable cars in California's transportation sector accounted for less than 0.3% of electricity use.

California used approximately 287,220 gigawatt hours of electricity in 2022 (see: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2022-total-system-electric-generation>). Electricity usage in California for different land uses varies substantially by the types of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building. Due to the state's energy efficiency building standards and efficiency and conservation programs, California's electricity use per capita in the residential sector is lower than any other state except Hawaii.

Pacific Gas and Electric Company (PG&E)

Electricity

Pacific Gas and Electric Company (PG&E) is a publicly traded utility company that generates, purchases, and transmits energy under contract with the CPUC. Its service territory is 70,000 square miles in area, roughly extending north to south from Eureka to Bakersfield, and east to west from the Sierra Nevada range to the Pacific Ocean. The electricity distribution system of PG&E consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines.¹⁶ PG&E owns and maintains above- and belowground networks of electric and gas transmission and distribution facilities throughout the city.

PG&E electricity is generated by a combination of sources such as coal-fired power plants, nuclear power plants, and hydro-electric dams, as well as newer sources of energy, such as wind turbines and photovoltaic plants or “solar farms.” “The Grid,” or bulk electric grid, is a network of high-voltage transmission lines, linked to power plants within the PG&E system. The distribution system, made up of lower-voltage secondary lines, is at the street and neighborhood level, and consists of overhead or underground distribution lines, transformers, and individual service “drops” that connect to the individual customer.

Natural Gas

PG&E gas transmission pipeline systems serve approximately 4.5 million gas customers in northern and central California.¹⁷ The system is operated under an inspection and monitoring program. The system operates in real time on a 24-hour basis, and includes leak inspections, surveys, and patrols of the pipelines. PG&E also adopted the Pipeline 2020 program, which aims to modernize critical pipeline infrastructure, expand the use of automatic or remotely operated shut-off valves, catalyze development of next-generation inspection technologies, develop industry-leading best practices, and enhance public safety partnerships with local communities, public officials, and first responders. Total natural gas consumption in PG&E’s service area was 453,301,216,610 kilo-BTU (KBTU) for 2020.

Peninsula Clean Energy

In 2020, the City of Los Banos joined Peninsula Clean Energy (PCE) joint-powers agency to provide electricity generated from renewable sources, such as solar, wind, biomass, bio-waste, geothermal, and hydroelectric, which was delivered to customers through PG&E transmission lines. Customers within the city are automatically enrolled in the PCE ECOplus program when they establish a new energy supply connection with PG&E.¹⁹ The PCE ECOplus program ensures that customers signed up for PG&E electricity service receive a portion of their electricity from renewable energy sources supplied by PCE, which is at least 50 percent renewable and 100 percent carbon-free.²⁰ Sources of electricity sold by PCE under the ECOplus plan in 2020, the latest year for which data are available, were:

- 52 percent renewable, consisting mostly of solar and biomass/biowaste.

- 47 percent large hydroelectric.
- 0 percent natural gas.
- 0 percent unspecified power.

Customers have the option of opting up to PCE's ECO100, which provides 100 percent renewable and carbon-free electricity.²² Conversely, customers have the option to opt-out of PCE renewable energy sources and receive their energy service from PG&E. PG&E is responsible for maintaining transmission lines, handling customer billing, and responding to new service requests and emergencies.

The electricity and natural gas use demand in Los Banos was provided in the General Plan EIR and is shown in Table 4.6-1 of the EIR.

Existing Transportation Fuels

Operation-Related Annual Fuel Usage was provided in the General Plan EIR and is shown in Table 4.6-2 (of the EIR). Fuel usage associated with vehicle miles traveled (VMT). VMT is based on vehicle trips beginning and ending in the city boundaries and from external/internal trips (i.e., trips that either begin or end in the city).

Regulatory Setting

Federal

Federal Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 was established in response to the 1973 oil crisis. The act created the Strategic Petroleum Reserve, established vehicle fuel economy standards, and prohibited the export of U.S. crude oil (with a few limited exceptions). It also created Corporate Average Fuel Economy (CAFE) standards for passenger cars starting in model year 1978. The CAFE standards are updated periodically to account for changes in vehicle technologies, driver behavior, and/or driving conditions.

State

Warren-Alquist Act

The California Legislature passed the Warren-Alquist Act in 1974, which created the CEC. The legislation also incorporated the following three key provisions designed to address the demand side of the energy equation:

- It directed the CEC to formulate and adopt the nation's first energy conservation standards for buildings constructed and appliances sold in California.

- The act removed the responsibility of electricity demand forecasting from the utilities, which had a financial interest in high demand projections, and transferred it to a more impartial CEC.
- The CEC was directed to embark on an ambitious research and development program, with a particular focus on fostering what were characterized as non-conventional energy sources.

California Public Utilities Commission

In September 2008, the California Public Utilities Commission (CPUC) adopted the Long-Term Energy Efficiency Strategic Plan, which provides a framework for energy efficiency in California through the year 2020 and beyond. It articulates a long-term vision, as well as goals for each economic sector, identifying specific near-term, mid-term, and long-term strategies to assist in achieving these goals. The Long-Term Energy Efficiency Strategic Plan sets forth the following four goals, known as Big Bold Energy Efficiency Strategies, to achieve significant reductions in energy demand:

- All new residential construction in California will be zero net energy by 2020;
- All new commercial construction in California will be zero net energy by 2030;
- Heating, ventilation, and air conditioning commonly referred to as “HVAC” will be transformed to ensure that its energy performance is optimal for California’s climate; and
- All eligible low-income customers will be given the opportunity to participate in the low-income energy-efficiency program by 2020.

State of California Energy Action Plan

The CEC and CPUC approved the first State of California Energy Action Plan in 2003. The plan established shared goals and specific actions to ensure the provision of adequate, reliable, and reasonably priced electrical power and natural gas supplies; it also identified cost-effective and environmentally sound energy policies, strategies, and actions for California’s consumers and taxpayers. In 2005, the CEC and CPUC adopted a second Energy Action Plan to reflect various policy changes and actions of the prior 2 years. Rather than produce a new energy action plan, the CEC and CPUC prepared an “update” that examines the state’s ongoing actions in the context of global climate change.

Assembly Bill 32 (2006) and Senate Bill 32 (2016)

In 2006, the State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020. In 2016, the Legislature enacted Senate Bill (SB) 32, which extended the horizon year of the state’s codified GHG reduction planning targets from 2020 to 2030, requiring California to reduce its GHG

emissions to 40% below 1990 levels by 2030. In accordance with AB 32 and SB 32, the California Air Resources Board (CARB) prepares scoping plans to guide the development of statewide policies and regulations for the reduction of GHG emissions. Many of the policy and regulatory concepts identified in the scoping plans focus on increasing energy efficiencies, using renewable resources, and reducing the consumption of petroleum-based fuels (such as gasoline and diesel). As such, the state's GHG emissions reduction planning framework creates co-benefits for energy-related resources.

Title 24, Part 6, Energy Efficiency Standards

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the CEC) in June 1977 and most recently revised in 2022 (California Code of Regulations Title 24, Part 6); no changes have occurred beyond the 2019 edition of Part 6. Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy-efficiency technologies and methods. The 2022 Building Energy Efficiency Standards went into effect starting January 1, 2023. The 2022 standards include a nonresidential lighting requirements.

Title 24, Part 11, Green Building Standards

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Title 24 of the California Code of Regulations, Part 11, known as "CALGreen") was adopted as part of the California Building Standards Code. It includes mandatory requirements for new residential and nonresidential buildings throughout California. CALGreen is intended to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the Governor. The mandatory provisions of the most recent version CALGreen became effective January 1, 2023.

Overall, the code is established to reduce construction waste, make buildings more efficient in the use of materials and energy, and reduce environmental impact during and after construction. CALGreen contains requirements for construction site selection, stormwater control during construction, construction waste reduction, indoor water use reduction, material selection, natural resource conservation, site irrigation conservation, and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning, which is a process for verifying that all building systems (e.g., heating and cooling equipment and lighting systems) are functioning at their maximum efficiency.

Regional

Merced County Association of Governments (MCAG)

MCAG'S 2022 Regional Transportation Plan and Sustainable Communities Strategy: The Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS, or plan) specifies the policies, projects, and programs necessary over a 24-year period to maintain, manage, and improve the region's transportation system, including roadways, transit, rail, bicycle and pedestrian, and airport facilities. The plan provides a comprehensive long range view of transportation needs and opportunities for Merced County. With the passage of Senate Bill (SB) 375 in 2008, Merced County Association of Governments (MCAG is required to develop a Sustainable Communities Strategy (SCS) to plan for land use development and transportation improvements that can work together to meet greenhouse gas emission reduction targets. As such, the RTP/SCS provides a foundation for transportation and land use decisions to accommodate growth and development in Merced County through 2046. As the Regional Transportation Planning Agency (RTPA) and the Metropolitan Planning Organization (MPO) for the county, MCAG is responsible for all long range transportation planning project programming, but has no authority over land use policies. The RTP/SCS can be found in its entirety at:

<https://www.mcagov.org/DocumentCenter/View/3689/MCAG-2022-RTP-SCS?bidId=>

SB 375 requires each MPO to prepare a sustainable communities strategy in its regional transportation plan. Merced County Association of Governments (MCAG) updated and adopted a sustainable communities strategy in its regional transportation plan on August 18, 2022, called 2022 Regional Transportation Plan and Sustainable Communities Strategy for Merced County (2022 RTP/SCS). Under this plan, the Merced region would exceed the GHG targets provided under SB 375 with a 15 percent per capita reduction from 2005 levels by 2020 and a 17.7 percent per-capita reduction from 2035 GHG emission levels by 2035. This plan focuses on achieving GHG-reduction goals by constructing more infill development in downtowns and centers in close proximity to jobs and services. In addition, the plan emphasizes transportation investments in transportation facilities to improve bicycle and pedestrian mobility. Furthermore, implementation of this plan is projected to result in a decrease in VMT throughout the region.

Local

Los Banos General Plan

In addition to regulatory compliance that would contribute to more fuel-efficient vehicles and less demand in fuels, the proposed General Plan 2042 includes goals, policies, and actions previously listed that would contribute to efficient energy and fuel use. Because transportation is a leading source of energy use in Los Banos, many goals, policies, and actions in the Los Banos General Plan 2042 Circulation (C) Element also promote energy conservation from the

transportation sector by increasing safe and sufficient transit, bicycle, and pedestrian facilities to reduce automobile use and VMT. In addition, the proposed goals, policies, and actions of the Los Banos General Plan 2042 Economic Development (ED) Element and Land Use (LU) Element focus on minimizing VMT through land use and transportation planning efforts that work in conjunction with one another. The following are some applicable proposed goals, policies, and actions that are applicable to the Project; however, there are many more in the General Plan that have not been included in the following which would also contribute to VMT reduction throughout the City.

- Goal ED-1. Help create jobs and improve job quality for existing and future Los Banos residents.
 - Policy ED-P1.1. Facilitate the development of new businesses and/or expansion of existing businesses through site availability, infrastructure investment, workforce preparedness, branding, and marketing.
- Goal ED-2. Seek and promote particular businesses or development projects that provide needed local goods, services, employment, or those that enhance the city's physical and social well-being and quality of life.
- Goal LU-5. Provide residents with excellent employment and shopping opportunities.
 - Policy LU-P5.3. Locate regionally oriented commercial uses on major roadway corridors. Locate community and neighborhood-oriented uses within planned communities and neighborhoods.
 - Policy LU-P5.6. Evenly distribute neighborhood retail centers in new development areas and encourage a mix of uses to offer both choice and convenience for shoppers and residents.
- Goal C-2. Make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks, and employment centers for all users, and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy.
 - Policy C-P2.5. Achieve State-mandated reductions in vehicle miles traveled (VMT) by requiring development and transportation projects to meet specific VMT metrics. In the event a proposed project does not meet these metrics, require measures to reduce the additional VMT associated with the project, consistent with City's adopted thresholds.
 - Policy C-P2.6. Reduce vehicle miles traveled (VMT) through measures such as improvements to public transportation and carpooling and offering safe routes for pedestrians and bicyclists.
- Goal C-3. Provide a wide variety of transportation alternatives and modes to serve all residents and businesses to enhance the quality of life.

As noted in the General Plan EIR, collectively, the goals, policies, and actions listed previously would minimize overall VMT, and thus fuel usage associated with potential future development in Los Banos. Furthermore, development would likely occur in the form of infill development on urbanized sites in the surrounding cities and Los Banos region, thus contributing to reduced energy use from the transportation sector. Placing residential and nonresidential uses near each other to create self-sustaining communities and neighborhoods and offering mixed-used developments, could result in shorter distances traveled between where people work and live and to amenities. The shorter distances reduce VMT by reducing the average vehicle trip distance traveled. It also encourages people to forego vehicle travel altogether and either bike, walk, or take public transportation, which would also contribute to minimizing VMT (see page 4.6-19).

Los Banos Municipal Code (LBMC)

The Los Banos Municipal Code (LBMC) includes various directives pertaining to GHG emissions. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to GHG emissions impacts are included in Title 8, Building Regulations, as follows:

- Chapter 1, Building Codes. This chapter adopts the following codes:
 - Section 8-1.01, Adoption of the California Building Code 2022 Edition
 - Section 8-1.03, Adoption of the Uniform Solar Energy Code 2006 Edition
 - Section 8-1.04, Adoption of the California Energy Code 2022 Edition
 - Section 8-1.12, Adoption of the California Green Building Code 2022 Edition
- Chapter 6.04, *Solar Energy System Requirements*. This chapter requires that all solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City.
- Chapter 1.03, *Adoption of Uniform Solar Energy Code 2006 Edition*. This chapter adopts Uniform Solar Energy Code 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, for buildings and structures within the city.

Thresholds and Methodology

The impact analysis provided in this section is based on the application of the following California Environmental Quality Act (CEQA) Guidelines Appendix G, which indicates that a Project would have a significant impact on energy use if it would:

1. *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

2. *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The methodology applied to assess the Project's potential impacts involved the use of the California Emissions Estimator Model (CalEEMod) Version 2022.1.1 (CAPCOA 2022) that can be found in Appendix B. For the construction phase, energy use would be attributed to worker trips and operation of construction equipment. Diesel and gasoline would be utilized to fuel on and off-road construction equipment during this phase of the Project. Energy use associated with the operational phase would result from residential vehicle trips (mobile sources) and activities in homes that consume energy in the form of electricity. No natural gas will be utilized by the proposed residential buildings, so all building activities would utilize electricity. Although electricity generation produces criteria pollutants and GHGs, these are emitted offsite at fossil fuel power plants and these pollutants are not attributed to individual buildings or electricity users. The power plants responsible for electricity generation are existing stationary sources permitted by air districts and/or the USEPA, criteria pollutant emissions are generally associated with the power plants themselves. These criteria pollutant emissions are subject to local, state and federal control measures. (CAPCOA 2022)

Unlike criteria pollutants, GHG emissions at these offsite power plants are not subject to the same stationary source permitting requirements and it is difficult to mitigate GHG emissions associated with them. Therefore, the most effective way to control GHGs from power plants is to reduce electricity demand by electricity users, which can be mitigated through building efficiency measures. As a result, the CalEEMod program calculates GHG emissions (not criteria pollutant emissions) from regional power plants associated with building electricity use. To reduce GHG emissions and energy usage, the Project would comply with the provisions of Part 6 of the Title 24 California Code of Regulations, which is the Building Energy Efficiency Standards (Energy Code). The California Energy Commission implements Title 24, Part 6 to increase the energy efficiency of newly constructed residential buildings. The latest Energy Code is for 2023, which was the 2022 Energy Code (CAPCOA 2022).

When calculating energy use associated with mobile sources and residential buildings, CalEEMod defaults were used for vehicle trips lengths, vehicle trip counts, and electricity consumption. Natural gas emission factors were set to zero to account for the absence of direct natural gas consumption on the Project site. In order to calculate energy consumption from mobile sources in MBTUs, 2023 gasoline/diesel miles per gallon (MPG) factors provided by the EMFAC2017 Emissions Inventory were used. To simplify the estimation process for the construction phase, it was assumed that all worker vehicles used gasoline as fuel source and all vendor vehicles used diesel as a fuel source. Project-specific construction equipment was entered using data modeled from previous, completed construction projects. Energy Calculations for both construction and operational phases are provided in the AQ Memorandum included in Appendix B.

Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Less Than Significant Impact: As noted earlier, and summarized here, the proposed Project includes the construction and operation of a commercial/retail center of vacant land on an approximately nine (9) acre site at the northeast corner of Mercey Springs Road and Willmott Road. During Project construction-related activities, there would be an increase in energy consumption (fuel usage) related to worker trips and during the operation of construction equipment. This increase in energy use would be temporary, short-term, and intermittent, and limited to the greatest extent feasible through compliance with local, state, and federal regulations. Vehicle fuel consumption during Project construction-related activities was estimated based on the assumed construction schedule, vehicle trip lengths, and the number of workers per construction phase as provided by CalEEMod Version 2022.1.1, and Year 2024 gasoline/diesel MPG factors provided by EMFAC2017. Detailed energy calculations are provided in Appendix E. To simplify the estimation process, it was assumed that all worker vehicles used gasoline as a fuel source and all off-road equipment, hauling vehicles, and vendor vehicles used diesel as a fuel source. Table 3-8 provides energy use by land use type as provided in the Table 5 of the AQ Memorandum (Table 3-8 of this MND).

Table 3-8: Project Energy Use by Land Use		
Land Use	Electricity (kWh/yr)	Natural Gas (kBtu/yr)
Supermarket	879,883	500,392
Strip Mall (Retail 1)	542,800	48,962
Strip Mall (Retail 2)	63,360	58,754
General Office Building	140,678	239,635
Fast Food Restaurant with Drive Thru 1	134,049	375,101
Fast Food Restaurant with Drive Thru 2	117,293	328,213
Convenience Market (24 hour)	371,838	211,466
Gasoline/Service Station	0.00	0.00
Parking Lot	232,285	0.00
TOTAL	1,992,186	1,762,523
<i>kWh/yr = kilowatt-hours per year</i>		
<i>kBTU/yr = thousand British Thermal Units per year</i>		

While construction-related activities of the Project would result in additional energy consumption, this energy use is not unnecessary or inefficient. This energy use is justified by the energy-efficient nature of the Project, which would be predominantly reliant on electricity, rather than natural gas for operational components (e.g., natural gas fueled cooking appliances for food preparation).

As shown in Table 3-8, annual energy use associated with Project operations would total approximately 1,992,186 kWh per year and 1,762,523 kBtu per year. Annual energy use is expected to decrease over time as a result of improvements in vehicle fuel efficiency

standards. The proposed Project would be subject to energy conservation requirements in the California Energy Code (24 CCR Part 6, California's Energy Efficiency Standards for Residential and Nonresidential Buildings) and the California Green Building Standards Code (CALGreen) (24 CCR Part 11). Adherence to Title 24 requirements would ensure that the Project would not result in wasteful or inefficient use of energy resources due to building operation or vehicle trips. Additionally, the operational component of the Project will not utilize natural gas directly and will rely entirely on electricity.

Because construction-related energy use would be temporary, short-term, and intermittent, and limited to the greatest extent feasible through consistency with Federal, State, and local policies related to energy conservation, and operation of the Project would comply with applicable energy efficiency standards required under Title 24, Part 6. Based on the analysis and information contained herein, the Project would not result in inefficient, unnecessary, or wasteful energy use. As such, the impact would be *less than significant*.

Mitigation Measures: None Required

Based on the analysis and information contained herein, no mitigation measures would be required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact: The proposed Project would not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. The construction and operation of the Project would comply with applicable energy efficiency regulations included in CALGreen, Title 24, CARB, and the Los Banos Municipal Code. Therefore, based on the analysis and information contained herein, *no impact* would occur.

Mitigation Measures: None Required

Based on the analysis and information contained herein, no mitigation measures would be required.

Cumulative Impact: Less Than Significant

Cumulative impacts would occur if a series of actions lead to a wasteful, inefficient, or unnecessary consumption of energy resources or a conflict with or obstruction of a State or local plan for renewable energy and energy efficiency. The proposed Project is located within the service area of PCE and PG&E. The Project would result in a long-term increase in operational energy demand for electricity and natural gas use associated with the nature of the project (a commercial/retain development). In addition, construction-related activities would require the use of energy for purposes such as the operation of construction equipment and tools, and construction of development projects may overlap. However, construction-related emissions

would be short-term, temporary, and intermittent and would cease once construction-related operations are complete. As the Projects would be developed within the PCE and PG&E service area it would be required to implement application sections related to the Building and Energy Efficiency Standards (California Code of Regulations, Title 24, Part 6) and the California Green Building Code (California Code of Regulations, Title 24, Part 11). Furthermore, new buildings would use new energy-efficient appliances and equipment, pursuant to the Appliance Efficiency Regulations. As with all future development, the Project would also increase annual fuel consumption and VMT. However, vehicles traveling to the Project's location would be subject to the USEPA CAFE standards for vehicular fuel efficiency, and average corporate fuel economy continues to increase as a result of State and federal laws, including the Pavley Advanced Clean Cars program. Furthermore, as listed in impact discussion ENE-2 of the General Plan, the proposed project includes goals, policies, and actions that would contribute toward minimizing inefficient, wasteful, or unnecessary transportation energy consumption. These goals, policies, and actions, as well as the other Economic Development and Land Use Element goals, policies, and actions listed in impact discussion ENE-1 would ensure compliance with state, regional, or local plans for renewable energy.

Although the nature of GHG is a global and national issue, the practical geographic area is the state of California and the San Joaquin Valley Air Basin (including Merced County). GHG emission reduction efforts are required via state legislation (e.g., SB 375 The Sustainable Communities and Climate Protection Act (SB 375), as such, the Los Banos General Plan Update 2042 and LBMC (particularly at Title 8, Building Regulations) contain GHG reduction policies and standards applicable to the Project and throughout the City. Based on the Project's location, such as its proximity to established, surrounding residential neighborhoods, its location along Mercey Springs Road (SR 165), and its in-filling of vacant land; the Project would result in minimizing GHG emissions consistent with the General Plan and LBMC. Therefore, based on the analysis and information provided herein, the Project would result in a *less than significant impact*.

VII. GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct and indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or Site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Geology and Soils resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Geology

Los Banos is in the San Joaquin Valley, which is in the greater Central Valley. The San Joaquin Valley is in the southern half of the Great Valley Geomorphic Province. The Great Valley Geomorphic Province is a long, narrow northwest-trending alluvial valley that lies between the Sierra Nevada to the east and the Coast Ranges to the west. The Diablo Range of the Coast Ranges is about 20 miles west of the General Plan's EIR Study Area. This is the closest mountain range to Los Banos. The EIR Study Area is mainly flat, underlain with sediments from alluvial deposits, as well as non-marine sedimentary rocks. Valley sediments in the EIR Study Area range from Jurassic to Holocene in age and record a history of alternating marine and terrestrial depositional environments.

Soils

The San Joaquin Valley is a region renowned for its fertile soils as a result of thick marine and non-marine deposits from millions of years ago. Los Banos is relatively flat, gently sloping toward the northeast, toward the San Joaquin River. Soils in the EIR Study Area primarily consist of alluvial soils. Alluvial soils are characterized by complex layering of gravel, silty sands, sand, and clayey soils. The predominant soil types in Los Banos include loams and clays of the Woo, Stanislaus, Dosamigos, Capay, Henmel, and Pedcat associations.

Soil(s) Involved in the Project

The proposed Project Site contains one (1) soil type (Nord fine sandy loam), according to the US Department of Agriculture (USDA) Web Soil Survey. The properties of the soil are described briefly below, as defined by the USDA:

- Nord fine sandy loam, 0 to 2 percent slopes: The Nord series consists of very deep, well drained soils formed primarily from granitic and sedimentary rocks. The Nord series is a member of a coarse-loamy, mixed, superactive, thermic cumulic Haploxerolls

taxonomic class and are found in flood plains and alluvial fans. The Nord series is well-drained and non-hydric, indicating it is not prone to ponding water or forming vernal pools. The soil has been altered over decades of agricultural use, so their native characteristics are not fully present.

Regional Seismicity

The Earth's crust includes tectonic plates that locally collide with or slide past one another along plate boundaries. California is particularly susceptible to such plate movements, notably the largely horizontal or "strike-slip" movements of the Pacific Plate, as it impinges on the North American Plate. In general, earthquakes occur when the accumulated stress along a plate boundary or fault is suddenly released, resulting in seismic slippage. This slippage can vary widely in magnitude, ranging in scale from a few millimeters or centimeters to tens of feet.

The performance of human-made structures during a major seismic event varies widely due to a number of factors, including:

- Location, with respect to active fault traces or areas prone to liquefaction or seismically-induced landslides;
- Type of building construction (i.e., wood frame, unreinforced masonry, non-ductile concrete frame); and
- Proximity, magnitude, depth, and intensity of the seismic event itself as well as many other factors.

In general, evidence from past earthquakes shows that wood-frame structures tend to perform well during a seismic event, especially when their foundations are properly designed and anchored. Conversely, older, unreinforced masonry structures and non-ductile reinforced concrete buildings (especially those built in the 1960s and early 1970s), do not perform as well, especially if they have not undergone appropriate seismic retrofitting. Applicable building code requirements, such as those found in the CBC, include seismic requirements that are designed to ensure the satisfactory performance of building materials under prescribed seismic conditions.

The Richter Scale is used to describe the magnitude of an earthquake. Each one-point increase in magnitude (M) represents a 10-fold increase in earthquake wave size and a 30-fold increase in energy release (strength). Seismic activity in the nearby Coast Ranges is generally associated with active faults of the San Andreas system, which includes major active faults. Over the width of the San Francisco Bay region, approximately 1.5 inches per year of relative horizontal movement occurs between the North American and Pacific Plates. This movement is partially accommodated by earthquakes and creep along several active faults. Locations

of these active faults relative to Los Banos are shown on Figure 4.7-1, Regional Fault Map included in the General Plan EIR (see page 4.7-7). Also as shown in the General Plan EIR Table 4.7-1, Distances and Directions to Active Faults (see page 4.7-8), provides a summary of the key faults that could produce significant earthquakes (exceeding M5) that could impact Los Banos. The table also includes the maximum associated magnitudes of earthquakes along each fault. Due to the proximity of active fault lines, Los Banos is historically susceptible to earthquake-related hazards, which include ground shaking and liquefaction.

As shown in the California Department of Conservation, CA Geological Survey, the Project site is not located within an earthquake fault zone. (See: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3AdataSource_4-191d8e6d993-layer-25%3A5083120)

Landslides

Landslides are gravity-driven movements of earth materials that can include rock, soil, unconsolidated sediment, or combinations of such materials. The rate of landslide movement can vary; some move rapidly, as in a soil or rock avalanche, while other landslides creep or move slowly for long periods of time. The susceptibility of a given area to landslides depends on many variables, although the general characteristics that influence landslide hazards are widely acknowledged. Some important factors are:

- **Slope Material.** Loose, unconsolidated soils and soft, weak rocks are more hazardous than are firm, consolidated soils or hard bedrock.
- **Slope Steepness.** Most landslides occur on moderate to steep slopes.
- **Structure and Physical Properties of Materials.** This includes the orientation of layering and zones of weakness relative to slope direction.
- **Water Content.** Increased water content increases landslide hazard by decreasing friction and adding weight to the materials on a slope.
- **Vegetation Coverage.** Abundant vegetation with deep roots promotes slope stability.
- **Proximity to Areas of Erosion or Human-made Cuts.** Undercutting slopes can greatly increase landslide potential.
- **Earthquake Ground Motions.** Strong seismic ground motions can trigger landslides in marginally stable slopes or loosen slope materials, and also increase the risk of future landslides.

The EIR Study Area, which includes the Project site, does not contain areas susceptible to landslides.

Regulatory Setting

Federal

Paleontological Resources Preservation Act The federal Paleontological Resources Preservation Act of 2002 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. Additionally, it specifies these researchers must agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers. This act incorporates key findings of a report, *Fossils on Federal Land and Indian Lands*, issued by the Secretary of Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface fault rupture to structures used for human occupancy.² The main purpose of this act is to prevent the construction of buildings used for human occupancy on top of active faults. This act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards, such as earthquake induced liquefaction or landslides.³ This act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones or Alquist-Priolo Zones) around surface traces of active faults, and to issue appropriate maps.⁴ The maps, which are developed using existing United States Geological Survey's (USGS) 7.5-minute quadrangle map bases, are then distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Generally, construction within 50 feet of an active fault zone is prohibited.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, which was passed in 1990, addresses seismic hazards such as liquefaction and seismically induced landslides.⁵ Under this act, seismic hazard zones are mapped by the State Geologist to assist local governments in land use planning. Section 2691(c) of this act states that "it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety." Section 2697(a) of the act states that "cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard."

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), commonly referred to as the California Building Code (CBC). The CBC is in Part 2 of Title 24. The CBC is updated every three years (it is currently being updated for Year 2026). It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. They also regulate grading activities, including drainage and erosion control. The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. Through the CBC, the State provides a minimum standard to protect property and public safety by regulating the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to mitigate the effects of seismic shaking and adverse soil conditions. They also regulate grading activities, including drainage and erosion control.

California Environmental Quality Act (CEQA)

Paleontological resources are afforded protection under the CEQA. The Society of Vertebrate Paleontology has set significance criteria for paleontological resources.⁶ Most practicing professional vertebrate paleontologists adhere closely to the Society of Vertebrate Paleontology's assessment, mitigation, and monitoring requirements as specifically provided in its standard guidelines. Most State regulatory agencies with paleontological laws, ordinances, regulations, and standards accept and use the professional standards set forth by the Society of Vertebrate Paleontology.

California Public Resources Code (PRC) Section 5097

PRC Section 5097.5 prohibits the destruction or removal of any paleontological site or feature from public lands without the permission of the jurisdictional agency.

California Penal Code Section 622.5

The California Penal Code Section 622.5 details the penalties for damage or removal of paleontological resources, whether from private or public lands.

Regional

Merced County Medical/Health Emergency Operations Plan (EOP)

The Merced County EOP is the foundation for disaster response and recovery operations for Merced County and outlines how the County complies with and implements the requirements of the California Emergency Services Act to protect the lives and property within Merced County. The Merced County EOP establishes the emergency organization, specifies policies and general procedures, and provides for coordination of the responsibilities of the County departments in all phases of an emergency or disaster. The Merced County EOP provides an overview of the Emergency Operations Center and outlines the various modes of activation of the EOP. Most provisions related to geology, soils, and seismic events are in the Management Section of the EOP.

Merced County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP)

The Merced County Office of Emergency Services, together with several jurisdictions in Merced County, including the City of Los Banos, prepared the MJHMP. The MJHMP was prepared in accordance with the Disaster Mitigation Act of 2000 and followed the Federal Emergency Management Agency (FEMA) 2011 Local Hazard Mitigation Plan guidance. The MJHMP, adopted in 2014, includes hazard mitigation goals, strategies, and priorities, and provides a comprehensive assessment of the area's hazards and vulnerabilities. The MJHMP is a guide to hazard mitigation throughout Merced County and serves as a tool to help decision makers direct hazard mitigation activities and resources. In the context of the MJHMP, mitigation is an action that reduces or eliminates long-term risk to people and property from hazards, including those occurring naturally, such as earthquakes, and those caused by humans as well.

The hazard mitigation plan for Los Banos includes a section on earthquake hazards and mitigating actions for Los Banos. A description of the mitigation actions for earthquakes include the following:

- Participate in Countywide Public Education Program. A natural hazards education and awareness program in Merced County would be a valuable tool for sharing information with residents. Implementation ideas include sharing information online and conducting workshops. The county will partner with special districts, the cities, and other entities to provide awareness and education on hazards and steps to mitigate.
- Integrate Local Hazard Mitigation Plan into Safety Element of General Plan. Recognizing the potential duplication of effort over evaluation of the same issues, efforts to update the Health and Safety Element will be conducted in coordination with the multi-hazard mitigation plan and to also ensure AB 2140 compliance. Integration and coordination of both plans provides General Plan policy direction for development activity. Potential loss reductions in the \$1,000s as any new development within the county will be considered within the context of the county's Health and Safety Element.
- Non-structural Earthquake Mitigation Outreach. Existing structures can be retrofitted to better withstand damage from seismic events. Outreach will include educating home and business owners about structural and nonstructural retrofit techniques and how to

seismically strengthen their homes and businesses. Specific techniques include secure furnishings, storage cabinets and utilities to prevent injuries and damages, such as anchoring, installing lathes, using flexible connections on gas and water lines, and bracing propane tanks and water heaters.

- Participate in countywide Inventory for Unreinforced Masonry (URM) Buildings. Use geographic information system (GIS) data to map and track URMs countywide. An accurate inventory of URM buildings with appropriate tracking will lessen time during the recovery after an earthquake.
- Review Building Codes. Periodically review building codes for updates and enhancements and ensure necessary capabilities for enforcement

Local Regulations

Los Banos Municipal Code

The Los Banos Municipal Code (LBMC) includes various directives pertaining to geology and soils. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to geology, soils, and seismic events are included in Title 6, Sanitation and Health; Title 8, Building Regulations; and Title 9, Planning and Zoning, as follows.

- Chapter 5, Sewer Systems. Section 6-5.02, Use of Public Sewers Required: Exceptions, identifies the regulations for the provision of septic tanks or other similar private wastewater disposal system. The City requires all existing buildings to connect to a public sewer when readably available. When connections to a sewer is not feasible, applicants who must use a septic tank for sewage disposal are required to submit detailed plans that show compliance with the code to reduce the risk of groundwater pollution via septic leaching.
- Chapter 13, Los Banos Urban Storm Water Management and Discharge Control. Section 6-13.1010, Title and Purpose, states that the purpose and intent of this chapter is to protect and enhance the water quality of watercourses and water bodies from erosion and other sources of contamination. Sections in this chapter require applicants to comply with National Pollution Discharge Elimination System (NPDES) Permit to control and monitor erosion and loss of soil.
- Chapter 1, Building Codes. Section 8-1.01, Adoption of the California Building Code 2019 Edition, adopts the CBC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CBC is to prescribe regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and structures within the city. By regulating the design and construction of excavations, foundations, building frames, retaining walls, and other structures, the

City's Building Code provides protections during the design, permitting, and construction of structures intended for human occupancy.

- Chapter 6, City of Los Banos Water Efficient Landscape Ordinance. Section 9-6.03.08, Grading Design Plan, sets forth the requirements for the submittal of grading plans that demonstrate that the project has been designed to minimize soil erosion.

Discussion

a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. 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.

No Impact: As indicated in the General Plan EIR, (see Section 4.7.1.2, Existing Conditions), no active surface faults are mapped and zoned under the Alquist-Priolo Zoning Act in the EIR Study Area. Also, as noted earlier, the CA Geological Survey indicates that the Project site is not located within an earthquake fault zone. As such, the Project site would not experience surface rupture in the event of an earthquake. Therefore, based on the analysis and information provided herein, there would be *no impact*.

ii. Strong seismic ground shaking?

Less Than Significant Impact: As discussed in the General Plan EIR, ground shaking is responsible for most of the damage from earthquakes and can damage or destroy buildings, structures, pipelines, and infrastructure. The intensity of shaking depends on the type of fault, distance to the epicenter, magnitude of the earthquake, and subsurface geology. The Great Valley, Ortigalita, and San Andreas Faults west and southwest of the city are potentially capable of producing the most intense ground accelerations. The seismic design of buildings within the Project area is governed by the requirements of the most recent CBC. The CBC has been accepted as the basic design standard in Los Banos. All structures that would be constructed pursuant to the proposed project would be designed to meet or exceed current design standards in the latest CBC. Therefore, new structures are expected to remain standing, but may suffer damage requiring closure and replacement. These project design measures would reduce the exposure of people and structures to harm from strong ground-shaking hazards such that there would not be a significant impact. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact: Secondary effects of earthquakes are nontectonic processes such as ground deformation, including fissures, settlement, displacement, and loss of bearing strength, and are the leading causes of damage to structures during a moderate to large earthquake. Secondary effects could lead to ground deformation, including liquefaction, lateral spreading, seismically induced landslides, and ground lurching. Based on the potential for strong ground shaking, combined with a groundwater depth of under 50 feet in parts of the EIR Study Area, much of the city is within an area susceptible to liquefaction. All potential future structures constructed in the EIR Study Area would be designed in accordance with current seismic design standards as found in the CBC. Design measures would be implemented according to the most recent CBC, which would reduce the impact of liquefaction and seismic settlement, including, but not limited to, ground improvement techniques such as in-situ densification, load transfer to underlying nonliquefiable bearing layers, and over-excavation and recompaction with engineered fill method. These design measures would reduce the potential exposure of people and structures to the hazard from liquefaction and seismic settlement. According to state soils maps, the entire Project site consists of Nord fine Sandy Loam which does not contain soils suitable for liquefaction. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

iv. Landslides?

No Impact: The proposed Project Site is generally flat and there are no hill slopes in the area. As a result, there is no potential for landslides. No geologic landforms exist on or near the Project Site that could result in a landslide event. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Summary of Items a) i-iv

The proposed Los Banos General Plan 2042 Safety and Noise (S) Element contains goals and policies that require local planning and development decisions to consider potential impacts to the risk of loss, injury, or death as a result of earthquakes. The following goals and policies, once adopted, would serve to minimize potential adverse impacts from earthquakes.

- Goal S-1. Minimize risks of property damage and personal injury posed by seismic hazards, soil hazards, and erosion.
 - Policy S-P1.1. Review proposed development sites at the earliest stage of the planning process to locate any potential geologic or seismic hazards.

- Policy S-P1.2. Require mitigation for buildings that change occupancy or use that require a permit for structural alterations, especially unreinforced masonry buildings, to ensure structural safety.
 - Policy S-P1.3. Require utilities be designed to withstand probable seismic forces to be encountered in Los Banos.
 - Policy S-P1.4. Require preparation of a soils report as part of the development review and/or building permit process.
 - Policy S-P1.7. Require that alterations to existing buildings and all new buildings be built according to the seismic requirements of the current California Building Code.
 - Policy S-P1.8. Establish location standards and inspection requirements for aboveground storage tanks to minimize potential risks to life and property.
- Goal S-4. Protect Los Banos' residents and businesses from potential wildfire and structural fire hazards through data-driven decision-making and community planning efforts.
 - 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. Implementation of these goals and policies, as well as compliance with state, regional, and local regulations pertaining to structural safety regarding fault rupture, ground shaking, liquefaction, and landslides, would ensure that potential future development that results from implementation of the proposed project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death.

Implementation of these goals and policies, as well as compliance with state, regional, and local regulations pertaining to structural safety regarding fault rupture, ground shaking, liquefaction, and landslides, would ensure that the Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death. Therefore, based on the analysis and information provided herein, the impacts would be *less than significant*.

Mitigation Measures: None Required

Based on the analysis and information contained herein, *no mitigation measures would be required*.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact: As the Project site is relatively flat, the potential for erosion is low. However, construction-related activities and increased impermeable surfaces can increase the probability for erosion to occur. Construction-related impacts related to erosion would be temporary, short-term, and intermittent.

The CBC provides regulations for construction to provide proper grading, drainage, and erosion and sediment control. In addition, LBMC Chapter 13, Los Banos Urban Storm Water Management and Discharge Control, requires erosion and sediment be controlled. Erosion-control measures can include seeding slopes, installation of temporary dikes and swales, placement of straw bales and filter fences, outlet protection, grass-lined swales, and installation of sediment retention structures, as appropriate for specific sites. In addition, LBMC Section 9-6.03.08, Grading Design Plan, sets forth the requirements for the submittal of grading plans that demonstrate that potential future development has been designed to minimize soil erosion.

The General Plan 2042 Safety and Noise (S) Element contains goals, policies, and actions that require local planning and development decisions to consider potential impacts from soil erosion. The following goals policies, and actions would serve to minimize potential adverse impacts from soil erosion.

- Goal S-1. Minimize risks of property damage and personal injury posed by seismic hazards, soil hazards, and erosion.
 - Policy S-P1.5. Control erosion of graded areas with revegetation or other acceptable methods.
 - Policy S-P1.6. Maintain grading and landscaping regulations to reduce soil erosion potential, including:
 - Planning and conducting operations and construction activities in a manner that will not disturb extensive areas of soil or that will disrupt local drainage;
 - Prohibiting organic or earthen material from being discharged into any canals or waterways or placed at locations where they can pass into canals or waterways in quantities that could impair any beneficial use of the water.

- Goal S-7. Improve Los Banos' resilience to existing and future climate change hazards, such as drier conditions, warmer temperatures, flooding, increased wildfire risks, and increased energy use to address changing temperatures and weather patterns.
 - Action S-A7.3. Update the Safety Element on a regular basis, as required by the California Government Code, in concert with the Los Banos' General Plan Housing Element to ensure the document's relevance to future safety conditions in the city. When updates to other safety documents occur, incorporate, and make the Safety Element consistent with these updates.
 - Action S-A7.4. Incorporate nature-based environmental design and green infrastructure (e.g., permeable surfaces to encourage natural drainage, drought-adapted species to reduce water consumption, plantings with strong root systems to reduce erosion) into existing and new development, as feasible.

Implementation of these goals, policies, and actions, as well as adherence to existing regulatory requirements that include, but are not limited to, the CBC and the LBMC grading and drainage requirements for new developments, would ensure that impacts associated

with substantial erosion and loss of topsoil in the Project site. The Project site would be required to implement best management practices (BMPs) as specified by a Stormwater Pollution Prevention Plan (SWPPP), which are developed to prevent significant impacts related to erosion from construction-related activities. The Project would direct its stormwater runoff into site bioretention basins (and ultimately conveyed to the City's stormwater drainage system). Impacts related to erosion would be limited to construction-related activities and would be temporary, short-term, and intermittent. As such, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required

Based on the analysis and information contained herein, *no mitigation measures would be required*.

c) Would the Project 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?

Less Than Significant Impact: As addressed in response to earlier Items a) and b), the Project site is not situated in an area susceptible to landslides, liquefaction, or other geological hazards. Lateral spreading, induced by liquefaction, occurs when seismic ground shaking causes slopes with saturated soils to liquefy and flow toward the open slope face. However, the Project site is generally flat and lacks significant slopes, which would minimize if not entirely neutralize this concern. Ground subsidence generally occurs when overdrafts from a groundwater basin diminish the upward hydraulic pressure that supports the land surface above, leading to the consolidation or settlement of the underlying soils. The EIR indicates minimal risk of liquefaction and subsidence within the county. Additionally, geological hazards would be accounted for through the implementation of seismic standards outlined by the California Building Code. Therefore, the impact would be *less than significant*.

Mitigation Measures: None Required

Based on the analysis and information contained herein, *no mitigation measures would be required*.

d) Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact: General Plan 2042 Policy S-P1.1 would require that the project site identify any potential geological or seismic hazards early in the process and Policy S-P1.4 would be required to evaluate soil characteristics, which would identify if the soils were determined to be expansive. General Plan 2042 requires that future development proposed

on expansive soils follow regulations imposed by the CBC, such as standards for seismic safety, excavation, foundations, retaining walls, site demolition, and grading activities, including drainage and erosion control. Specific engineering methods that could be used to reduce the impact of expansive soils include drainage-control devices to limit water infiltration near foundations, over-excavation and recompaction of engineered fill method, or support of the foundation with piles. Implementation of the proposed goals and policies previously and listed in impact discussion GEO-1, as well as compliance with state, regional, and local regulations pertaining to structural safety regarding a geologic unit or soils that are unstable and could result in landslides, lateral spreading, subsidence, liquefaction, or collapse, and would ensure that potential future development that results from implementation of the proposed project would not directly or indirectly cause substantial adverse effects, including the risks to life or property. Therefore, impacts would be less than significant and no mitigation measures are required. The Project Site is not in an area with expansive soils, as expansive soils occur only in the county's western and southern portions. Because the soils associated with the Project do not exhibit shrink-swell behavior, implementation of the Project would not pose a risk to life or property caused by expansive soils. Therefore, based on the analysis and information provided herein, *a less than significant impact* would occur.

Mitigation Measures: None Required

Based on the analysis and information contained herein, *no mitigation measures would be required.*

e) Would the Project 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?

No Impact: The proposed Project would not use septic tanks or alternative wastewater disposal systems. The Project would connect to the City's existing wastewater conveyance network. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required

Based on the analysis and information contained herein, *no mitigation measures would be required.*

f) Would the Project directly or indirectly destroy a unique paleontological resource or Site or unique geologic feature?

Less Than Significant Impact with Mitigation Incorporated:

As indicated in the General Plan IER, geological formations underlying the EIR Study Area 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-related activities (e.g., grading and excavation) associated with the Project site 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-related activities.

The General Plan 2042 Park, Open Space, and Conservation (P) Element the following goal and policies to minimize potential adverse impacts to paleontological resources.

- Goal P-10. Protect and restore the cultural and historic resources of Los Banos.
 - Policy P-P10.5. Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and designated historic resources by:
 - Requiring a record search at the Central California Information Center located at California State University Stanislaus and other appropriate historical repositories for development proposed in areas that are considered archaeologically sensitive;
 - Studying the potential effects of development and construction (as required by the California Environmental Quality Act);
 - Requiring pre-construction field surveys (where appropriate) and monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity; and
 - Implementing appropriate measures or project alternatives to avoid identified significant impacts to historical resources. Where such impacts are unavoidable, document the structure(s) in accordance with the National Park Service's Historic American Building Survey/Historic American Engineering Record (HABS/HAER). Such affects would still be considered significant.
 - 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.

There are no unique geologic features or known paleontological resources located within the Project site. Implementation of the goal and policies listed herein, as well as compliance with state, regional, and local regulations pertaining to paleontological resources, would ensure that the Project would not directly or indirectly destroy a unique paleontological resource or unique geologic feature. However, Mitigation Measure GEO-1 is required in the event of

inadvertent discovery of a paleontological resource to ensure potential impacts are not significant. Therefore, based on the analysis and information contained herein, impacts would be *less than significant with mitigation*.

Mitigation Measure for Impacts on Geology and Soils

Mitigation Measure GEO-1: If a suspected unique paleontological resource were to be discovered during construction of the Project, the following protocol shall be implemented:

- The City of Los Banos shall be notified of the discovery. Work shall cease around the find until a qualified paleontologist meeting the Society of Vertebrate Paleontology standards has evaluated the find in accordance with federal, state, and local guidelines. The applicant shall choose a qualified paleontologist subject to the approval of the City. If the find is determined to be a unique resource, such measures may include avoidance, preservation in place, data recovery and associated documentation, or other appropriate measures. Construction activity may continue unimpeded in other portions of the Project Site. The City shall determine the appropriate and feasible measure(s) that will be necessary to mitigate impacts, in consideration of the measure(s) recommended by the paleontologist. Construction in the affected area shall re-commence with the approval of the City.

Cumulative Impact: Less than Significant

As discussed in Chapter 4, Environmental Analysis, of the General Plan EIR, the cumulative setting includes growth within the EIR Study Area in combination with projected growth in the rest of Merced County and the surrounding region. In and of itself, the Project site would not result in significant impacts related to geology and soils. Although the Project site includes some potentially significant hazards (i.e., strong ground shaking, subsidence, settlement, collapse, seismic-related ground failure, and erosion) the Project would be subject to regulations pertaining to seismic safety, including the CBC and LBMC requirements. Compliance with these requirements would, to the maximum extent practicable, reduce cumulative, development-related impacts that pertain to seismic shaking, seismic-related ground failure, seismically induced landslides, soil erosion, and unstable soils. Similarly, compliance with relevant LBMC requirements, as well as the requirements of the CBC, would minimize the cumulative impacts associated with substantial erosion or loss of topsoil. As indicated in the General Plan EIR, while none of the soils in the EIR Study Area are considered to have unique geological resources, unique subsurface paleontological resources may occur. In the unlikely event that previously unknown resources are discovered during construction-related activities the find would be evaluated on its own merits. Cumulative development in adjacent jurisdictions would be subject to the same federal, state, and local regulations. Since impacts associated with geology and soils are by their nature focused on specific sites or areas, a less-than significant impacts within the Project site to avoid impacts related to geology and soils from the proposed Project, would not contribute to a cumulative increase in

hazards in the immediate vicinity of the EIR Study Area, or greater Merced County. Therefore, based on the analysis and information provided herein, cumulative impacts associated with geology and soils would *be less than significant*; with the exception of paleontological resources which would require mitigation as specified herein.

VIII. GREENHOUSE GAS EMISSIONS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Greenhouse Gas Emissions resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Qualified consultants Core Environmental Consulting, LLC., prepared the "Technical Memorandum-an Air Quality, Greenhouse Gas, Health Risk Assessment for Vintners Distributors Los Banos" (AQ Memorandum) project which is used to provide technical expertise support regarding air quality, greenhouse gas, and health risk assessment items of this MND. The AQ Memorandum is included in its entirety as Appendix B of this MND. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Climate Change is a change in the average weather of the earth that may be measured by alterations in wind patterns, storms, precipitation, and temperatures. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level a statistical significance, specifically focusing on temperature records from the last 150 years, the Industrial Age, which differ from previous climate changes in rate and magnitude.

In California, climate change may result in consequences such as the following form (CCCC 2006 and Moser et al. 2009).

1. A reduction in the quality and supply of water to the State from the Sierra snowpack.

2. Increased risk of large wildfires.
3. Reduction in the quality and quantity of certain agriculture products.
4. Exacerbation of air quality problems.
5. A rise in sea levels resulting in the displacement of coastal businesses and residences.
6. Damage to marine ecosystems and their natural environment.
7. An increase in infections, disease, asthma, and other health-related problems.
8. A decrease in the health and productivity of California’s forest. (CCCC 2006 and Moser et al. 2009)

Greenhouse Gases (GHG) are gases that trap heat in the atmosphere and the presence of GHGs in the atmosphere affects the earth’s temperature. The effect is equivalent to the way a greenhouse retains heat. Natural processes and human activities emit greenhouse gases. Common GHGs include water vapor, carbon dioxide, methane, nitrous oxide, ozone, chlorofluorocarbons, hydro chlorofluorocarbons, hydro fluorocarbons, per fluorocarbons, sulfur, and hexafluoride. Human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

GHGs as defined by AB 32 include the following gases: carbon dioxide, methane, nitrous oxide, hydrocarbons, perfluorocarbons, and sulfur hexafluoride. GHGs as defined by AB 32 and sources are summarized in Table 3-10.

Table 3-10: Greenhouse Gases; Source: EPA, Intergovernmental Panel on Climate Change				
Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Methane (CH4)	Is a flammable gas and is the main component of natural gas	12 years	21	Emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Carbon dioxide (CO ₂)	An odorless, colorless, natural greenhouse gas.	30-95 years	1	Enters the atmosphere through burning fossil fuels (coal, natural gas and oil), solid waste, trees and wood products, and also as a result of certain chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
Chloro-fluorocarbons	Gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are non-toxic nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the earth's surface).	55-140 years	3,800 to 8,100	Were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone.
Hydrofluoro-carbons	A man-made greenhouse gas. It was developed to replace ozone-depleting gases found in a variety of appliances. Composed of a group of greenhouse gases containing carbon, chlorine and at least one hydrogen atom.	14 years	140 to 11,700	Powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for stratospheric ozone-depleting substances. These gases are typically emitted in smaller quantities, but because they are potent greenhouse gases.

Greenhouse Gas	Description and Physical Properties	Lifetime	GWP	Sources
Nitrous oxide (N ₂ O)	Commonly known as laughing gas, is a chemical compound with the formula N ₂ O. It is an oxide of nitrogen. At room temperature, it is a colorless, non-flammable gas, with a slightly sweet odor and taste. It is used in surgery and dentistry for its anesthetic and analgesic effects.	120 years	310	Emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.
Pre-fluorocarbons	Has a stable molecular structure and only breaks down by ultraviolet rays about 60 kilometers above Earth's surface.	50,000 years	6,500 to 9,200	Two main sources of pre-fluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	An inorganic, odorless, colorless, and nontoxic nonflammable gas.	3,200 years	23,900	This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing and as a tracer gas.

Each of the designated gases described above can reside in the atmosphere for different amounts of time, ranging from a few years to thousands of years. All of these gases remain in the atmosphere long enough to become well mixed, meaning that the amount that is measured in the atmosphere is roughly the same all over the world regardless of the source of the emission.

Potential Climate Change Impacts for California

As indicated in the General Plan EIR (pages 4.8-4 thru 4.8-5), observed changes over the last several decades across the western United States reveal clear signs of climate change. Statewide, average temperatures increased by about 1.7 degrees Fahrenheit (°F) from 1895 to 2011, and warming has been greatest in the Sierra Nevada. The years from 2014 through 2016 showed unprecedented temperatures, with 2014 being the warmest. By 2050, California is projected to warm by approximately 2.7°F above 2000 averages, a threefold increase in the rate of warming over the last century. By 2100, average temperatures could increase by 4.1°F to 8.6°F, depending on emissions levels.

Overall, California has become drier over time, with five of the eight years of severe to extreme drought occurring between 2007 and 2016, and with unprecedented dry years in 2014 and 2015. Statewide precipitation has become increasingly variable from year to year, with the driest consecutive four years occurring from 2012 to 2015.

Global climate change risks to California are shown in Table 4.8-2 (of the General Plan EIR, page 4.8-5), *Summary of GHG Emissions Risks to California*, and include impacts to public health, water resources, agriculture, coastal sea level, forest and biological resources, and energy.

California's GHG Sources and Relative Contribution

As noted in the General Plan EIR, in 2021, the statewide GHG emissions inventory was updated for 2000 to 2019 emissions using the GWPs in IPCC's AR4. 17 Based on these GWPs, California produced 418.2 MMTCO₂e GHG emissions in 2019. California's transportation sector was the single-largest generator of GHG emissions, producing 39.7 percent of the state's total emissions. Industrial sector emissions made up 21.1 percent, and electric power generation made up 14.1 percent of the state's emissions inventory. Other major sectors of GHG emissions include commercial and residential (10.5 percent), agriculture and forestry (7.6 percent), high GWP (4.9 percent), and recycling and waste (2.1 percent).

Transportation emissions continued to decline in 2019 statewide as they had done in 2018, with even more substantial reductions due to a significant increase in renewable diesel. Since 2008, California's electricity sector has followed an overall downward trend in emissions. In 2019, solar power generation continued its rapid growth since 2013. Emissions from high-GWP gases made up 4.9 percent of California's emissions in 2019.

Los Banos' Community Emissions

As noted in the General Plan EIR, the existing land uses in Los Banos consist of single- and multifamily residences and retail, office, commercial, industrial, and institutional uses. Operation of these land uses generates GHG emissions from natural gas used for energy, heating, and cooking; electricity usage; vehicle trips for employees and residents; area sources such as landscaping and agricultural equipment and consumer cleaning products; water demand; waste generation; and solid waste generation. In summary, 72% of GHG emissions were from On-Road Transportation; 10% from Off-Road Vehicles and Equipment; 8% from Building Electricity; 7% Building Natural Gas; and 1% each from Solid Waste/Landfills and Water Use and Wastewater Treatment. Emissions associated with the EIR Study Area are shown in Table 4.8-6, Existing Greenhouse Gas Emissions Inventory in the EIR Study Area of the General Plan EIR (see page 4.8-13).

Regulatory Setting

Climate changes is a global, national, state, and local issue involving greenhouse gas emissions from all around the world; therefore, countries around the world, including the United States, have established regulations to assist in the emissions of GHGs. The following are a brief description of international, national, state, and local regulations.

International

Intergovernmental Panel on Climate Change (1998)

The United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess the scientific, technical and socio-economical information relevant to understanding the scientific basis of risk of human-induced climate change and its potential impacts.

United Nations Framework Convention on Climate Change (1994)

Governments gather and share information on GHG emissions, national policies and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts.

Kyoto Protocol (Adopted 1997, effective 2005)

Sets binding targets for 37 industrialized countries and the European community for reducing GHG emissions at an average of 5% against 1990 levels over the five-year period of 2008-2012

Paris Climate Agreement (adopted 2015, effective 2016)

The Paris Climate Agreement is an agreement within the United UNFCCC to limit global temperature rise to 2 degrees Celsius above preindustrial levels. Under the agreement, each country determines, plans, and regularly reports its own contribution to mitigate global warming. The agreement is voluntary and is not legally binding. It is noted that the United States withdrew from this agreement in January 2025.

Federal

The United States Environmental Protection Agency (USEPA) announced on December 7, 2009, that GHG emissions threaten the public health and welfare of the American people and that GHG emissions from on-road vehicles contribute to that threat.

To regulate GHGs from passenger vehicles, the USEPA was required to issue an endangerment finding. GHGs—CO₂, CH₄, N₂O are applicable to the Project's GHG emissions inventory because

they constitute the majority of GHG emissions and, according to guidance by the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD), are the GHG emissions that should be evaluated as part of a project's GHG emissions inventory.

- *U.S. Mandatory Report Rule for Greenhouse Gases (2009)*
- *Update to Corporate Average Fuel Economy Standards (2021 to 2026)*
- *USEPA Regulation of Stationary Sources under the Clean Air Act (Ongoing)*

State

As indicated in the General Plan EIR, Current State of California guidance and goals for reductions in GHG emissions are generally embodied in Executive Order (EO) S-03-05, EO B-30-15, EO B-55-18, Assembly Bill 32 (AB 32), SB 32, and SB 375.

- *Executive Order S-03-05.* EO S-03-05, signed June 1, 2005, set the following GHG-reduction targets for the state:
 - 2000 levels by 2010.
 - 1990 levels by 2020.
 - 80 percent below 1990 levels by 2050.
- *Assembly Bill 32.* AB 32 was passed by the California state legislature on August 31, 2006, to place the state on a course toward reducing its contribution of GHG emissions. AB 32 follows the 2020 tier of emissions reduction targets established in EO S 03 05. CARB prepared the 2008 Climate Change Scoping Plan (Scoping Plan) to outline a plan to achieve the GHG-emissions reduction targets of AB 32.
- *Executive Order B-30-15.* EO B-30-15, signed April 29, 2015, set a goal of reducing GHG emissions in the state to 40 percent of 1990 levels by year 2030. EO B-30-15 also directed CARB to update the Scoping Plan to quantify the 2030 GHG reduction goal for the state and requires state agencies to implement measures to meet the interim 2030 goal as well as the long-term goal for 2050 in EO S-03- 05. It also requires the Natural Resources Agency to conduct triennial updates of the California adaption strategy, Safeguarding California, to ensure climate change is accounted for in state planning and investment decisions.
- *Senate Bill 32 and Assembly Bill 197.* In September 2016, SB 32 and AB 197 were signed into law, making the EO goal for year 2030 into a statewide mandated legislative target. AB 197 established a joint legislative committee on climate change policies and requires CARB to prioritize direct emissions reductions rather than the market-based cap-and-trade program for large stationary, mobile, and other sources.
- *2017 Scoping Plan Update.* EO B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. On December 24,

2017, CARB adopted the 2017 Scoping Plan Update, which outlined potential regulations and programs, including strategies consistent with AB 197 requirements, to achieve the 2030 target. The 2017 Scoping Plan established a new emissions limit of 260 MMTCO₂e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.

California's climate strategy will require contributions from all sectors of the economy, including an enhanced focus on zero- and near-zero emission (ZE/NZE) vehicle technologies; continued investment in renewables, such as solar roofs, wind, and other types of distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (methane, black carbon, and fluorinated gases); and an increased focus on integrated land use planning, to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for GHG reductions at stationary sources complement local air pollution control efforts by the local air districts to tighten criteria air pollutants and toxic air contaminant emissions limits on a broad spectrum of industrial sources. Major elements of the 2017 Scoping Plan framework include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing ZE buses and trucks.
- Low Carbon Fuel Standard (LCFS), with an increased stringency (18 percent by 2030).
- Implementation of SB 350, which expands the Renewables Portfolio Standard (RPS) to 50 percent and doubles energy-efficiency savings by 2030.
- California Sustainable Freight Action Plan, which improves freight system efficiency, uses near zero emissions technology, and deployment of ZE trucks.
- Implementing the Short-Lived Climate Pollutant Strategy, which focuses on reducing methane and hydrofluorocarbon emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- Continued implementation of SB 375.
- Development of a Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

In addition to the statewide strategies listed here, the 2017 Scoping Plan also identified local governments as essential partners in achieving the State's long-term GHG reduction goals and identified local actions to reduce GHG emissions. The statewide per-capita goals were developed by applying the percentage reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 and 80 percent, respectively) to the State's 1990 emissions limit established under AB 32.

For California Environmental Quality Act (CEQA) projects, CARB states that lead agencies have the discretion to develop evidenced-based numeric thresholds (mass emissions, per capita, or per service population)—consistent with the Scoping Plan and the state's long-term GHG goals.

The 2017 Scoping Plan scenario is set against what is called the business-as-usual yardstick—that is, what would the GHG emissions look like if the State did nothing at all beyond the existing policies that are required and already in place to achieve the 2020 limit, as shown in Table 4.8-3, 2017 Climate Change Scoping Plan Emissions Reductions Gap. Table 4.8-4, provides estimated GHG emissions by sector, compared to 1990 levels, and the range of GHG emissions for each sector estimated for 2030

Executive Order B-55-18. EO B-55-18, signed September 10, 2018, sets a goal “to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter.” EO B-55-18 directs CARB to work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal.

The 2022 Scoping Plan is currently being updated by CARB to address the GHG-reduction goals of EO B-55-18 by 2045. The 2022 Scoping Plan update will consider carbon stock and sequestration and carbon dioxide removal. Based on the preliminary modeling results identified in CARB’s April 20, 2022, workshop, the measures in the Scoping Plan will achieve 80 percent below 1990 levels by 2050. The Draft 2022 Scoping Plan was released May 10, 2022, and final adoption is anticipated in late fall 2022.

Senate Bill 375. In 2008, SB 375, the Sustainable Communities and Climate Protection Act, was adopted to connect the GHG emissions-reductions targets established in the 2008 Scoping Plan for the transportation sector to local land use decisions that affect travel behavior. The Merced County Association of Governments (MCAG) is the MPO for the Merced region. Pursuant to the recommendations of the Regional Transportation Advisory Committee (RTAC), CARB adopted per-capita reduction targets for each of the MPOs rather than a total magnitude reduction target.

2017 Update to the SB 375 Targets. CARB is required to update the targets for the MPOs every eight years. In June 2017, CARB released updated targets and technical methodology and recently released another update in February 2018, which became effective in October 2018. As shown in General Plan EIR on Table 4.8-5 (see page 4.8-11), List of State GHG Regulations, provides a summary list of regulations adopted in California that reduce GHG emissions. A complete description of these regulations is included in Appendix B, Air Quality and Greenhouse Gas Emissions Data, of this Draft EIR

Regional

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District is made up of eight counties in California’s Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. The Valley Air District is governed by a Governing Board consisting of representatives from the

Board of Supervisors of all eight counties, one Health and Science member, one Physician, and five Valley city representatives.

SJVAPCD CEQA Greenhouse Gas Guidance. The SJVAPCD approach is intended to streamline the process of determining if Project specific GHG emissions would have a significant effect. Best Performance Standards would be established according to performance-based determinations

San Joaquin Valley Carbon Exchange. Intended to quantify, verify, and track voluntary GHG emissions reductions generated within the San Joaquin Valley

Rule 2301. Emission Reduction Credit Banking. Provided an administrative mechanism for sources to bank GHG emissions, mechanism for sources to transfer GHG reductions to other users and defines eligibility standards, quantitative and procedures.

Merced County Association of Governments (MCAG)

2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS)

The 2022 RTP/SCS noted that the Sustainable Communities and Climate Protection Act of 2008 (SB 375) requires that California's 18 MPOs, including MCAG, incorporate an integrated Sustainable Communities Strategy (SCS) as part of the RTP/SCS. Related to greenhouse gas (GHG) emissions, SB 375 also requires that SCS's must be able to achieve the GHG reduction targets established by the California Air Resources Board (CARB). With the implementation of this Plan, the Merced region can meet and exceed the greenhouse gas (GHG) targets provided under SB 375. It is noted that MCAG is in the process of preparing its draft 2026 RTP/SCS.

Local

General Plan Update 2042

The General Plan 2042 Land Use (LU) Element and Parks, Open Space, and Conservation (P) Element includes goals and policies that require local planning and development decisions to consider impacts from GHG emissions and to reduce those GHG emissions. The following goals and policies would serve to minimize GHG emissions in the EIR Study Area, including the Project site.

Goal LU-4. Protect and enhance Los Banos' image and unique sense of place.

- Policy LU-P4.8. Facilitate environmentally sensitive development practices by:
 - Exploring and promoting the use of new sustainable building materials, such as mass timber and cross-laminated timber in new development, consistent with State building codes;
 - Encouraging the purchase of locally or regionally available materials, when practical;

- Encouraging both passive solar design features and the incorporation of solar panels or solar readiness;
 - Promoting the use of the U.S. Green Building Council's LEED rating system; and
 - Creating Green Building Design Guidelines to be used in the development review process.
- Goal P-12. Promote resilient design and energy efficiency in the built environment.
 - Policy P-P12.1. Maximize tree planting, landscaping, green roofs, and other vegetation measures to mitigate heat gain and heat island effects, improve resilience, and create new spaces for biodiversity.
 - Policy P-P12.2. Where feasible, require use of materials that minimize heat island effect, such as cool pavements and cool roofs. Where feasible, minimize impervious and paved surfaces.
 - Policy P-P12.3. Encourage the use of low-emission building, such as HVAC equipment, and operation equipment for all new residential and commercial development.
 - Policy P-P12.4. Provide incentives and/or partner with the Community Choice Aggregation agency for improving energy efficiency in existing buildings.
 - Goal P-13. Ensure equitable and healthy air quality among all communities in the city so that all residents, including those with high sensitivity to unhealthy air, can live in their community without facing disproportionately high risks of respiratory disease and other health problems.
 - Policy P-P13.1. Require a cumulative health risk assessment, including consideration of truck traffic impacts, when a project potentially affects sensitive receptors in disadvantaged communities, and require appropriate mitigation based on the findings of the assessment.
 - Policy P-P13.2. When evaluating health risk impacts of projects in disadvantaged communities, use a cancer risk of 1.0 per million as the threshold for a significant impact.
 - Policy P-P13.4. When evaluating air quality impacts of projects in disadvantaged communities, use thresholds of significance that match or are more stringent than the air quality thresholds of significance identified in the current San Joaquin Valley Air Pollution Control District Air Quality Guidelines.
 - Policy P-P13.5. Prioritize new street tree plantings and increase the tree canopy in disadvantaged communities, in particular areas with a high heat index.

Furthermore, as described in Chapter 4.15, Transportation, of the General Plan EIR, the General Plan 2042 Economic Development (ED) Element, Land Use (LU) Element, and Circulation (C) Element include land use designations, goals, policies, and actions that will help reduce VMT and therefore reduce GHG emissions from automobiles. Please see impact discussion TRAN-1 (in the EIR) for a list of these goals, policies, and actions.

Los Banos Municipal Code (LBMC)

The LBMC includes various directives pertaining to GHG emissions. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to GHG emissions impacts are included in Title 8, Building Regulations, as follows:

- Title 8, Chapter 1.12, Adoption of the California Green Building Standards Code 2019 Edition. This chapter incorporates California Code of Regulations Title 24, Part 11, California Green Building Standards Code.
- Title 8, Chapter 6.04, Solar Energy System Requirements. This chapter requires that all solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City.

3.4 Thresholds and Methodology

The impact analysis provided in Chapter 2.6 is based on the application of the following California Environmental Quality Act (CEQA) Guidelines Appendix G, which indicates that a project would have a significant impact on greenhouse gas emissions if it would:

1. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*
2. *Conflict with an applicable plan, policy or regulations adopted for the purpose of reducing the emissions of greenhouse gas emissions.*

GHG emissions and climate change were evaluated in accordance with Appendix G of the 2024 CEQA Guidelines. CEQA Guidelines Section 15064.4 states that, when making a determination with respect to the significance of a project's GHG emissions, a lead agency shall have discretion to determine whether to: (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use; and/or (2) Rely on a qualitative analysis or performance-based standards. Section 15064.4 also states that a lead agency should consider the following factors when assessing the significance of the impact of GHG emissions on the environment: (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

GHG emissions were calculated in the same CalEEMod model used to determine the proposed project's criteria air pollutant emissions. Consistent with SJVAPCD recommendations,

construction emissions were amortized over a thirty-year period and added to the annual operational emissions to determine the proposed Project's annual GHG emissions. Consistent with CEQA Guidelines Section 15064(h)(3), project significance was determined based on the proposed Project's consistency with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the proposed Project. CARB's 2017 Scoping Plan applies to the proposed Project and are intended to reduce GHG emissions to meet the statewide targets set in Senate Bill (SB) 32. The project efficiency threshold of 6.7 MT CO_{2e}/yr/capita was derived from the CARB Scoping Plan and used to determine the Project's potential impact on greenhouse gas emissions. Thus, the proposed Project would not have a significant effect on the environment if it were found to be consistent with CARB's 2017 Scoping Plan efficiency metric.

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact:

As noted in the AQ Memorandum (page 7), "Greenhouse Gases (GHG), Vehicle Miles Travelled (VMT), and Energy use were all estimated using CalEEMod, as described in the Criteria Pollutants section above. The full detailed report is included in Attachment 2 [of the AQ Memorandum] CalEEMod Results. Summaries are provided in the tables below [in the AQ Memorandum] for information purposes only. No discussion is provided in this Technical Memo regarding impact significance. As discussed in the Criteria Pollutants section above [see Item III Air Quality b)], emissions are expected to be even lower with implementation of all State, regional, and local measures."

Construction. Greenhouse gases would be generated during construction-related activities such as site preparation, grading, building construction, application of architectural coatings, and paving. The CalEEMod Emissions report included in the AQ Memorandum, Table 4, calculates that this Project will create a maximum of 342 MT of CO_{2e} emissions per year during construction. Because Project construction would generate less GHG emissions than this threshold, impacts related to GHG emissions during Project construction would be less than significant.

Operation. The proposed Project would have the following operational greenhouse gas emissions:

- CO₂: 5,054 metric tons per year
- CH₄: 2.35 metric tons per year
- N₂O: 0.42 metric tons per year
- CO_{2e}: 5,979 metric tons per year

The SJVAPCD has not formally provided guidance on how to analyze GHG emissions impacts for projects within their San Joaquin Valley Air Basin (SJVAB). Until such time as SJVAPCD

provides formal guidance, the following alternative metrics used by air districts in California to assess GHG emissions impacts have been identified:

The total operational GHG emissions amount to 5,979 metric tons of CO₂e per year. The proposed Project would not obstruct implementation of the CARB Scoping Plan and would not conflict with the land use concept plan in MCAG's 2022 RTP/SCS. Therefore, based on the analysis and information provided herein, the Project's operational GHG emissions are considered *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required for this Project*.

b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact: Implementation of goals, policies, and actions contained in the General Plan 2042 would reduce GHG emissions in the EIR Study Area to the extent feasible. As described and shown in Table 4.8-7 (of the EIR), GHG emissions reduction are only 1 percent less than the CEQA baseline and not the 64 percent necessary to ensure the City is on a trajectory to achieve the long-term reductions goals of EO S-03-05 and substantial progress toward the State's carbon neutrality goals of EO B-55-18. As such, impacts are potentially significant. Impact GHG-1: Implementation of the General Plan 2042 would not meet the long-term greenhouse gas emissions reduction goal under Executive Order (EO)S-03-05 or substantial progress toward carbon neutrality goals under EO B-55-18.

Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan and the 2022 MCAG RTP/SCS. A consistency analysis with these plans is presented herein.

The CARB Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require local jurisdictions to adopt its policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies from the Scoping Plan result in GHG emissions reductions at the local level. So local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the LCFS and changes in the CAFE standards. Project GHG emissions shown in Table 4.8-7 (of the EIR) include reductions associated with statewide strategies that have been adopted since AB 32 and SB 32. Development projects accommodated under the General Plan Update 2042 project are required to adhere to the programs and regulations identified by the Scoping Plan and

implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32 and SB 32. Future development projects would be required to comply with these state GHG emissions reduction measures because they are statewide strategies. For example, new buildings associated with land uses accommodated by implementing the General Plan 2042 would be required to meet the CALGreen and Building Energy Efficiency Standards in effect at the time when applying for building permits. Furthermore, as discussed under the discussion for Impact GHG-1, the General Plan 2042 includes goals, policies, and programs that would help reduce GHG emissions and therefore help achieve GHG-reduction goals. The proposed project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

Regional Transportation Plan and Sustainable Communities Strategy SB 375 requires each MPO to prepare an SCS in its RTP. MCAG updated and adopted an SCS in its RTP on August 18, 2022 (2022 RTP/SCS). Under the 2022 RTP/SCS, the Merced County region would exceed the GHG targets provided under SB 375 with a 15 percent per-capita reduction from 2005 levels by 2020 and a 17.7 percent per-capita reduction from 2035 GHG emission levels by 2035. The 2022 RTP/SCS focuses on achieving GHG-reduction goals by constructing more infill development in downtowns and centers in close proximity to jobs and services. In addition, the 2018 RTP/SCS emphasizes transportation investments in transportation facilities to improve bicycle and pedestrian mobility. As described in Chapter 4.15, Transportation, of the Draft EIR, the General Plan 2042 the Economic Development (ED) Element, Land Use (LU) Element, and Circulation (C) Element include land use designations, goals, policies, and actions that will help reduce VMT and therefore reduce GHG emissions from automobiles. Please see impact discussion TRAN-2 for a complete list of these goals, policies, and actions. Furthermore, implementation of the General Plan 2042 is projected to result in a decrease in GHG emissions on a per-capita basis. The overall goals of MCAG's 2022 RTP/SCS in concentrating new development "upward" instead of "outward" to minimize conversion of prime agricultural farmland. As an infill-type project, the Project would meet the RTP/SCS's goal of prioritizing infill and growth in existing communities.

Consistency with SB 32 and EO S-03-05 GHG Reduction Targets

The General Plan EIR also analyzed the potential for the proposed project to conflict with the GHG reduction goals established under EO S-03-05 and substantial progress toward the State's carbon neutrality goals. The EIR assumed that the CEQA baseline (2021 emissions) reflected the AB 32 goal in 2020. As a result, at the General Plan horizon year of 2042, the City would need to reduce GHG emissions by 64 percent to ensure the City is on a trajectory to achieve the long-term goal under EO S-03-05 and substantial progress toward the State's carbon neutrality goals. This is equivalent to 148,804 MTCO_{2e} in the *EIR Study Area* (emphasis added) by Year 2042. As shown in Table 4.8-7 (of the EIR) and discussed previously. It is anticipated that implementation of the proposed Project would contribute to an overall increase in emissions in horizon Year 2042 compared to the existing baseline. Additionally, the City would not achieve the 64 percent necessary to ensure the City is on a trajectory to

achieve the long-term year goals under EO S-03-05 and EO B-55-18. Therefore, GHG emissions impacts for the proposed project while not considered potentially significant in regard to meeting the long-term year 2050 reduction goal, they would contribute to cumulative GHG emissions within the General Plan EIR Study Area. While growth within the EIR Study Area would cumulatively contribute to GHG emissions impacts, the General Plan 2042 Land Use (LU) Element and Parks, Open Space, and Conservation (P) Element includes goals and policies that require local planning and development decisions to consider impacts from GHG emissions and to reduce those GHG emissions. The goals and policies noted earlier would serve to minimize GHG emissions in the EIR Study Area.

As such, the Project would be consistent with all applicable plans, policies, and regulations, particularly the Climate Action Plan, which is included as part of the City of Los Banos General Plan. Based on the analysis and information provided herein, the Project would not generate a cumulatively considerable GHG impact, nor would it conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. The impact is *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: Less than Significant.

As noted in the General Plan EIR, Project-related GHG emissions are not confined to a particular air basin but are dispersed worldwide. Therefore, impacts under impact discussion GHG-1 are not project-specific impacts to global warming, but are the proposed Project's contribution to this cumulative impact. As described under impact discussion GHG-1, implementation of the proposed Project would result in an increase in GHG emissions in horizon year 2042 from existing baseline and would not meet the long-term GHG reduction goal under EO S-03 05. Therefore, overall Los Banos planning area emissions (including this Project's-related GHG emissions and their contribution to global climate change), would be cumulatively considerable, and GHG emissions impacts would be significant and unavoidable, the same as Impact GHG-1. However, as also noted at Impact GHG-1, the General Plan EIR includes mitigation measures for GHG covers the entire EIR analysis area (that is, the entire General Plan planning area) while this Project is limited to a nine (9) acre site surrounded by existing development. Although the General Plan EIR determined that GHG emission reduction goals will not be achieved through Planning Year 2042, this Project does not cover such a broad-based area, and its emissions will include short-term, temporary, and intermittent construction-related activity emissions which will end upon cessation of construction-related activities. Operational emissions are projected to remain below established thresholds. Therefore, based on the analysis and information provided herein, and although not significant in and of itself, overall cumulative impact would be *less than significant*.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a Site which is included on a list of hazardous materials Sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard or excessive noise to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding

Environmental Setting, Regulatory Setting, CEQA requirements, Hazards and Hazardous Material resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Hazardous Materials Sites

The Department of Toxic Substances Control's (DTSC's) EnviroStor was used to identify any sites associated with the release of hazardous materials or wastes within the Project area. This research confirmed that the Project Site is not a hazardous area. The General Plan EIR identified 81 sites within the EIR Study Area. Of the 81 sites, 27 are designated as active and the remaining 54 sites are designated as "closed" or "completed – case closed," indicating that they have been investigated and/or remediated to the satisfaction of the lead responsible agency (i.e., RWQCB, DTSC, Merced County DEH) based on land use at the time of closure. The 27 active hazardous materials sites are shown in Table 4.9-1 (of the EIR), Active Hazardous Materials Sites, and on Figure 4.9-1 (of the EIR), Active Hazardous Material Sites. The remaining 54 sites are included with a complete list of 81 sites is in Appendix E, Hazardous Materials Data, of the Draft EIR. The majority of the active sites are classified as school investigation sites and are associated with metals, pesticides, and gasoline and diesel. The nearest school site is Grasslands Elementary School which was investigated for metals and pesticides; however, the RWQCB, DTSC and Merced County DEH determined that no further action was required.

California Government Code Section 65962.5 requires the CalEPA to compile, maintain, and update specified lists of hazardous material release sites. CEQA Section 21092.6 requires the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether the project and any alternatives are identified on any of the following lists:

- USEPA National Priorities List. The USEPA's National Priorities List includes all sites under the USEPA's Superfund program, which was established to fund cleanup of contaminated sites that pose risks to human health and the environment.
- USEPA CERCLIS and Archived Sites. The USEPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) includes a list of 15,000 sites nationally identified as hazardous sites. This would also involve a review for archived sites that have been removed from CERCLIS due to No Further Remedial Action Planned status.
- USEPA RCRIS (RCRA Info). The Resource Conservation and Recovery Act Information System (RCRIS or RCRA Info) is a national inventory system about hazardous waste

handlers. Generators, transporters, handlers, and disposers of hazardous waste are required to provide information for this database.

- DTSC Cortese List. The DTSC maintains the Hazardous Waste and Substances Sites (Cortese) list as a planning document for use by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release sites. This list includes the Site Mitigation and Brownfields Reuse Program Database.
- DTSC HazNet. The DTSC uses this database to track hazardous waste shipments.
- SWRCB LUSTIS. Through the Leaking Underground Storage Tank Information System (LUSTIS), the SWRCB maintains an inventory of Underground Storage Tanks (USTs) and LUSTs, which tracks unauthorized releases.

Schools

As described in Chapter 4.3, Air Quality (of the EIR), some land uses are considered more sensitive to airborne hazardous materials than others due to the types of population groups or activities involved. Because sensitive population groups include children, the California Environmental Quality Act (CEQA) requires an evaluation of hazardous emissions or handling hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school, private or public. As discussed in Chapter 4.14 (of the EIR), Public Services, Parks, and Recreation, Los Banos is served by the Los Banos Unified School District (LBUSD), which has eight elementary schools, two junior high schools, one high school, and one continuation high school all within the EIR Study Area. As noted earlier, the nearest school is Grasslands Elementary School located approximately 0.27 miles east of the Project site.

Airport Hazards

The nearest public airport is Los Banos Municipal Airport and is approximately two (2) miles southwest of the project site. The Los Banos Municipal Airport is within the city limits of Los Banos in the western part of the city. The airport is west of downtown and directly adjacent to the Central California Irrigation District Main Canal; it is between SR-152 and Ingomar Grade Road. It covers 125 acres and contains one paved runway 3,800 feet long. The airport is owned by the City of Los Banos and operated through the Public Works Department.

The airport was developed in 1940 and has historically been used for general aviation, which includes all aviation activities other than commercial passenger flights, commuter/air taxi, and military uses. General aviation activity typically includes single-engine and small twin-engine aircraft holding six or fewer people. The Los Banos Municipal Airport is the third largest and third most active airport in the county. The Federal Aviation Administration reported that as of 2017, an average of 21 planes were based at the Los Banos Municipal Airport over the past 5 years, and the airport saw a total of 16,000 "aviation activities," which could include local users, travelers passing through, emergency operations, etc. As with the current General Plan, the City is considering the relocation of the airport to a site outside the EIR Study Area to reduce

potential conflicts with surrounding land uses. There are no private airstrips in the vicinity of the proposed Project.

As previously described in Section 4.9.1.1 (of the EIR), Regulatory Framework, under subheading “Merced Municipal Airport Land Use Compatibility Plan,” a large portion of Los Banos and its current and proposed Sphere of Influence (SOI) are within the ALUC’s AIA (i.e., planning area). The AIA includes all areas surrounding the airport that are affected by noise and safety considerations and is organized by five land use compatibility zones that rank the level of noise and safety hazards from very high to low. The ACLUP also establishes height restrictions for structures, and the area subject to these height restrictions is slightly greater than the AIA. Pursuant to Map LOS 2, Airspace Protection Map, of the Merced County ALUCP, based on the current airport location, most of the Los Banos city limits and SOI should not exceed the height limits of between 271 and 471 feet above mean sea level depending on the location of the structure.

Emergency Response and Evacuation Planning Areas

As described in Section 4.9.1.1 (of the EIR), Regulatory Framework, the EIR Study Area is within the planning area of the Merced County EOP and the Multi-jurisdictional Multi Hazard Mitigation Plan. The Project site also lies within these planning areas.

Regulatory Setting

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (USEPA) is the primary federal agency that regulates hazardous materials and waste. In general, the USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress. The agency is responsible for researching and setting national standards for a variety of environmental programs, delegating the responsibility for issuing permits, and monitoring and enforcing compliance to states and Native American tribes. USEPA programs promote handling hazardous wastes safely, cleaning up contaminated land, and reducing waste volumes through such strategies as recycling. California falls under the jurisdiction of USEPA Region 9. Under the authority of the Resource Conservation and Recovery Act (RCRA) and in cooperation with State and tribal partners, the USEPA Region 9 Waste Management and Superfund Divisions manage programs for site environmental assessment and cleanup, hazardous and solid waste management, and underground storage tanks.

United States Department of Transportation

The United States Department of Transportation (USDOT) has the regulatory responsibility for the safe transportation of hazardous materials between states and internationally. The USDOT regulations govern all means of transportation, except for those packages shipped by mail, which are covered by United States Postal Service regulations. The federal RCRA of 1976 (described subsequently) imposes additional standards for the transport of hazardous wastes.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) requires specific training for hazardous materials handlers, provision of information to employees who may be exposed to hazardous materials, and acquisition of material safety data sheets from materials manufacturers. The material safety data sheets describe the risks, as well as proper handling and procedures, related to specific hazardous materials. Employee training must include response and remediation procedures for hazardous materials releases and exposures.

State

California Environmental Protection Agency

One of the primary State agencies that regulate hazardous materials is CalEPA. CalEPA is authorized by the USEPA to enforce and implement certain federal hazardous materials laws and regulations. The California DTSC, a department of the CalEPA, protects California and its residents from exposure to hazardous waste, primarily under the authority of the RCRA and the California Health and Safety Code. The DTSC requirements include the need for written programs and response plans, such as Hazardous Materials Business Plans. The DTSC programs include dealing with aftermath clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention.

California Division of Occupational Safety and Health

Like OSHA at the federal level, the California Division of Occupational Safety and Health (CalOSHA) is the responsible State-level agency for ensuring workplace safety. CalOSHA assumes primary responsibility for the adoption and enforcement of standards regarding workplace safety and safety practices. In the event that a work site is contaminated, a Site Safety Plan must be crafted and implemented to protect the safety of workers. Site Safety Plans establish policies, practices, and procedures to prevent the exposure of workers and members of the public to hazardous materials originating from the contaminated site or building.

California Office of Emergency Services (Cal OES)

Cal OES was established as part of the Governor's Office on January 1, 2009. It was created pursuant to Assembly Bill (AB) 38, which merged the duties, powers, purposes, and responsibilities of the former Governor's Emergency Management Agency with those of the Governor's Office of Homeland Security. Cal OES is responsible for the coordination of overall State agency response to major disasters in support of local government. The agency is responsible for ensuring the State's readiness to respond to and recover from all hazards—natural, humanmade, emergencies, and disasters—and for assisting local governments in their emergency preparedness, response, recovery, and hazard mitigation efforts.

California Department of Transportation (Caltrans) and California Highway Patrol (CHP)

Caltrans and the CHP are the two State agencies that have primary responsibility for enforcing federal and State regulations and responding to hazardous materials transportation emergencies. Caltrans is also the first responder for hazardous material spills and releases that occur on highways, freeways, and intercity rail lines. The CHP enforces hazardous materials and hazardous waste labeling and packing regulations designed to prevent leakage and spills of materials in transit and to provide detailed information to cleanup crews in the event of an accident.

California Building Code

The State of California provided a minimum standard for building design through the California Building Code (CBC), which is found in Title 24, Part 2 of the California Code of Regulations. The CBC is updated every three years. It is generally adopted on a jurisdiction-by-jurisdiction basis and may be subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the typical fire safety requirements of the CBC, including the installation of sprinklers in all high-rise buildings and the establishment of fire-resistance standards for fire doors and building materials. Section 414 of the CBC includes requirements for buildings and structures occupied for the manufacturing, processing, dispensing, use, or storage of hazardous materials.

California Health and Safety Code

California Health and Safety Code Chapter 6.95 and California Code of Regulations Title 19, Section 2729 set out the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on-site. A business that uses hazardous materials or a mixture containing hazardous materials must establish and implement a business plan if the hazardous material is handled in certain quantities.

California Fire Code

California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Part 9. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.

Regional

Central Valley Regional Water Quality Control Board

The Porter-Cologne Water Quality Control Act established the State Water Resources Control Board (SWRCB) and divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB). The Central Valley Region (Region 5) is the RWQCB that regulates water quality in the EIR Study Area. The Central Valley RWQCB has the authority to require groundwater investigations when the quality of groundwater or surface waters of the state is threatened, and to require remediation actions, if necessary.

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has primary responsibility for control of air pollution from sources other than motor vehicles and consumer products (which are the responsibility of CalEPA and California Air Resources Board [CARB]). The SJVAPCD is responsible for preparing attainment plans for non-attainment criteria pollutants, control of stationary air pollutant sources, and the issuance of permits for activities including demolition and renovation activities affecting asbestos-containing materials (District Regulation VII, Rule 7050).

Merced County Division of Environmental Health

The routine management of hazardous materials in California is administered under the Unified Hazardous Waste and Hazardous Materials Management Program (Unified Program), and most of the City of Los Banos hazardous materials programs are administered and enforced under the Unified Program. CalEPA has granted responsibilities to the Merced County DEH for implementation and enforcement of hazardous material regulations under the Unified Program as a CUPA. The DEH also enforces additional hazardous materials storage requirements in accordance with the Merced County Hazardous Materials Storage Ordinance and Toxic Gas Ordinance. Under authority from the RWQCB, Merced County DEH implements the Local Oversight Program to oversee the investigation and remediation of leaking

underground storage tank (LUST) sites in Merced County, including the City of Los Banos. Businesses storing hazardous materials over threshold quantities are required to submit Hazardous Materials Business Plans (HMBPs) to the DEH. A HMBP must include measures for safe storage, transportation, use, and handling of hazardous materials. A HMBP must also include a contingency plan that describes the facility's response procedures in the event of a hazardous materials release.

Merced County Department of Public Health

The Merced County Department of Public Health (DPH) is responsible for preparing the County's Emergency Operations Plan (County EOP). The most recent County EOP was adopted by the County Board of Supervisors in December 2017. The County EOP identifies the range and degree of probable emergency situations, the full range of emergency services that may be needed under multiple scenarios, and the timing and coordination of emergency service delivery, including recovery operations. The County EOP also establishes an emergency organization and assigns tasks to all responsible service agencies so that they may be applied effectively where and when they are needed.

Merced Municipal Airport Land Use Compatibility Plan (ALUCP)

Does not apply as the Project is not within the vicinity of Los Banos Municipal Airport. According to the Merced County ALUCP, BACKGROUND DATA: LOS BANOS MUNICIPAL AIRPORT AND ENVIRONS, CHAPTER 6, Compatibility Factors Map, Exhibit LOS 4, the Project site is outside of any Compatibility Factors zones. The map was accessed at the following website: https://web2.co.merced.ca.us/pdfs/planning/aluc/alucp_july2012/chap_6_los_banos_background.pdf

Local

General Plan

The General Plan 2042 Land Use (LU) Element and Safety and Noise (S) Element contain goals and policies that require local planning and development decisions to require best practices for the handling of hazardous materials as part of development. The following goals and policies, once adopted, would serve to further minimize exposure to hazardous materials from routine transport, use, or disposal in the EIR Study Area and ensure that new development would not create a significant hazard to the public or environment through routine transport, use, or handling of hazardous materials.

- Policy LU-P2.15. Permit childcare centers in all districts, subject to appropriate permitting requirements, and develop criteria for incentives for childcare facilities, including density bonuses according to State law.

- Policy LU-P7.11. Prohibit gas stations or other potentially polluting uses at the commercial area immediately south of the future SR-152 bypass interchange with SR-165.
- Goal S-3. Protect Los Banos' ecosystem and residents from harm resulting from the improper production, use, storage, disposal, or transportation of hazardous materials.
 - Policy S-P3-1. Apply provisions on the Merced County Hazardous Waste Management Plan to decisions involving hazardous materials in Los Banos as appropriate.
 - Policy S-P3-2. Discourage the placement or expansion of businesses producing, using, or storing hazardous materials within a quarter mile of schools, hospitals, and residential neighborhoods. If hazardous materials facilities are within a quarter-mile, require effective mitigation measures.
 - Policy S-P3-3. Require that any proposed new development on identified or suspected hazardous materials sites address hazardous materials through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project.
 - Policy S-P3-4. Require remediation and cleanup of sites contaminated with hazardous substances. As part of the City's project approval process, potential future development and redevelopment would be required to comply with existing federal, state, regional, and local regulations, including the proposed General Plan goals and policies that have been prepared to minimize impacts related to hazardous materials. Compliance with these regulations would minimize the risk of an adverse effect on the

In addition, the proposed Land Use (LU) Element, Safety and Noise (S) Element, and the Circulation (C) Element contain a goal, policies, and an action that require local planning and development decisions to require best practices that would not result in incompatible land uses with airport operations. The following goals and policies, once adopted, would serve to further minimize exposure to airport hazardous in the EIR Study Area.

- Policy LU-P7.6. Prepare and plan for maximally beneficial potential future redevelopment of the Los Banos Airport site.
- Policy LU-P7.6. Require developers to mitigate fully the environmental effects of development at or near the airport site following any relocation of the airport (particularly the potential impacts to Los Banos Creek riparian corridor and the City's water supply) by clustering development to maximize open space.
- Policy LU-P7.8. Until such time as the airport is relocated, ensure that proposed residential, commercial, and industrial uses near the airport be consistent with Los Banos Municipal Airport Plan and the Merced County Airport Land Use Compatibility Plan.

- Goal S-8. Strive to achieve an acceptable noise environment for the present and future residents of Los Banos.
 - Policy S-P8.1. Use the community noise level exposure standards, shown in Figure 7-9 [of the proposed General Plan 2042], as review criteria for new land uses.

Furthermore, the Safety and Noise Element contains other policies to improve response times and increase the resiliency of critical-use structures within the EIR Study Area.

- Goal S-4. Protect Los Banos' residents and businesses from potential wildfire and structural fire hazards through data-driven decision-making and community planning efforts.
 - Policy S-P4.1. 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.
- Goal S-5. Maintain and enhance the City's capacity for law enforcement.
 - Policy S-P5.1. Promote crime prevention strategies and provide a high level of response to incidents. Reduce crime in Los Banos through a comprehensive strategy that includes rapid response to calls and regular patrols in neighborhoods with above-average crime rates.
- Goal S-6. Minimize the risk of personal injury, property damage, and environmental damage from both natural and human-made disasters and improve natural disaster response capabilities through a variety of emergency preparedness measures.
 - Policy S-P6.1. Increase the resilience of important or critical-use structures (such as hospitals, schools, fire, police, cooling centers, and public assembly facilities, substations, and utilities) through input during site selection and a comprehensive investigation into existing fire, flooding, and geotechnical conditions and to ensure that these facilities are operable both mid- and post disaster events that affect Los Banos.

Los Banos Municipal Code (LBMC)

The LBMC includes various directives pertaining to hazards and hazardous materials. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to hazards and hazardous materials are included in Title 4, Public Safety, and Title 8, Building Regulations, as follows:

- Chapter 3, Fire Prevention Code. This chapter includes provisions to prevent fire and protect the residents and visitors of Los Banos from fire-related hazards.

- Section 4-3.01, Adoption of the CFC 2019 Edition. This section adopts the CFC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The Los Banos Fire Prevention Code is intended to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings in Los Banos.
- Chapter 1, Building Codes. This chapter adopts the following codes as described:
 - Section 8-1.01, Adoption of the CBC 2019 Edition. This section adopts the CBC, in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The CBC includes several provisions regarding the storage and disposal of hazardous materials. Such provisions include storage of flammable and combustible liquids in aboveground tanks and the storing and dispensing of liquified petroleum gas and other flammable liquids and gases.

Discussion

a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact: Project construction activities may involve the use and transport of hazardous materials. The use of such materials would be considered minimal and would not require these materials to be stored in bulk form. The Project would include a gasoline station; however, gasoline (or diesel) is not considered a hazardous material. The Project must adhere to applicable zoning and fire regulations regarding the use and storage of any hazardous substances. Based on the analysis and information provided herein, the proposed Project would have *less than significant* impact.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

b) Would the Project 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?

Less Than Significant Impact: The Project Site was historically used for agricultural but has been vacant for approximately 20 years. During previous agricultural uses there is a potential that agricultural related chemicals (such as pesticides, herbicides, and fertilizers) were used on-site. Near surface soils (where residual agricultural chemical concentrations would have most likely been present, if at all) are likely generally mixed with fill material or disturbed

during grading. Also, it is common that engineered fill material is placed over underlying soils as part of site development activities. These additional variables serve to further reduce the potential for exposure to residual agricultural chemicals (if any). The most recent Envirostor query does not show any record of hazardous materials.

While the Project site is adjacent/surrounded by existing residential area, construction- and operation-related activities of the Project does not pose a reasonably foreseeable condition or incident that could result in significant release of hazardous materials into the environment. During construction-related activities, potential accidental releases of standard fuels, solvents, or chemicals typical of construction of this type of project may occur. Should an accidental hazardous release occur, existing regulations for handling hazardous materials may require coordination with the City of Los Banos Fire Department or DTSC for an appropriate plan of action, which can include studies or testing to determine the nature and extent of contamination, as well as handling and proper disposal. Given the nature of the Project, the operation of the Project does not 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. Therefore, based on the analysis and information provided herein, impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: Project operations will not emit hazardous emissions or handle hazardous materials, substances, or wastes, and the Project is not within one-quarter mile of an existing or proposed school. Since the Project would not emit hazardous emissions or involve handling acutely hazardous. Compliance with applicable federal, state, and local rules/regulations would also ensure that the Project would not expose the nearest school to hazardous risks. Based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

d) Would the Project be located on a Site which is included on a list of hazardous materials Sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact: The Project Site is not listed as a hazardous materials site under Government Code Section 65962.5, nor is the Project Site identified in DTSC's EnviroStor or SWRCB's GeoTracker hazardous databases. Based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

Less Than Significant Impact: The proposed Project is located approximately two miles northeast of Los Banos Municipal, but is not located within an airport land use plan. Implementation of the proposed Project would not result in a safety hazard or excessive noise for people residing or working in the Project area. Based on the analysis and information provided herein, there would be no impact.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: The City's site plan review procedures ensure compliance with emergency response and evacuation plans. In addition, the site plan would be reviewed by the Fire Department per standard City procedures to ensure consistency with emergency response and evacuation needs. Based on the analysis and information provided herein, the Project would not impair or interfere with an adopted emergency response plan or evacuation plan, as such, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

g) Would the Project expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires?

No Impact: The Project Site is located in an area of the City that is not defined as a wildland fire risk zone. Cal Fire's Fire Hazard Severity Zones map (see: <https://osfm.fire.ca.gov/what->

[we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones](#)) identifies the area as within a Local Responsibility Area (LRA), meaning the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of a Local agency (city, county, city and county, or district). Further, the Fire Hazard Severity Zones map indicates that the geographic center of this parcel is located in an area that the State Fire Marshal has identified as having no Fire Hazard Severity Zone in Local Responsibility Area, per Government Code section 51178. Therefore, based on the analysis and information provided herein, the Project would not expose people or structures to significant risks from wildland fires. Therefore, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: Potentially Significant.

As discussed previously, development allowed by the Project would not result in significant impact from the increased use of hazardous household materials. The Project would not interfere with implementation of emergency response plans. In addition, potential project-level impacts associated with hazards and hazardous materials would be further reduced through compliance with proposed General Plan policies and actions, other local, regional, state, and federal regulations. Since impacts associated with hazardous materials, are, by their nature, focused on specific sites or areas, the less-than-significant impacts from the Project would not contribute to a cumulative increase in hazards in the immediate vicinity of the EIR Study Area or throughout the region. Therefore, the potential for cumulative impacts associated with hazards and hazardous materials would be *less than significant* and no mitigation measures are required.

X.HYDROLOGY AND WATER QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise sustainably degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:				
(i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones risk the release of pollutants due to Project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater movement plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Hydrology and Water Quality resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures,

Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Regional Hydrology:

The City of Los Banos and the EIR Study Area are within the Middle San Joaquin–Lower Chowchilla Watershed. This watershed is further divided into three subwatersheds, as shown on Figure 4.10-1, Subwatersheds (in the EIR). Most of the city and EIR Study Area is within the Mud Slough–San Joaquin River subwatershed. A small portion of the City and EIR Study Area east of the San Luis Canal is within the Mud Slough subwatershed and the portion of the EIR Study Area west of Los Banos Creek is within the Lower Los Banos Creek subwatershed. Surface water in the region surrounding the City flows to the northeast toward the San Joaquin River which ultimately flows to the California Delta approximately 70 miles north of Los Banos.

Local Hydrology

The topography of the EIR Study Area (including the Project site) is relatively flat, with gentle slopes toward the northeast. Stormwater runoff within the EIR Study Area is largely conveyed to canals via the City's storm drain system. The City's Public Works Department operates and maintains the storm drain system that is throughout the City, which consists of over 79 miles of storm drains ranging in size from 6 to 66 inches in diameter. It also operates 12 stormwater pump stations throughout the City.

The City streets serve as collectors for most of the stormwater, and a network of drainage ditches and storm drains convey the runoff to detention basins. The runoff from the detention basins is then conveyed via gravity or pump stations to the Central California Irrigation District (CCID) and Grassland Water District (GWD) canals, although a few neighborhoods have direct discharge to the canals. The original agreements between CCID and GWD regarding stormwater discharge from the City into their canals were renegotiated in 2005 and 2007 to provide sufficient capacity for stormwater runoff as development within the City increased. Currently, the City discharges to CCID's Main Canal and GWD's San Luis Canal and Santa Fe Canal. A more detailed discussion of the storm drain system is provided in Chapter 4.16, Utilities and Service Systems, of the EIR

Groundwater

Los Banos is within the Delta–Mendota Subbasin, which has been designated as a high priority groundwater basin and is in critical overdraft. The City produces its water supply solely from 13 active groundwater wells and distributes it to its residential, commercial, institutional and industrial customers. The City works closely with CCID and GWD to monitor and manage

groundwater within the EIR Study Area (which includes the Project site). The City and DWR monitor water levels in area wells monthly, with the wells largely ranging from 150 to 300 feet in depth. A more detailed discussion of the groundwater supply system is provided in Chapter 4.16, Utilities and Service Systems, of this Draft EIR. Groundwater recharge occurs primarily from deep percolation of applied irrigation water and rainfall. The rate of recharge depends on the permeability of the surface and subsurface materials. Treated wastewater from the wastewater treatment plant (WWTP) is also discharged into pastureland to replenish the underground water supply. Additionally, the San Joaquin River Exchange Contractors (SJREC) Groundwater sustainability plan(s) (GSP or GSPs) Group is implementing groundwater sustainability projects that would increase groundwater recharge by 50,000 acre-feet per year (AFY), including the Los Banos Creek Diversion Facility, Los Banos Creek Recharge and Recovery Program, and the Los Banos Creek Storage Project. Additional details on the groundwater basin and sustainability goals are provided in the Water Supply Assessment (see Appendix I, Water Supply Assessment, of the EIR).

Climate

The area experiences a semiarid, Mediterranean climate, which consists of hot, dry summers with low humidity and very mild winters. The area receives about 9.1 inches of rain annually, which is primarily recorded during the five-month stretch between December and March.¹⁴ The winter average low temperature is about 38 degrees Fahrenheit and the average summer high temperature is about 95 degrees Fahrenheit.

Water Quality

Surface water quality is affected by point-source and nonpoint-source pollutants. Point source pollutants are emitted at a specific point, such as a pipe, and nonpoint-source pollutants are typically generated by surface runoff from diffuse sources, such as streets, paved areas, and landscaped areas. Point-source pollutants are controlled with pollutant discharge regulations or water discharge requirements. Nonpoint source pollutants are more difficult to monitor and control, although they are important contributors to surface water quality in urban areas.

Stormwater runoff pollutants vary based on land use, topography, the amount of impervious surface, the amount and frequency of rainfall, and irrigation practices. Runoff in developed areas typically contains oil, grease, and metals accumulated in streets, driveways, parking lots, and rooftops, as well as pesticides, herbicides, particulate matter, nutrients, animal waste, and other oxygen-demanding substances from landscaped areas. The highest pollutant concentrations usually occur at the beginning of the wet season during the "first flush," when early rainfall flushes out pollutants that have accumulated on hardscape surfaces during the preceding dry months.

The Central Valley RWQCB monitors surface water quality through implementation of the Basin Plan and designates beneficial uses for surface water bodies and groundwater within Merced

County and Los Banos. The Basin Plan does not list any surface water bodies with beneficial uses within the EIR Study Area but does state that all groundwater in Region 5 is considered as suitable or potentially suitable for municipal and domestic water supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PRO).

In addition to the establishment of beneficial uses and water quality objectives, another approach to improve water quality is a watershed-based methodology that focuses on all potential pollution sources and not just those associated with point sources. If a body of water does not meet established water quality standards under traditional point source controls, it is listed as an impaired water body under Section 303(d) of the Clean Water Act (CWA). For 303(d) listed water bodies, a limit is established that defines the maximum amount of pollutants that can be received by that water body. Listed impaired water bodies in the EIR Study Area and their associated pollutants of concern are presented in Table 4.10-1 (in the EIR), *Listed Impaired Water Bodies in Los Banos*.

Flood Zones

The Federal Emergency Management Agency (FEMA) identifies floodplain zones to assist cities with mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction within a 100-year floodplain. The 100-year floodplain is defined as an area that has a one percent chance of being inundated during a 12-month period. According to FEMA, no portion of the EIR Study Area is within a 100-year floodplain.¹⁸ Additionally, there are no portions of the EIR Study Area that are within an inundation zone for levees.

Dam Inundation

The EIR Study Area and the city are within the inundation zones for San Luis Reservoir and Los Banos Creek Reservoir. The inundation zones are shown on Figure 4.10-2 (in the EIR), Dam Inundation Zones. In the unlikely event of catastrophic dam failure of the San Luis Reservoir's BF Sisk Dam, Figure 4.10-2 indicates the floodwaters from the San Luis Reservoir would not inundate Los Banos. There are no State or local restrictions for development in dam inundation zones; however, each dam owner is required to prepare an emergency action plan (EAP) and coordinate its response to a dam incident with local authorities. The EAP is required to include warning and notification procedures that would involve the Standard Emergency Management System (SEMS), the Merced County Sheriff's Department, and the Los Banos Fire Department.

Tsunami

A tsunami is a series of traveling ocean waves generated by a rare, catastrophic event, including earthquakes, submarine landslides, and submarine or shoreline volcanic eruptions. The EIR Study Area is approximately 50 miles east of the Pacific Ocean, including the intervening

Coastal Range that would serve as a physical barrier to tsunami waters. As such, a tsunami event does not represent a threat to Los Banos (including the Project site).

Seiche

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin such as a reservoir, harbor, lake, or storage tank. Seiches can be created by winds, earthquakes, or tsunamis. Bodies of water such as bays, harbors, lakes, reservoirs, or large aboveground storage tanks can experience seiches. There are no large bodies of water within the EIR Study Area that could trigger a seiche. The City's water system includes two (2) aboveground water tanks (100,000 gallons and 5 million gallons). The nearest body of water is the Los Banos Creek Reservoir, approximately 5 miles southwest of the City. A seiche at Los Banos Creek Reservoir would cover a smaller area than a catastrophic failure of the dam, and it is highly unlikely that any flood waters would reach the City. Seismic activity could result in seiches occurring and impacting the aboveground water tanks in the City; however, the tanks are constructed to withstand seismic events and would not result in failure that would cause significant flooding.

Regulatory Setting

Federal

Clean Water Act

The Clean Water Act (CWA) is enforced by the U.S. EPA and was developed in 1972 to regulate discharges of pollutants into the waters of the United States. The Act made it unlawful to discharge any pollutant from a point source into navigable waters unless a National Pollution Discharge Elimination System (NPDES) Permit is obtained.

National Flood Insurance Act

The Federal Emergency Management Agency (FEMA) is tasked with responding to, planning for, recovering from, and mitigating disasters. The Federal Insurance and Mitigation Administration within FEMA is responsible for administering the National Flood Insurance Program (NFIP) and administering programs that aid with mitigating future damages from natural hazards.

State

California Water Quality Porter-Cologne Act

California's primary statute leading water quality and water pollution concerns with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act). The Porter-Cologne Act grants the State Water Resource Control Board (SWRCB) and each of the nine Regional Water Quality Boards (RWQCB) power to protect water

quality and further develop the Clean Water Act within California. The applicable RWQCB for the proposed Project is the Central Valley RWQCB.

Central Valley RWQCB: The proposed Project is within the jurisdiction of the Central Valley Regional RWQCB. The Central Valley RWQCB requires a NPDES Permit and Stormwater Pollution Prevention Plan (SWPPP) for projects disturbing more than one acre of total land area. Because the project is greater than one acre, a NPDES Permit and SWPPP will be required.

City of Los Banos General Plan: The City of Los Banos General Plan contains the following goals and policies related to water resources:

- Goal P-9. Protect and restore water quality in and around Los Banos.
 - Policy P-P9.1. Protect the quality of stormwater that discharges into areas in and around Los Banos.
 - Policy P-P9.2. Ensure groundwater quality is maintained at a satisfactory level for domestic consumption.
 - Policy P-P9.3. Require the use of enhanced stormwater control facilities that provide additional filtration of stormwater to remove pollutants prior to discharge to pastureland or the Grassland Water District and other water districts.
 - Policy P-P9.4. Work with the San Joaquin River Exchange Contractors (SJREC) Groundwater Sustainability Plan (GSP) group to offset increases in water demand based on projected population growth by identifying, analyzing, and implementing projects jointly with the SJREC to maximize the regional benefits. The City will develop projects to offset overdraft, including (1) stormwater capture, (2) demand reduction through reduced watering, (3) surface water transfer, (4) purchasing groundwater credits, and (5) participation in recharge projects.
 - Action P-A9.1. Monitor groundwater quality and quantity throughout the Planning Area.
 - Action P-A9.2. Work with Central California Irrigation District to investigate a possible water recharge program. (POSR-I-35).
 - Action P-A9.3. Seek funding from the Department of Water Resources' Sustainable Groundwater Planning Grant Program (SGWP) to fund projects that promote the sustainable use of groundwater.
 - Action P-A9.4. Explore the feasibility of surface water transfers from Central California Irrigation District and Grassland Water District to alleviate groundwater overdraft and groundwater quality issues.

- Goal PFS-3. Ensure a resilient supply of fresh, safe water to serve existing and future needs of the city.
 - Policy PFS-P3.7. Require all development projects to submit a landscaping plan.

- Commercial, public right-of-way, and park projects will be required to submit planting plans, irrigation plans, irrigation schedules, and water use estimates for City approval prior to issuance of building permits.
- Goal PFS-4. Achieve a sustainable stormwater drainage system that meets the existing and future needs of the city.
 - Policy PFS-P4.1. Require green infrastructure improvements in new private developments.
- Goal PFS-5. Ensure that adequate, safe wastewater treatment capacity is available to serve existing and future needs of the City.
 - Policy PFS-P5.1. Design stormwater and wastewater collection and treatment facilities to serve expected buildout of the areas served by these facilities.
 - Policy PFS-P5.3. Encourage the use of reclaimed water for irrigation and landscaping purposes.
- Goal P-6. Protect and restore biological resources of Los Banos.
 - Action P-A6.1. Develop buffer zones around Los Banos Creek Corridor and Grassland wetland areas to the east to enhance groundwater recharge and minimize impacts to habitat species.
- Goal PFS-3. Ensure a resilient supply of fresh, safe water to serve existing and future needs of the city.
 - Policy PFS-P3.2. Ensure adequate groundwater reserves are maintained for present and future domestic, commercial, and industrial uses.
 - 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.
- Goal S-1. Minimize risks of property damage and personal injury posed by seismic hazards, soil hazards, and erosion.
 - Policy S-P1.5. Control erosion of graded areas with revegetation or other acceptable methods.
 - Policy S-P1.6. Maintain grading and landscaping regulations to reduce soil erosion potential, including.
 - Planning and conducting operations and construction activities in a manner that will not disturb extensive areas of soil or that will disrupt local drainage;
 - Prohibiting organic or earthen material from being discharged into any canals or waterways or placed at locations where they can pass into canals or waterways in quantities that could impair any beneficial use of the water.
- Goal S-2. Protect the community from risks to lives and property posed by flooding and stormwater runoff.

- Policy S-P2.1. Require new development to prepare hydrologic studies and implement appropriate mitigation measures to minimize surface water run-off and reduce the risk of flooding.
 - Policy S-P2.2. Require developers to provide for the ongoing maintenance of detention basins.
 - Policy S-P2.3. Ensure that City staff and Emergency Response Services are trained to respond to a catastrophic dam failure, according to emergency procedures outlined by Merced County Office of Emergency Services' Multi-jurisdictional Hazard Mitigation Plan.
 - Action S-A2.1. Determine, locate, and improve deficiencies in the existing drainage infrastructure in partnership with regional and federal agencies.
 - Action S-A2.2. Maintain and regularly update the Storm Drain Master Plan.
 - Action S-A2.3. Coordinate with the Merced County Department of Public Works, Merced County Office of Emergency Services, California Department of Water Resources, California Governor's Office of Emergency Services, and the U.S. Army Corps of Engineers on potential flooding risks, including risks associated with dam failure.
- Goal S-6. Minimize the risk of personal injury, property damage, and environmental damage from both natural and human-made disasters and improve natural disaster response capabilities through a variety of emergency preparedness measures.
 - Policy S-P6.2. The Merced County Multi-jurisdictional Hazard Mitigation Plan, approved by the Federal Emergency Management Agency (FEMA) in 2021, is incorporated by reference into this Safety Element in accordance with Assembly Bill 2140.
 - Action S-A6.1. Continue to participate in County led efforts to regularly update and implement the Merced County Multi-jurisdictional Hazard Mitigation Plan (MJHMP), consistent with guidelines of the Federal Emergency Management Agency (FEMA) and the Disaster Act of 2000.

Discussion

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact with Mitigation Incorporated: Construction-related activities would involve excavation, grading, and other earthwork across most of the approximate 9-acre Project Site. Depending upon the season(s) construction-related activities occur, during storm events, exposed construction areas on the Project Site may cause runoff to carry pollutants such as chemicals, oils, sediment, and debris. Additionally, potential soil erosion and the size of the Project Site necessitates the implementation of a SWPPP for the Project. The SWPPP identifies all potential pollution sources that could affect stormwater discharges

from the Project Site and specifies BMPs for stormwater runoff. Chemicals or surfactants used during Project maintenance or operations may also discharge into the environment, potentially affecting water quality standards.

Moreover, the Project would implement Mitigation Measures HYD-1, HYD-2, and HYD-3, which require steps to minimize impacts on water quality during construction. Mitigation Measure HYD-1, before any construction or grading begins, the Applicant must submit a NOI for discharge from the Project Site to the California SWRCB Storm Water Permit Unit. A copy of this NOI must also be submitted to the City before the issuance of grading permits, with the City reviewing the documentation and conducting site inspections during construction to ensure compliance. Mitigation Measure HYD-2 requires the building contractor to prepare and submit a SWPPP to the City for approval at least 45 days before construction starts. The contractor is responsible for understanding and adhering to the State General Permit and implementing the SWPPP, which outlines potential pollutant sources and specifies BMPs to control site discharges. These BMPs include dust control, monitoring for erosion and sedimentation control, use of detention basins and erosion control materials, covering soil stockpiles and graded slopes during inactivity or extreme weather, and strictly preventing spills and pollutant discharges through proper material storage, trash disposal, and site management. Mitigation Measure HYD 3 requires a Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May).

Therefore, based on the analysis and information provided herein, impacts would be less than significant with mitigation incorporated.

Mitigation Measures: See Mitigation Measures HYD-1, HYD-2, and HYD-3.

Based on the analysis and information provided herein, implementation of Mitigation Measures HYD-1, HYD-2, and HYD-3 would reduce impacts to *less than significant*.

b) Would the Project substantially decrease groundwater supplies or interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Less Than Significant Impact: Water services for the Project would be provided by the City of Los Banos upon development. According to the General Plan EIR (see page 4.16-11), the City operates 13 active groundwater wells capable of pumping up to 14,875 gallons per minute (gpm) to extract water from an underground aquifer and distributes it to its residential, commercial, institutional and industrial customers. The groundwater is extracted from the Delta-Mendota Subbasin, which

is part of the larger San Joaquin Valley Basin. According to the Water Supply Assessment (WSA) contained in the General Plan EIR indicates that General Plan 2042 water demand would increase by 4,080 AFY above existing conditions (that is Year 2022) for a total water demand of 12,389 AFY in 2042, which would exceed the demand specified in the City's 2020 Urban Water Management Plan (UWMP) by 1,557 AFY. Since the 2020 UWMP states that there would be exactly enough water supply to meet the demand in normal, single-dry, and multiple-dry years, the City would need to find a water supply source for the additional 1,557 AFY required with buildout of General Plan 2042. However, it should be noted that UWMPs tend to overestimate future water demand. In addition, there is a long-term trend of declining per capita water demand due to the use of water-efficient devices in the residential and commercial sectors, so that the total water demand declines even as populations increase. In addition, as indicated in the EIR, there will be a reduction in groundwater pumping within the EIR Study Area with the conversion of land with private groundwater wells to the City's water distribution system. Current groundwater pumping rates from private wells within the EIR Study Area are approximately 4,766 AFY. The decrease in groundwater pumping from private wells would offset the increase in groundwater pumping (3,860 AFY) by the City to serve new development with buildout of General Plan 2042.

New policies enacted under the General Plan 2042 include working with the San Joaquin River Exchange Contractors (SJREC) on projects and management actions to offset groundwater withdrawals that exceed the sustainable yield and exploring the potential for surface water transfers from Central California Irrigation District (CCID) to alleviate groundwater overdraft and groundwater quality issues. The SJREC is working to implement projects that would increase groundwater recharge by 50,000 AF, including the Los Banos Creek Diversion Facility, Los Banos Creek Recharge and Recovery Program, and the Los Banos Creek Storage Project. Also, buffer zones will be established around Los Banos Creek Corridor and the Grassland wetland areas to the east to enhance groundwater recharge and minimize impacts to wetlands and habitat species. In summary, the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. In addition, compliance with the LBMC requirements for new construction and water efficient landscaping and General Plan 2042 goals, policies, and actions listed earlier would, with respect to groundwater recharge, result in less than significant impacts.

The Project would result in reduced percolation to the groundwater basin compared to the existing undeveloped, pervious Project site due to increased paved and impervious surfaces that would result from the Project. However, all stormwaters would be directed to on-site bioretention basins where the stormwater would be able to be utilized in groundwater recharge and conveyed to the City's stormwater drainage system. Although the Project would use groundwater for domestic purposes, the amount is not considered significant as commercial/retail uses consume less water than residential uses and would not substantially lower the aquifer's groundwater table or interfere with its recharge. Furthermore, the development of the Project would be consistent with the underlying General Plan land use designation of the Project site, and as such, the Project has been accounted for in the current 2020 UWMP and its growth forecasts as well as its water

demand and supply calculations. Therefore, based on the analysis and information contained herein, the impact on water resources would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

c) Would the Project 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: i) result in substantial erosion or siltation on- or offsite; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows.

i. Result in substantial erosion or siltation on- or off-site?

Less Than Significant Impact: The proposed Project involves the construction and operation of an approximately nine (9)-acre commercial/retail center. While building these units may alter drainage patterns, it is not anticipated to result in substantial erosion or siltation on or off the Site. A SWPPP will be implemented during Project construction. SWPPPs include mandated erosion control measures designed to prevent significant impacts related to erosion caused by runoff during construction.

Therefore, through regulatory compliance, and based on the analysis and information provided herein, the Project's impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact: The Project would result in an increase of impervious surfaces within the Project Site resulting in an increase in surface runoff. However, all stormwater runoff will be routed and contained in an onsite bioretention basins and conveyed to the City's stormwater drainage system. The applicant will be required to provide appropriate stormwater management measures, ensuring that there will not be substantial flooding on or off the Project site. Therefore, through regulatory compliance, and

based on the analysis and information provided herein, the Project will have a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

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

Less Than Significant Impact with Mitigation Incorporated: As noted earlier, the proposed Project includes the construction and operation of an approximately nine (9)-acre commercial/retail site. The Project would include stormwater retention basins and connection to the City's stormwater drainage system. New impervious surfaces, such as roads and driveways, will collect automobile-derived pollutants like oils, greases, rubber, and heavy metals. During storms, these pollutants can be transported into drainage systems through surface runoff. Due to the increase in population and impervious surfaces within the Project site, there will be a rise in pollutants in surface runoff, potentially leading to an increase in point source and non-point source pollution from the development.

A Project Stormwater Control Report (prepared by qualified expert consultants Kimley Horn and included in Appendix E) notes that a Phase II MS4 Permit for the Project would require the City to condition applicable the Project to require facilities designed to evapotranspire, infiltrate, harvest/use, and biotreat storm water. The Report also included an Operations and Maintenance Plan and Agreement (Agreement) that requires the owner of the Project enter into with the City of Los Banos to install treatment control measures (aka, facilities) as on-site control measures to minimize pollutants urban runoff; installation of the facilities in accordance with the requirements of the City of Los Banos Post-Construction Standards Plan and the Owner's plans and specifications accepted by the City of Los Banos; and all operation, maintenance and replacement of the facilities would be the sole responsibility of the Owner as specified in with the terms of the Agreement.

Overall, the Project would also be required to comply with the City's Storm Water Management Plan (SWMP), Engineering Standards, General Plan, and City ordinance requirements. Therefore, based on the analysis and information provided herein, including regulatory compliance as applicable, the project would result in a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

iv. Impede or redirect flood flows?

No Impact: The Project site is generally flat, so no significant grading or leveling will be required. The Site is not in proximity to any streams or rivers and will not alter the course of any such water bodies. Also, the Project site is surrounded by existing development that would likely impede or direct flood flows away from the site. According to the National Flood Hazard mapping by the Federal Emergency Management Agency (National Flood Hazards Layer, FIRM Panel 0850G, map number 06047C0850G, December 2, 2008; accessed at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>) the Project lies outside of a flood zone.

The Project Site is not located within a 100-year flood hazard area. Therefore, based on the analysis and information provided herein, there would be *no impact*

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

d) Would the Project, in flood hazard, tsunami, or seiche zones, risk the release of pollutants due to Project inundation?

No Impact: The Project is located inland and not near an ocean or large body of water; and as such, neither a tsunami nor seiche would affect the Project site. Also as noted earlier, according to the National Flood Hazard mapping by the Federal Emergency Management Agency, the Project Site is not located within a 100-year flood hazard area. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact: The Project would not conflict with or obstruct the implementation of any water quality control plan.

The City's groundwater supplies are from the Delta-Mendota Subbasin, which has been designated as a high priority groundwater basin and is in critical overdraft. The City of Los Banos is one of ten GSAs that are part of the SJREC Group, which prepared a Groundwater Sustainability Plan (GSP) in December 2019. GSAs for basins in critical overdraft must adopt and begin to implement the GSP by January 31, 2020 and must achieve the sustainability goals by January 31, 2040. Additionally, the results of the WSA show the City would meet the sustainability criterion established by the SJREC GSP water budget for Los Banos with buildout of General Plan 2042. Adherence to the State CGP, the LBMC, the Phase II Small MS4 Permit, and City's LID Manual (currently in development) would ensure that surface and groundwater quality are not adversely impacted during construction and operation of new development pursuant to General Plan 2042. As a result, site development will not obstruct or conflict with the implementation of the Central Valley's Basin Plan.

As noted in the EIR, the City currently has no specific groundwater use restrictions under SGMA, but restrictions may be developed and implemented over the next few years. Additionally, water demand has not increased significantly over the past ten years even with an increase in population due to the installation of low flow plumbing fixtures for new construction and the implementation of water conservation efforts. Within the EIR Study Area, there would be a reduction in groundwater pumping with the conversion of land with private wells to non-agricultural uses connected to the City's water distribution system, resulting in decrease in groundwater use of 906 AFY from the Delta-Mendota

Policies enacted under General Plan 2042 include working with the SJREC on projects and management actions to offset groundwater withdrawals that exceed the sustainable yield and exploring the potential for surface water transfers from CCID to alleviate groundwater overdraft and groundwater quality issues. Therefore, the proposed project would not obstruct or conflict with the RWQCB's Basin Plan or the SJREC GSP and impacts would be less than significant and no mitigation measures are required.

The Project would be subject to the requirements of the NPDES Stormwater Program and would be required to comply with a SWPPP. The SWPPP would identify all potential sources of pollution that could affect stormwater discharges from the Project Site and specify BMPs to prevent significant impacts related to stormwater runoff. Therefore, based on the analysis and information provided herein, and through regulatory compliance as applicable, the Project would result in a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Mitigation Measures for Impacts on Hydrology and Water Quality

Mitigation Measure HYD-1: Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project Site to the California State Water Resources Control Board's Storm Water Permit Unit and submit a copy of this NOI to the City. The City shall review the noticing documentation prior to approval of the grading permit and City monitoring staff shall inspect the Project Site during construction for compliance.

Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project Site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include specific Best Management Practices (BMPs) to control the discharge of material from the site. The following BMPs methods shall include, but would not be limited to:

- Dust control measures to ensure success of all on-site activities to control fugitive dust;
- A routine monitoring plan to ensure success of all on-site erosion and sedimentation control measures;
- Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers shall be used;
- Soil stockpiles and graded slopes shall be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and,
- BMPs shall be strictly followed to prevent spills and discharges of pollutants on-site, such as material storage, trash disposal, construction entrances, etc.

Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). (see complete text of HYD-3 in the Mitigation Monitoring Report Program section). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:

- Runoff shall be directed away from trash and loading dock areas;
- Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes;
- Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and, Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system.

Cumulative Impact: Less Than Significant with mitigation

The geographic context used for the cumulative assessment to hydrology, drainage, flooding, and water quality encompasses the subwatersheds within the EIR Study Area: Mud Slough-San Joaquin River subwatershed, Mud Slough subwatershed, and the Lower Los Banos Creek subwatershed (see Figure 4.10- 1 in the EIR). New development in these watersheds, such as the proposed Project, could increase impervious areas, thus increasing runoff and flows into the storm drainage systems. Development is required to comply with the Phase II Small MS4 Permit and the City's LID Manual (currently in development), implement BMPs that direct drainage to landscaped areas, and integrate bioretention facilities into the site design. Implementation of these BMPs would reduce local and cumulative regional impacts to hydrology and drainage resulting in a less than significant impact. The Project would be required to comply with various LBMC provisions and policies as well as numerous water quality regulations that control construction-related and operational discharge of pollutants into stormwater. The water quality regulations implemented by the Central Valley RWQCB take a basin wide approach and consider water quality impairment in a regional context. Projects in these subwatersheds would implement structural and nonstructural source-control BMPs that reduce the potential for pollutants to enter runoff, and treatment control BMPs that remove pollutants from stormwater. Therefore, cumulative water quality impacts would be less than significant after compliance with these permit requirements, and impacts would not be cumulatively considerable.

The area surrounding the City of Los Banos and the EIR Study Area is primarily agricultural land or wetlands with no associated storm drain systems. The Central Valley RWQCB regulates discharges from runoff or leaching of irrigation water and/or stormwater from irrigated lands through the Irrigated Lands Regulatory Program. Therefore, the stormwater control program and storm drain improvements implemented by the City would not directly or adversely impact the surrounding area. Projects in the subwatersheds may be constructed within 100-year flood zones or dam inundation zones. Such projects would be mandated to comply with National Flood Insurance Program requirements. In addition, other jurisdictions within these subwatersheds regulate development within flood zones in compliance with FEMA standards to limit cumulative flood hazard impacts. Therefore, based on the analysis and information provided herein, cumulative impacts from the Project to hydrology, drainage, and flooding would be less than significant.

XI.LAND USE AND PLANNING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Land Use and Planning resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The Project Site is located generally in the northeastern sector of the City of Los Banos. According to the 2042 City of Los Banos General Plan, the site is designated as Regional Commercial. The City has zoned the site as Low Commercial (General). The Project proposes to develop a 20,000 sq. ft. grocery/retail building (15,000 sq. ft. grocery, 5,000 sq. ft. retail), a 12,000 sq. ft. retail/office building (6,000 sq. ft. retail, 6,000 sq. ft. office), two fast-food restaurants with drive-throughs totaling 5,625 sq. ft., a 4,280 sq. ft. convenience market/café, a gasoline fueling station with six (6) fueling dispensers, and a 2,425 sq. ft. car wash. It also proposes to subdivide the single approximately 9-acre parcel into six (6) parcels to accommodate the Project. This commercial/retail development will complement and provide street interconnectivity with the existing residential surrounding the Project site by providing proximate shopping, dining, and fueling opportunities in the area and for pass by traffic.

Regulatory Setting

Federal

None that apply.

State

California Housing Element Law California Housing Element Law includes provisions related to the requirements for housing elements of local government general plans. Among these requirements, some of the necessary parts include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Additionally, in order to ensure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goals, this section of the Government Code calls for local jurisdictions to plan for and allow the construction of a share of the region's projected housing needs, known as the Regional Housing Needs Allocation (RHNA). The City of Los Banos 2014 to 2023 Housing Element was adopted in July 2016 and is incorporated into the proposed General Plan 2042 by reference.

Merced County Local Agency Formation Commission The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes a Local Agency Formation Commission (LAFCO) for each county in California, and authorizes these commissions to review, approve, or deny proposals for boundary changes and incorporations for cities, counties, and special districts.² The LAFCO establishes a "sphere of influence" (SOI) for cities within their jurisdiction that describes the City's probable future physical boundaries and service area. The Los Banos SOI is regulated by the Merced County LAFCO. The existing and proposed Los Banos SOI is shown on Figure 3-5 (of the EIR), Existing and Proposed Sphere of Influence, in Chapter 3, Project Description, of the EIR. The City does not propose to annex or remove any areas of the Sphere of Influence (SOI) as part of the proposed General Plan Update project.

The Merced County LAFCO has a responsibility to exercise their independent judgement while making decisions concerning appropriate local governmental boundaries and service providers. To guide their decisions, the Merced LAFCO has adopted the following four goals:

1. Planned, well-ordered, and efficient development patterns.
2. Governmental services are delivered efficiently and effectively.
3. The need to provide for urban development is balanced with the conservation of open space and prime agricultural lands.
4. Urban land use patterns maximize the opportunity for local jurisdictions to provide their fair share of regional housing needs for all income levels.

The Cortese-Knox-Hertzberg Act requires that by January 1, 2002, each LAFCO will have established written policies and procedures that incorporate the Legislature's intent to encourage and provide for planned, well-ordered, efficient urban development pattern which discourages urban sprawl, preserves open space and prime agricultural lands, provides housing for person and families of all incomes, and addresses the efficient extension of

governmental services (Government Code Section 56300). The Merced County LAFCO Commission has adopted policies that would apply to potential future annexations from the proposed SOI to the Los Banos city limit and for approval of the proposed SOI. The Merced County LAFCo policies are organized in the following categories:

- Agricultural;
- SOI Revisions;
- City and Urban Service District Annexation;
- Rural Service District Change of Organization;
- Independent Special District Formation;
- City Incorporation (pending),
- Extension of Services by Contract (Outside City or District Boundaries), and
- Requests for Inspection and Copying of

Merced County General Plan The 2030 Merced County General Plan, adopted in December 2013, is a comprehensive long-range guide for land use in the unincorporated portions of the county, including land outside of Los Banos' city limit but within the SOI. It should be noted that when County land within the SOI is annexed to the City, the land will be subject to the City's General Plan Land Use designation and regulations. County General Plan Land Use designations within the Los Banos proposed SOI (but outside the city limit) are:

- Agricultural. Most of the County land within the proposed Los Banos SOI has an agricultural designation.
- Industrial. Approximately 20 acres of land within the proposed Los Banos SOI has an industrial designation which permits "manufacturing, research and development, processing, distribution, storage, or the wholesale trade of various materials and products."
- Commercial. Approximately 6 acres of land within the proposed Los Banos SOI has a commercial designation which allows retail and personal and professional services.

As noted earlier, the Merced County ALUCP does not apply to the Project.

Local

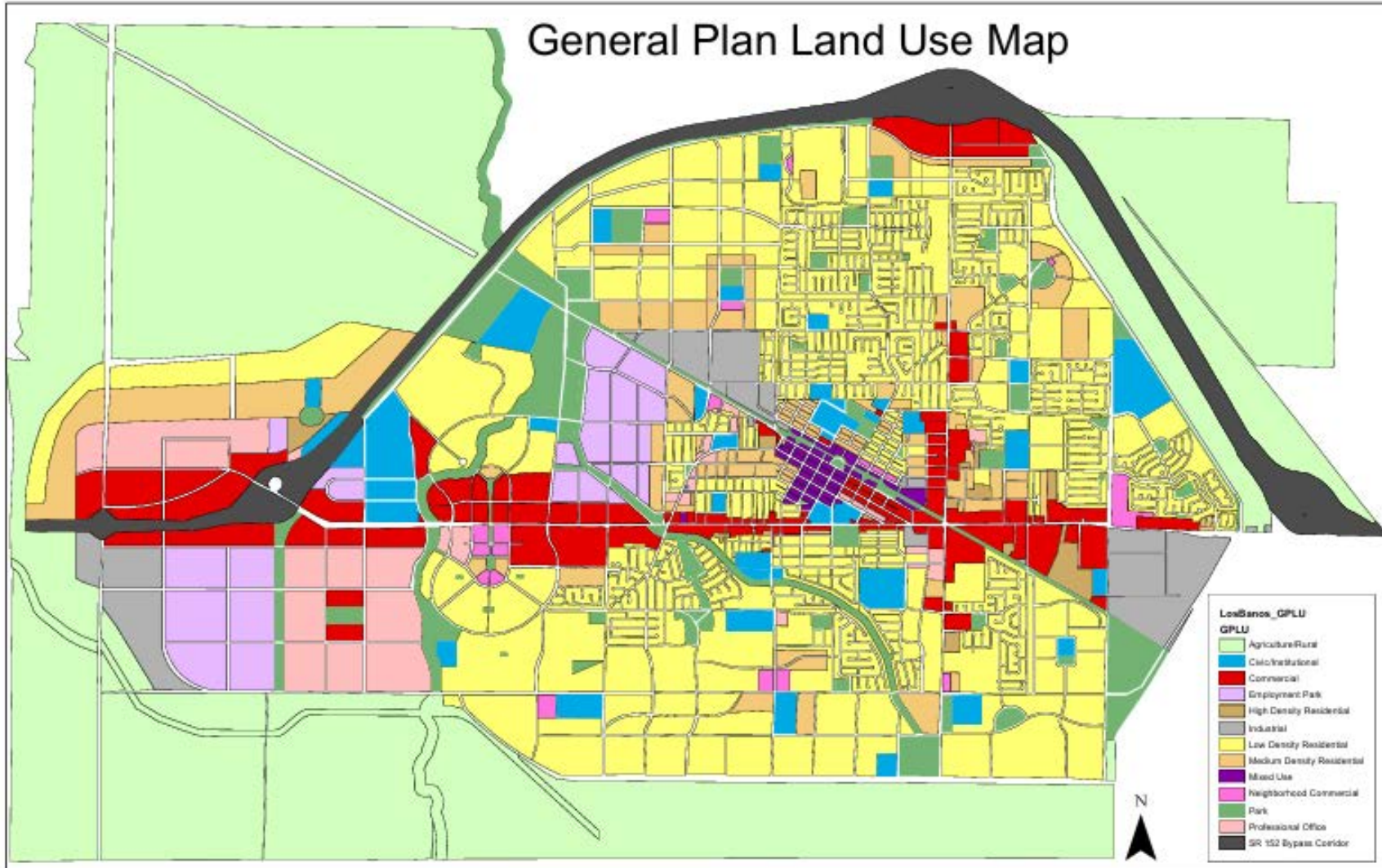
While the City has other local regulations that regulate land use and guide land use decisions, all specific plans, master plans, and zoning in the city must be consistent with the General Plan. The General Plan is the community's overarching policy document that defines a vision for future change and sets the "ground rules" for: locating and designing new projects that enhance the character of the community, expanding the local economy, conserving and preserving environmental resources, improving public services and safety, minimizing hazards, and fostering community health. The General Plan, which includes a vision, guiding principles, goals, policies, and actions, functions as the City's primary land use regulatory tool. It provides a basis for judging whether specific development proposals and public projects are in

harmony with General Plan policies. It is the constitution for future change in Los Banos. The General Plan must be used as the basis for all planning-related decisions made by City staff, the Planning Commission, and the City Council. Other decision-making bodies that rely on the General Plan to guide future decisions include the Airport Advisory Commission, Cultural Heritage Commission, Parks and Recreation Commission, Public Works Department, and the Traffic and Safety Committee.

City of Los Banos 2014–2023 Housing Element of the General Plan

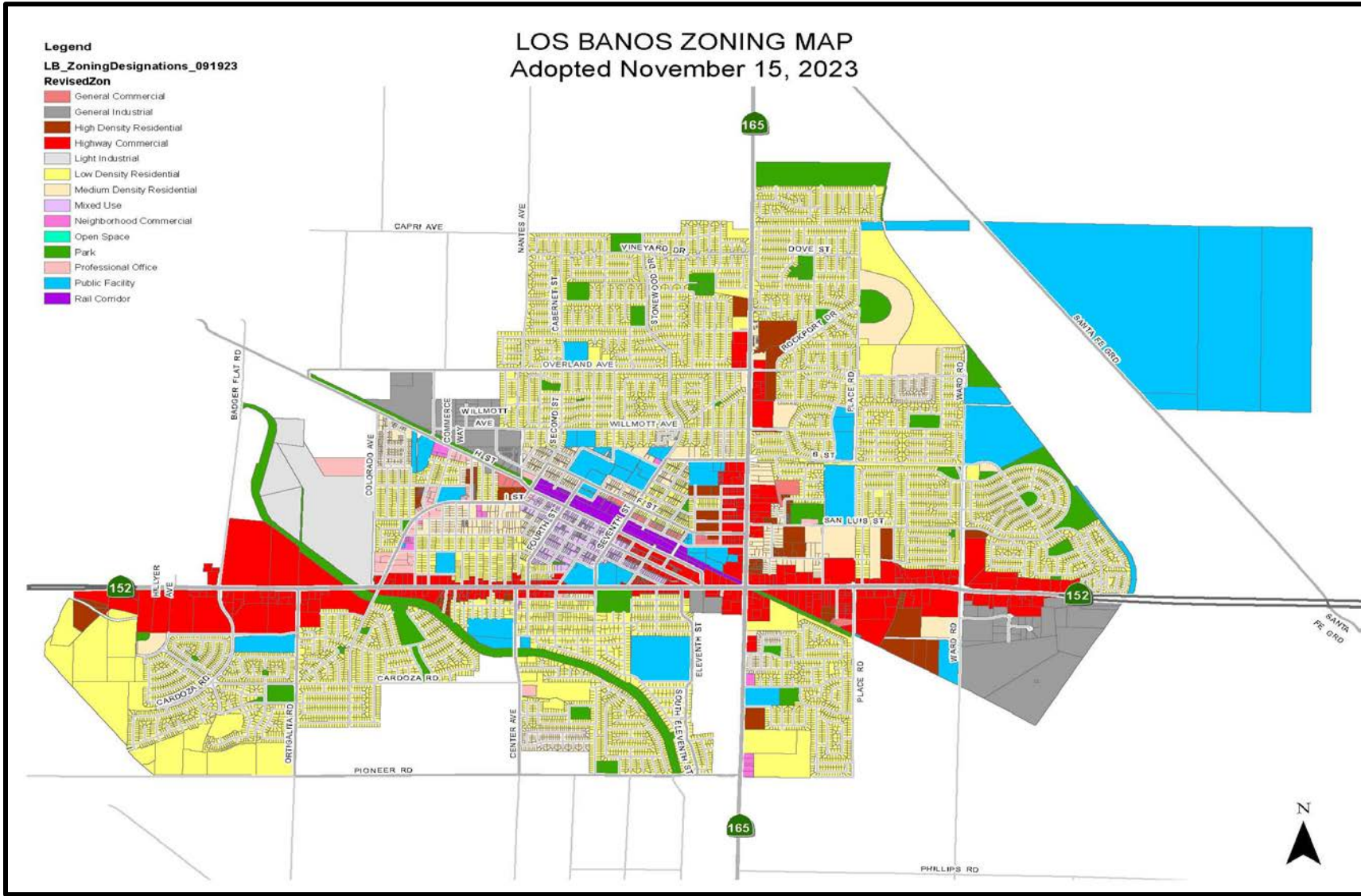
As noted in the EIR, the City of Los Banos 2014–2023 Housing Element was adopted in July 2016. The next housing element update is currently underway in a separate process from that of the General Plan 2042, with adoption before January 31, 2024. As described in Chapter 3, Project Description, of this Draft EIR, the Housing Element has already undergone separate environmental review as part of its adoption process; however, the residential development that could occur under the Housing Element is incorporated into the residential development analyzed as part of this EIR. The proposed General Plan 2042 Land Use (LU) Element includes goals, policies, and actions that require decision makers to support adequate housing in Los Banos. This document will not elaborate on the Housing Element as the Project does not include any residential component; it is exclusively limited to commercial/retail uses. However, one particular benefit of the Project is an opportunity of a Job-Housing balance as the Project has the potential to create employment opportunities for nearby residents.

Figure 3.11-1: General Plan Land Use Map



Source: https://www.losbanos.org/wp-content/uploads/2013/09/plan_gp_land_use_map_update.pdf

Figure 3.11-2: Zoning Map



Source : <https://losbanos.org/zoning-map/>

Discussion

a) Would the Project physically divide an established community?

No Impact: The Project would not physically divide an established community. The Project site is currently vacant and is surrounded by existing residential uses. The Project would complement the existing neighborhoods in all directions and would provide connectivity with adjacent neighborhoods resulting in shopping and employment opportunities. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

b) Would the Project cause a 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?

Less Than Significant Impact: The Project would result in the construction of an approximately nine (9)-acre commercial/retail development. As illustrated in Figure 3-11 and Figure 3-12, the City of Los Banos General Plan Update land use map designates the Project site as Regional Commercial, and the City of Los Banos Zoning Ordinance classifies the Project site as Commercial (General); respectively. The Project will comply with all applicable General Plan policies, and zoning regulations, thus the Project would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, based on the analysis and information provided herein, the Project would have *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

Cumulative Impact: Less than Significant

As indicated in the EIR, the geographic context for the cumulative land use and planning effects occurs from potential future development under the proposed Project combined with impacts from the projected growth in the rest of Merced County and the surrounding region (as forecast by MCAG). The land use analysis determined that the proposed Project would not divide an established community or conflict with established plans, policies, and regulations, in or outside the city of Los Banos, adopted for the purpose of avoiding or mitigating an environmental effect. The Project would not create substantial land use impacts. Development is likely to continue to occur in surrounding cities and in the Merced County region as well.

However, such development is taking place in already urbanized areas as an infill development of a vacant parcel and would not require any land use changes that would create land use conflicts, nor would they divide communities. Growth from new development, and particularly this Project, would be within the projected growth forecast by MCAG. Therefore, the proposed Project would not result in a cumulatively considerable contribution to cumulative impacts related to land use changes. Impacts would *be less than significant*.

XII. MINERAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally – important mineral resource recovery Site delineated on a local general plan, specific plan or other lands use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Mineral Resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The California Department of Conservation (DOC), Mining Division, indicates that there are no mineral resource zones in Merced County and there is no mineral extraction occurring on or adjacent to the proposed Project site. Also, DOC information indicates that there are no active mining operations within the City of Los Banos. (see DOC's website at: <https://www.arcgis.com/apps/mapviewer/index.html?url=https://gis.conservation.ca.gov/server/rest/services/MOL/MOLMines/MapServer&source=sd>).

Regulatory Setting

Federal

None that apply to the Project.

State

Note that Apply to the Project.

City of Los Banos General Plan

As there are no known mineral resources within the General Plan planning area, the General Plan does not contain any applicable Goals or policies for mineral resources.

Discussion

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact: The Project site has no known mineral resources that would be of value to the region and the state's residents. The Project site is not designated as an important mineral resource recovery site as determined by the DOC. Therefore, based on the analysis and information provided herein, the Project would not result in the loss or impede the mining of regionally or locally important mineral resources. There would be no impact.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, no mitigation measures are required.

b) Would the Project result in the loss of availability of a locally – important mineral resource recovery Site delineated on a local general plan, specific plan or other lands use plan?

No Impact: As noted earlier at Item a) there are no known mineral resources that would be important to the region, and the Project site is not designated as an important mineral resource as determined by the DOC. Based on this determination by DOC, the County's General Plan does not contain General Plan any applicable Goals or policies for mineral resources. Therefore, the proposed Project would not result in the loss of availability of known regionally or locally important mineral resources. There is *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: No Impact

As noted earlier, the DOC has determined that the City of Los Banos planning areas does not contain any important mineral resources or mining operations. As the City does not contain any known mineral resources, the General Plan does not include any Goals or policies applicable to mineral resources. Therefore, based on the analysis and information provided

herein, the Project would not result in the loss or impede the mining of regionally or locally important mineral resources. There would be *no cumulative impact*.

XIII.NOISE

Would the Project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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 applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground-borne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Noise resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The predominant existing noise sources in the vicinity of the Project Site are vehicles on adjacent streets. The Project site is approximately two (2) miles northeast of Los Banos Municipal Airport and is not within the vicinity of a private airstrip or an airport land use plan.

Noise is often described as an unwanted sound, while Sound is the variation in air pressure that the human ear can detect. If the pressure variations occur at least 20 times per second, they can be detected by the human ear. The number of pressure variations per second is called the frequency of sound. The frequency is expressed as cycles per second, called Hertz (Hz).

Ambient noise is the “background” noise of an environment. Existing ambient noise levels proximate to the Project site are primarily due to traffic. Construction activities usually result in an increase in sound above ambient noise levels.

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., train operations, motor vehicles, machinery equipment, etc.), causing the adjacent ground to move, creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is a ground-borne vibration.

TERMINOLOGY

To understand noise, it is important to understand how noise is evaluated by providing the following terminology. The following are brief definitions of terminology used in this section:

- Sound. A disturbance created by a vibrating object, which when transmitted by pressure waves through a medium such as air, is capable of being detected by the human ear or a microphone.
- Noise. Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
- Decibel (dB). A measure of sound on a logarithmic scale.
- A-Weighted Decibel (dBA). An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
- Equivalent Continuous Noise Level (Leq). The mean of the noise level, energy averaged over the measurement period.
- Lmax. The maximum noise level during a measurement period.
- Statistical Sound Level (Ln). The sound level that is exceeded “n” percent of time during a given sample period. For example, the L50 level is the statistical indicator of the time-varying noise signal that is exceeded 50 percent of the time (during each sampling period). This is also called the “median sound level.” The L10 level, likewise, is the value that is exceeded 10 percent of the time (i.e., near the maximum) and this is often known as the “intrusive sound level.” The L90 is the sound level exceeded 90 percent of the time and is often considered the “effective background level” or “residual noise level.”
- Day-Night Sound Level (Ldn or DNL). The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the sound levels occurring during the period from 10:00 p.m. to 7:00 a.m.
- Community Noise Equivalent Level (CNEL). The energy-average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the levels occurring

during the period from 7:00 p.m. to 10:00 p.m. and 10 dB added to the sound levels occurring during the period from 10:00 p.m. to 7:00 a.m. Note: For general community/environmental noise, CNEL and Ldn values rarely differ by more than 1 dB. As a matter of practice, Ldn and CNEL values are considered to be equivalent/interchangeable.

- Peak Particle Velocity (PPV). The peak rate of speed at which soil particles move (e.g., inches per second) due to ground vibration.
- Noise-Sensitive Receptor. Noise- and vibration-sensitive receptors include land uses where quiet environments are necessary for enjoyment and public health and safety. Residences, schools, motels and hotels, libraries, religious institutions, hospitals, and nursing homes are examples. As such, these have more stringent noise level allowances than most commercial or agricultural uses that are not subject to impacts such as sleep disturbance.

SOUND FUNDAMENTALS

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in Hertz [Hz] or cycles per second), and duration (measured in seconds or minutes). The standard unit of measurement of the loudness of sound is the decibel (dB). Changes of 1 to 3 dB are detectable under quiet, controlled conditions and changes of less than 1 dBA are usually indiscernible. A 3 dB change in noise levels is considered the minimum change that is detectable with human hearing in outside environments. A change of 5 dB is readily discernible to most people in an exterior environment whereas a 10 dBA change is perceived as a doubling (or halving) of the sound.

The human ear is not equally sensitive to all frequencies. Sound waves below 16 Hz are not heard at all and are “felt” more as a vibration. Similarly, while people with extremely sensitive hearing can hear sounds as high as 20,000 Hz, most people cannot hear above 15,000 Hz. In all cases, hearing acuity falls off rapidly above about 10,000 Hz and below about 200 Hz. Since the human ear is not equally sensitive to sound at all frequencies, a special frequency dependent rating scale is usually used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by weighting frequencies in a manner approximating the sensitivity of the human ear.

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects, the federal government, the State of California, and many local governments have established criteria to protect public health and safety and to prevent disruption of certain human activities.

Sound Measurement

Sound pressure is measured through the A-weighted measure to correct for the relative frequency response of the human ear. That is, an A-weighted noise level de-emphasizes low and very high frequencies of sound similar to the human ear's de-emphasis of these frequencies. Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. On a logarithmic scale, an increase of 10 dB is 10 times more intense than 1 dB, while 20 dB is 100 times more intense, and 30 dB is 1,000 times more intense. The decibel system of measuring sound gives a rough connection between the physical intensity of sound and its perceived loudness to the human ear. Ambient sounds generally range from 30 dBA (very quiet) to 100 dBA (very loud).

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as "spreading loss." For a single point source, sound levels decrease by approximately 6 dB for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by on-site operations from stationary equipment or activity at a project site. If noise is produced by a line source, such as highway traffic, the sound decreases by 3 dB for each doubling of distance in a hard site environment. Line source noise in a relatively flat environment with absorptive vegetation decreases by 4.5 dB for each doubling of distance.

Time variation in noise exposure is typically expressed in terms of a steady-state energy level equal to the energy content of the time varying period (called Leq), or alternately, as a statistical description of the sound level that is exceeded over some fraction of a given observation period. For example, the L50 noise level represents the noise level that is exceeded 50 percent of the time. Half the time the noise level exceeds this level and half the time the noise level is less than this level. This level is also representative of the level that is exceeded 30 minutes in an hour. Similarly, the L2, L8 and L25 values represent the noise levels that are exceeded 2, 8, and 25 percent of the time, or 1, 5, and 15 minutes per hour. These "Ln" values are typically used to demonstrate compliance for stationary noise sources with a city's noise ordinance, as discussed subsequently.

Psychological and Physiological Effects of Noise

Physical damage to human hearing begins at prolonged exposure to noise levels higher than 85 dBA. Exposure to high noise levels affects our entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, and thereby affecting blood pressure, functions of the heart and the nervous system. In comparison, extended periods of noise exposure above 90 dBA could result in permanent hearing damage. When the noise level reaches 120 dBA, a tickling sensation occurs in the human ear even with short-term exposure. This level of noise is called the threshold of feeling. As the sound reaches 140 dBA, the tickling sensation is replaced

by the feeling of pain in the ear. This is called the threshold of pain. Table 4.12-1 (in the EIR), Typical Noise Levels, shows typical noise levels from familiar noise sources in dBA as follows:

- Common Indoor Activities Onset of physical discomfort 120 dBA;
- Rock Band (near amplification system) 110 dBA;
- Jet Flyover at 1,000 feet 100 dBA;
- Gas Lawn Mower at three feet 90 dBA;
- Diesel Truck at 50 feet, at 50 mph, Food Blender at 3 feet, Garbage Disposal at 3 feet 80 dBA;
- Noisy Urban Area, Daytime Vacuum Cleaner at 10 feet Commercial Area Normal speech at 3 feet 70 dBA;
- Heavy Traffic at 300 feet, Large Business Office 60 dBA;
- Quiet Urban Daytime, Dishwasher 50 dBA;
- Next Room Quiet Urban Nighttime Theater, Large Conference Room (background) 40 dBA;
- Quiet Suburban Nighttime, Theater, Large Conference Room (background) 30 dBA;
- Quiet Rural Nighttime, Library Bedroom at Night, Concert Hall (background) 20 dBA;
- Broadcast/Recording Studio 10 dBA;
- Lowest Threshold of Human Hearing 0 dBA

VIBRATION FUNDAMENTALS

Vibration is an oscillating motion. Like noise, vibration is transmitted in waves, but in this case through earth or solid objects. Unlike noise, vibration is typically felt rather than heard.

Vibration can be either natural as in the form of earthquakes, volcanic eruptions, or landslides, or human made as from explosions, heavy machinery, or trains. Both natural and human-made vibration may be continuous such as from operating machinery, or impulsive as from an explosion.

As with noise, vibration can be described by both its amplitude and frequency. Amplitude may be characterized in three ways including displacement, velocity, and acceleration. Particle displacement is a measure of the distance that a vibrated particle travels from its original position. For the purposes of soil displacement it is typically measured in inches or millimeters. Particle velocity is the rate of speed at which soil particles move in inches per second or millimeters per second. Particle acceleration is the rate of change in velocity with respect to time and is measured in inches per second or millimeters per second. Typically, particle velocity (measured in inches or millimeters per second) and/or acceleration (measured in gravities) are used to describe vibration. Table 4.12-2 (of the EIR), Human Reaction to Typical Vibration Levels, presents the human reaction to various levels of peak particle velocity, human reaction, and effects on buildings.

- 0.006–0.019 – Threshold of perception, possibility of intrusion Vibrations unlikely to cause damage of any type.
- 0.08 – Vibrations readily perceptible, Recommended upper level of vibration to which ruins and ancient monuments should be subjected.

- 0.10 - Level at which continuous vibration begins to annoy people, Virtually no risk of “architectural” (i.e., not structural) damage to normal buildings.
- 0.20 - Vibrations annoying to people in buildings, Threshold at which there is a risk to “architectural” damage to normal dwelling – houses with plastered walls and ceilings.
- 0.4–0.6 Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges, Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage.

Vibrations also vary in frequency and this affects perception. Typical construction vibrations fall in the 10 to 30 Hz range and usually occur around 15 Hz. Traffic vibrations exhibit a similar range of frequencies; however, due to their suspension systems, buses often generate frequencies around 3 Hz at high vehicle speeds. It is less common, but possible, to measure traffic frequencies above 30 Hz. The way in which vibration is transmitted through the earth is called propagation. As vibration waves propagate from a source, the energy is spread over an ever-increasing area such that the energy level striking a given point is reduced with the distance from the energy source. This geometric spreading loss is inversely proportional to the square of the distance. Wave energy is also reduced with distance as a result of material damping in the form of internal friction, soil layering, and void spaces. The amount of attenuation provided by material damping varies with soil type and condition as well as the frequency of the wave.

EXISTING CONDITIONS

Primary noise sources in the EIR Study Area include State Route (SR)-33/Pacheco Boulevard, SR-165/Mercey Springs Road, traffic on local roadways, the Los Banos Municipal Airport, and industrial land uses such as the California Dairies industrial plant on Pacheco Boulevard. In commercial and retail areas, truck loading docks can be a source of localized noise. The Project site is located adjacent to and east of Mercey Spring Road (SR 165).

Noise-Sensitive Receptors

As noted earlier, certain land uses, such as residences, schools, and hospitals, are particularly sensitive to noise and vibration. Noise sensitive receptors within the EIR Study Area include residences, senior housing, schools, places of worship, and recreational areas. These uses are regarded as sensitive because they are where citizens most frequently engage in activities that are likely to be disturbed by noise, such as reading, studying, sleeping, resting, or otherwise engaging in quiet or passive recreation. Commercial and industrial uses are not particularly sensitive to noise or vibration. The Project site is adjacent to existing residential uses on all sides.

Ambient Noise Measurements

Ambient noise monitoring was conducted within the EIR Study Area by PlaceWorks in January 2022 to determine a baseline noise level at different environments. Measurements were made during weekday periods when the EIR Study Area is expected to be most active. Long-term (48-hour) measurements were conducted at 4 locations within the EIR Study Area, and short-term (10+ minute) measurements were conducted at 9 locations in the EIR Study Area. All measurements were conducted from Wednesday, January 19 through Friday, January 21, 2022. Short-term measurements were generally made during afternoon (3:00 p.m. to 7:00 p.m.) peak commute hours.

Meteorological conditions during the measurement periods were favorable for outdoor sound measurements and were noted to be representative of the typical conditions for the season. All sound level meters were equipped with a windscreen during measurements.

All sound level meters used for noise monitoring satisfy the American National Standards Institute standard for Type 1 instrumentation.³ The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least 5 feet above the ground and away from reflective surfaces. Noise measurement locations are described below and shown on Figure 4.12-1 (in the EIR), Approximate Noise Monitoring Locations. Neither Short- or Long-term noise monitoring locations were included near or at the Project site.

Traffic Noise

Traffic noise levels were estimated using the FHWA Highway Traffic Noise Prediction Model and traffic data provided by Kittelson and Associates, Inc. (see Appendix F, Noise Data, of the EIR). The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, traffic volumes, vehicle speeds, car/truck mix, number of lanes, and road width. Existing (2021) roadway and highway noise contours of 60, 65, and 70 dBA CNEL noise contours are shown on Figures 4.12-2 through 4.12-5 of the EIR. In summary, noise contours along the entire length of Mercey Springs Road resulted in noise levels of approximately 65 dBA. As such, even without the Project, noise contours would be approximately 65 dBA.

Aircraft Noise

The Los Banos Municipal Airport is within the city limits of Los Banos in the western part of the city. The airport is west of downtown and directly adjacent to the Central California Irrigation District Main Canal; it is between SR-152 and Ingomar Grade Road. It covers 125 acres and contains one paved runway 3,800 feet long. The airport is owned by the City of Los Banos and operated through the Public Works Department.

Nearby noise sensitive receptors near the Airport include residential uses to the east, southwest, and south of the airport. Figure 4.12-6 (of the EIR), Los Banos Municipal Airport Noise Contours, shows the 60 and 55 dBA CNEL airport noise contours extend to the residential uses to the east and the 55 dBA CNEL noise contour extend to residential uses to the south. However, as the Project site is not within the noise contours delineated for the Airport environs, the Project would not be impacted by airport noise.

Railroad Noise

There are no active railway lines within the EIR Study Area. Los Banos was served by the West Side Line of the Southern Pacific Railway from the 1890s to the 1990s, including both freight and passenger rail service. However, Southern Pacific abandoned the section of track from downtown Los Banos southeast to Oxalis in 1993.⁴ The tracks have been disabled and converted to the Los Banos Rail Trail. Northwest of downtown, a freight rail line operated by California Northern Railroad connects Los Banos' industrial areas north to the City of Tracy. There is no passenger rail service along this line. As such, the Project would not be impacted by railroad related noise.

Stationary Noise

Stationary sources of noises may occur from all types of land uses. Residential uses would generate noise from landscaping, maintenance activities, and air conditioning systems. Commercial uses would generate noise from heating, ventilation, and air conditioning (HVAC) systems; loading docks; and other sources. Industrial uses may generate noise from HVAC systems, loading docks, and possibly machinery. Noise generated by residential or commercial uses is generally short and intermittent. Industrial uses may generate noise on a more continual basis. Nightclubs, outdoor dining areas, gas stations, car washes, fire stations, drive-throughs, swimming pool pumps, school playgrounds, athletic and music events, and public parks are other common noise sources. There are no major stationary noise sources near the Project site.

Vibration

Existing sources of operational vibration in the EIR Study Area include vehicle traffic on roadways. Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that "heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic." Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that "vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second (in/sec), with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)." The segment of Mercey Springs Road where the Project is located has a maximum speed limit

of 45 miles per hour; this speed is below typical freeway speeds of 55 miles per hour for heavy trucks and 65 miles per hour for other vehicle types.

Regulatory Setting

Federal

United States Environmental Protection Agency (USEPA)

The USEPA has identified the relationship between noise levels and human response. The USEPA has determined that over a 24 hour period, a Leq of 70 dBA will result in some hearing loss. Interference with activity and annoyance will not occur if exterior levels are maintained at a Leq of 55 dBA and interior levels at or below 45 dBA. While these levels are relevant for planning and design and useful for informational purposes, they are not land use planning criteria because they do not consider economic cost, technical feasibility, or the needs of the community. The USEPA also has set 55 dBA Ldn as the basic goal for exterior residential noise intrusion. However, other federal agencies, in consideration of their own program requirements and goals, as well as difficulty of actually achieving a goal of 55 dBA Ldn, have settled on the 65 dBA Ldn level as their standard. At 65 dBA Ldn, activity interference is kept to a minimum, and annoyance levels are still low. It is also a level that can realistically be achieved.

Occupational Health and Safety Administration

The federal government regulates occupational noise exposure common in the workplace through the Occupational Health and Safety Administration (OSHA) under the USEPA. Such limitations would apply to the operation of construction equipment and could also apply to any proposed industrial land uses. Noise exposure of this type is dependent on work conditions and is addressed through a facility's Health and Safety Plan, as required under OSHA, and is therefore not addressed further in this analysis.

State

State General Plan Guidelines

The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels. These suggested noise and land use compatibility standards provide local governments with a basis for setting limits appropriate to their jurisdiction.

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations, commonly referred to as the California Building Code (CBC). The CBC is in Part 2 of Title 24. The CBC is updated on a three-year cycle. It is effective statewide, but a local jurisdiction may adopt more restrictive standards based on local conditions under specific amendment rules prescribed by the State Building Standards Commission. The CBC Volume 1, Chapter 12, Interior Environment, Section 1207.11.2, Allowable Interior Noise Levels, requires that interior noise levels attributable to exterior sources shall not exceed 45 dBA in any habitable room. The noise metric is evaluated as either the Ldn or the CNEL, consistent with the noise element of the local general plan.

California Building Code: CALGreen

The California Building Standards Commission adopted the California Green Building Standards Code, also known as CALGreen. As part of the CBC, CALGreen is in Part 11 of Title 24. The State of California's noise insulation standards for nonresidential uses are codified in CALGreen. The CALGreen noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Development projects may use either the prescriptive method (CALGreen Section 5.507.4.1) or the performance method (CALGreen Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA Leq(1hr).

Regional

Merced Municipal Airport Compatibility Land Use Plan (ACLUP)

As the Project site is approximately two (2) miles northeast of Los Banos Municipal Airport, ACLUP regulations would not apply to the Project.

Local

General Plan

The General Plan 2042 Safety and Noise (S) Element contains a goal, policies, and an action that require local planning and development decisions to consider noise-related impacts, including during construction. The following General Plan 2042 goal, policies, and action would minimize potential adverse construction noise-related impacts:

- Goal S-8. Strive to achieve an acceptable noise environment for the present and future residents of Los Banos.

- Policy S-P8.1. Use the community noise level exposure standards, shown in Figure 7-10 [shown as Table 4.12-10, Land Use Compatibility for Community Noise Environments, of the EIR] review criteria for new land uses.
- Policy S-P8.2. Require a noise study and mitigation measures for all projects that have noise exposure greater than “normally acceptable” levels based on Table 7-3 [shown as Table 4.12-1, Typical Noise Levels, of this Draft EIR]. Require that new multifamily and single-family housing projects, hotels, and motels exposed to a Community Noise Equivalent Level (CNEL) of 60 dB or greater have a detailed acoustical analysis describing how the project will provide an interior CNEL of 45 dB or less, pursuant to Title 24, Part 2, of the California Code of Regulations. These measures may include, but are not limited to, the following actions:
 - Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment;
 - Increase setbacks for noise sources from adjacent dwellings;
 - Install fences, walls, and landscaping that serve as noise buffers;
 - Use forced-air mechanical ventilation and soundproofing materials and double-glazed windows, or a combination thereof; and
 - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- Policy S-P8.5. Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise.
- 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.
 - 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.

Los Banos Municipal Code (LBMC)

The LBMC includes various directives pertaining to noise. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to noise impacts are included in Title 9, Planning and Zoning. Specifically, the City has established noise standards under Chapter 3, Zoning, in Article 27, Noise Control. Article 27 includes noise measurement criteria, exterior noise standards, air conditioning and refrigeration noise standards, and noise exemptions to the provisions of the article. Table 4.12-4 (in the EIR, Table 13-1 herein), Exterior Noise Standards, dBA, summarizes the LBMC exterior noise standards.

Table 13-1 Exterior Noise Standards, dBA			
	Residential/Noise Sensitive	Residential/Noise Sensitive	Commercial/Industrial
Cumulative Number of Minutes in 1-hour Period	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	Any Time
30	55	45	70
15	60	50	75
5	65	55	80
1	70	60	85
0	75	65	90
<p><i>Notes: If a measured ambient noise level without an alleged offensive noise source in operation exceeds an applicable noise level standard, the applicable standard or standards shall be adjusted so as to equal the ambient noise level. Each of the noise level standards specified in the table shall be reduced by 5 dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.</i></p> <p><i>a. Includes schools, hospitals, churches, and public libraries.</i></p> <p><i>b. Source: Los Banos Municipal Code Section 9-3.2704.</i></p>			

In addition to exterior noise standards, residential air-conditioning and refrigeration systems installed after December 4, 1987, shall not exceed 50 dBA. Exceptions to Article 27 as applicable to the Project are:

- Noise sources associated with construction provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on any day, except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday;
- Noise sources associated with existing food processing, agricultural packing, or dairy or other industrial or commercial operations provided the noise levels generated by such operations do not exceed current levels. Any new construction or expansion (but not the repair or replacement of existing equipment) of such operations shall not exceed the exterior noise level standards set forth in Section 9-3.2704 of this article. Title 9, Planning and Zoning, of the LBMC also includes Article 17, Traffic Development Impact Fees. As described in Section 9-2.1701, Authority, General Purpose, and Definitions, the purpose of this article to provide fees to be used for traffic management. Fees are imposed on all new development and

Title 9, Planning and Zoning, of the LBMC also includes Article 17, Traffic Development Impact Fees. As described in Section 9-2.1701, Authority, General Purpose, and Definitions, the purpose of this article to provide fees to be used for traffic management. Fees are imposed on all new development and redevelopment at established rates (Section 9-2.1702, Traffic Impact Fees). Pursuant to 9-2.1703, Requirements, the payment of traffic impact fees is required for the issuance of a building permit for new development and redevelopment in accordance with the adopted traffic impact fee schedule.

Discussion

a) Would the Project result in 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 applicable standards of other agencies?

Less Than Significant Impact: Project construction is anticipated to last approximately 3 years and will involve temporary, short-term, and intermittent noise sources. The Project could result in two types of temporary noise impacts during construction: (1) the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads; and (2) noise would be generated from activities related to demolition, site preparation, grading, and/or physical construction. Construction is performed in distinct steps, each of which has its own mix of equipment, and consequently, its own noise characteristics. Table 13-2, Construction Equipment Noise Emission Levels, lists typical construction equipment noise levels recommended for noise-impact assessments, based on a distance of 50 feet between the equipment and noise receptor. The average noise levels generated by construction equipment that could be used in the proposed Project are shown below.

Table 13-2 Noise Equipment Levels	
Type of Equipment	dBA at 50 feet
Air Compressors	81
Excavators	81
Concrete/Industrial Saws	76
Cranes	83
Forklifts	75
Generators	81
Pavers	89
Rollers	74
Dozers	85
Tractors	84
Loaders	85
Backhoes	80
Graders	85
Scrapers	89
Welders	74
<i>Source: Federal Highway Administration Construction Noise Handbook.</i>	

The City of Los Banos General Plan and Noise Ordinance do not specify noise thresholds for construction-related noise sources. However, the General Plan requires the implementation of noise reduction measures for all construction equipment and limits noise-generating activities to daytime hours from Monday through Friday. The Project will comply with these

regulations, and construction will not occur before 7:00 a.m. or after 9:00 p.m. on any day, except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday.

Long-term noise levels resulting from the Project would include single-family homes, which are not normally associated with high operational noise levels.

Because noise generated from construction-related activities would be short-term, temporary, and intermittent, construction-related activities would comply with all measures established by the City to limit construction-related noise impacts, and operational noise would be consistent with adjacent land uses. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *mitigation measures would not be required*.

b) Would the Project result in generation of excessive ground-borne vibration or groundborne noise levels?

Less Than Significant Impact: Projects that use vibration-intensive construction activities—such as pile drivers, jackhammers, and vibratory rollers—near sensitive receptors must be evaluated for potential vibration impacts. The Project would not utilize this type of equipment during construction-related activities, and as such, the Project would not generate excessive ground-borne vibration or ground-borne noise levels. In the event that this type of equipment is used, the duration would be short-term, temporary, and intermittent. Therefore, based on the analysis and information provided herein, impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *mitigation measures would not be required*.

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 public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

Less Than Significant Impact: The Project Site is approximately two miles from Los Banos Municipal Airport; however, the Project Site is not within the airport land use plan for that airport nor is the Project Site within an elevated noise contour. As such, the Project would not expose people residing or working in the Project area to excessive noise levels. Therefore,

based on the analysis and information provided herein, impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *mitigation measures would not be required*.

Cumulative Impact: Less than Significant

The analysis of the proposed project, discussed above, addresses cumulative impacts with regard to noise, ground borne noise, and vibration. Although multiple simultaneous nearby noise sources may, in combination, result in higher overall noise levels, this effect is captured and accounted for by the ambient noise level metrics that form the basis of the thresholds of significance for noise analysis. Any measurement of sound or ambient noise, whether for the purpose of evaluating land use compatibility, establishing compliance with exterior and interior noise standards, or determining point-source violations of a noise ordinance, necessarily will incorporate noise from all other nearby perceptible sources. Additionally, although noise attenuation is influenced by a variety of topographical, meteorological, and other factors, noise levels decrease rapidly with distance, and vibration impacts decrease even more rapidly. Therefore, site-level cumulative noise or vibration impacts across city boundaries occur only infrequently. The City of Los Banos shares borders with other communities, which makes cross-border cumulative noise and vibration impacts possible. Nevertheless, given the proposed Safety and Noise Element policies and LBMC requirements discussed above, it is unlikely that stationary source noise would, in combination with noise sources from adjacent communities, result in cumulative noise impacts. Additionally, because any noise measurements taken in conjunction with Safety and Noise Element policies or LBMC requirements would necessarily account for noises received from outside the boundaries of the City of Los Banos, the ongoing implementation of these policies and regulations under the proposed project would serve to prevent site-based cumulative noise impacts.

The noise contours and traffic-related noise levels developed within the EIR Area include and account for regional travel patterns as they affect traffic levels in Los Banos. Noise contours were based upon both existing and projected future traffic volumes that incorporate cumulative regional effects and trends. Existing noise contours were derived from traffic volumes based on counts of current traffic, and these traffic counts inherently include cumulative traffic, as generated by regional trips. With regard to future noise, projected noise contours were determined using projected 2042 traffic volumes; these data account for growth in Los Banos under the proposed project as well as anticipated regional growth. The future noise modeling that served as the foundation for the overall project analysis was therefore based on future, cumulative conditions. As noted earlier, noise contours along the entirety of Mercey Springs Road within the City are generally quantified at approximately 65 dBA with or without the Project.

As shown in Table 4.12-9, Traffic Noise Increases in the EIR Study Area, traffic noise increases along SR-152 between Badger Flat Road and Ortigalita Road would be significant. In addition, the Pioneer Road extension and connection to Pacheco Boulevard would expose residences to traffic noise levels of 68 dBA CNEL at a distance of 50 feet where there is no existing road. Traffic noise increases along all other roadway study segments would be less than significant. As the Project is not located along SR 152, Pioneer Road, or Pacheco Boulevard, the Project would not result in or contribute to noise. As such, the Project's impact would be *less than significant*.

XIV. POPULATION AND HOUSING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Population and Housing resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting/Existing Conditions

As indicated in the EIR, as of 2019, Los Banos had a total of 41,898 residents and 12,324 housing units within the city limit. The most up to date jobs data available are from 2017 and showed a total estimate of 15,633 jobs within the city limit.

Population

The majority of Merced County’s population is in Merced and in unincorporated areas of the county. Of the remaining cities in the county, Los Banos has the largest population, with a population approximately half the size of that of Merced. The population of Los Banos grew from 35,972 in 2010 to 42,869 in 2021. As shown in Table 4.13-2 (in the EIR), Total Population, 2010 to 2021, the City’s population grew by approximately 19 percent; this growth was higher than the level of population growth in Merced County as a whole, which was 11 percent during the

same period. This level of growth was also higher than that of Merced and the unincorporated areas of Merced County.

Housing

According to information contained in the EIR, between 2010 and 2021, Los Banos experienced a steady housing growth. As shown in Table 4.13-3 (in the EIRA), Housing Units, 2010 to 2021, the city's number of housing units grew by approximately 13 percent; this growth was higher than the level of housing growth in Merced County as a whole, which was 7 percent during the same period. This level of growth was also higher than that of the City of Merced and the unincorporated areas of Merced County

Employment

According to data from the California Employment Development Department, as contained in the EIR, Los Banos had 17,100 residents in the labor force as of December 2021, 15,300 of whom were employed, as shown in Table 4.13-4 (in the EIR), Employment Among Residents, December 2021. At 10.5 percent, the unemployment rate in Los Banos was higher than the countywide unemployment rate of 8.2 percent.

Growth Projections

Growth forecasts for Los Banos and Merced County, based on the projections prepared by UOP, are shown in Table 4.13-5, Regional Growth Projections, 2021 to 2042. As noted previously, MCAAG used these projections as the basis for the 2018 RTP/SCS. The data in Table 4.12-5 compares Department of Finance data for existing (2021) conditions to the UOP growth forecasts, interpolated to reflect the proposed General Plan update's buildout year of 2042.

It is noted that the Project site is vacant and contains no housing whatsoever, nor is any housing planned as part of the Project. As such, the Project will have not impact to housing or population,

Regulatory Setting

Federal

None that apply to the Project.

State

California Housing Element Law (California Government Code Sections 65580 through 65589.8) includes provisions related to the requirements for housing elements of local government General Plans. Among these requirements, some of the necessary parts include

an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Additionally, to ensure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goals, the Government Code calls for local jurisdictions to plan for, and allow the construction of, a share of the region's projected housing needs.

Regional

Merced County Association of Governments

The Merced County Association of Governments (MCAG) is the official comprehensive planning agency for the Merced County area, which is composed of the cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, Merced, and Merced County. MCAG is responsible for taking the overall regional housing needs allocation (RHNA) provided by the State and preparing a formula for allocating that housing need by income level across its jurisdiction.

MCAG is part of a three-county regional demographic forecast prepared for Merced, San Joaquin, and Stanislaus Counties by the University of Pacific (UOP) Center for Business & Policy Research to provide regional agencies with forecasts to make project funding and regulatory decisions, including the preparation of the 2022 Regional Transportation Plan and Sustainable Communities Strategy (2022 RTP/SCS) by MCAG in and the regional Ozone Attainment Plan by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The General Plans, zoning regulations, and growth management programs of local jurisdictions inform UOP's projections. The projections are also developed to reflect the impact of "smart growth" policies and incentives that could be used to shift development patterns from existing and historical trends toward a better jobs-housing balance, increased preservation or rehabilitation of open space, and greater development and redevelopment in urban core and transit-accessible areas throughout the region.

Regional Transportation Plan/Sustainable Communities Strategy Plan

MCAG's 2022 RTP/SCS was adopted on August 18, 2022. The RTP/SCS includes four scenarios, each of which represents a different set of land use patterns, development characteristics, and transportation investments to guide growth in the region in the coming years. The four land use scenarios include: Scenario 1, Baseline; Scenario 2, Conserve Merced County and; Scenario 3, Conserve and Connect Merced County (Preferred Scenario). The 2022 RTP/SCS is based on a preferred land use and transportation investment scenario, referred to as Scenario 3: Conserve & Connect Merced County or simply "the Plan". This scenario emphasizes controlled concentric growth, largely within the limits of the respective General Plans of local jurisdictions within Merced County. Development focuses on empty lots within city limits and gradual growth directly connected to established neighborhoods. There is greater reliance on multifamily housing and smaller-lot single-family homes. This scenario allows for growth in unincorporated communities, but no new unincorporated communities will be established.

Development will be concentrated to minimize any conversion of prime farmland, focusing on “upward development” instead of “outward development.” One of key features of Scenario 3 Conserve & Connect Merced County, is more focus on walkability/bicycling and transit accessibility of housing and jobs.

It is noted that the 2022 RTP/SCS recognized the City’s efforts in infill development effort by highlighting two apartment development proposals that exceed the residential density goals of RTS/SCS Preferred Plan: Mercey Springs Apartments (approved for 150 units at 30 units/acre) and the F Street Multi-Family project (approval pending for 16 units at 17 units/acre). These demonstrate the City’s ongoing effort to support sustainability strategies. Los Banos is also actively promoting infill projects, such as duplexes and mixed-use in the City’s central area.

Local

General Plan

The most recent Los Banos Housing Element (2014-2023) was adopted on July 25, 2016. The 2014-2023 Housing Element includes a housing needs assessment, in which it identifies current and projected housing needs in Los Banos, as well as policies to accommodate future housing development that will be diverse and affordable to a range of household types and income ranges. Housing Element objectives and policies related to population and housing can be found in Table 4.13-1 (of the EIR), Housing Element Objectives and Policies Relevant to Population and Housing. However, as the Project will not displace existing housing nor include a residential component, the Project would not impact housing resources.

Discussion

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact: The Project proposes to develop a commercial/retail center on an approximately nine (9)-acre site that is surrounded by existing residential development. Moreover, the Project site is designated by the General Plan as Regional Commercial and has a zone classification of Commercial (General); as such, the Project is consistent with this underlying land use designation and zoning classification. As such, the Project represents planned growth (in the form of infill) in the area as part of the City’s efforts to accommodate growth while discouraging fragmented, isolated development. The Project would be accessible from existing roadways (Mercey Springs Road to the west and Willmott Road to the east) as well as provide roadway and pedestrian interconnectivity with the existing surrounding single-family developments in a cohesive development pattern for the City. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact: There Project Site is currently vacant would subdivide the approximately nine (9)-acre parcel into six (6) parcels for the construction and operation of a commercial/retail center. The Project would not involve the removal of existing residences and would not displace any people. Therefore, based on the analysis and information provided herein, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

Cumulative Impact: No Impact

The context for the cumulative population and housing impacts would be potential future development under the proposed project combined with development on lands adjacent to the City's UGB, SOI, and AOI. As described in impact discussions Item a) and Item b), implementation of the Project would not induce a substantial amount of unplanned population growth or growth for which inadequate planning has occurred, or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Rather, the Project would provide connectivity to existing surrounding housing and would provide a walkable option for nearby residents. Therefore, based on the analysis and information provided herein, the Project would not result in a cumulatively considerable impact to population and housing, and there would be *no cumulative impact.*

XV. PUBLIC SERVICES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times of other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Public Services resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Fire Protection

The Project site would be served by the City of Los Banos Fire Department (LBFD), which will continue to provide fire protection services upon development of the Project. The Project would

be required to adhere to all fire safety regulations, including the installation of fire hydrants and compliance with building codes, to ensure adequate fire protection for future residents.

Staffing and Facilities

As noted in the EIR, the mission of the LBFD is to protect lives and property by providing professional care and fast response times. The LBFD includes a Career Fire Department and Volunteer Fire Department which operate out of two fire stations referred to as Station 1 and Station 2. Merced County also has one operating fire station (Station 71) within the city limit (see Figure 4.14-1 of the EIR, Fire and Police Stations).

The LBFD is responsible for providing fire operations, fire prevention and fire prevention education, planning, and building code operations, including fire inspections, and first responder services and Emergency Medical Technicians or EMTs for the delivery of emergency medical services to all areas within the city limit. The LBFD participates in the statewide Master Mutual Aid Plan and provides mutual aid for fire and rescue and Emergency Medical Services (EMS) to other local agencies in Merced County. In addition, the LBFD participated in the preparation of the MJHMP described in Section 4.14.1.1 (of the EIR), Environmental Setting. The LBFD is funded for 16 full-time career fire personnel, 4 administrative staff, and 16 volunteer firefighters. Though there are existing funds for 16 employees, the LBFD currently employs 13 career fire personnel and is in the hiring process to fulfill the remaining vacancies. As noted in the LBFD website (see: <https://www.fire.losbanos.org/>), the LBFD operates with a minimum of three personnel a day at each Station (that is, Stations 1 and 2), with an additional Chief Officer on duty 24-7.

Response Times and Performance

The LBFD uses the Insurance Services Office (ISO) to evaluate staffing and facilities need. The ISO surveys communities across the United States and assigns a public protection classification (PPC) grade, which is used to establish property insurance rates in an area. As noted in the EIR, Los Banos prides itself on its ISO rating of 3, on a scale of 1 to 10 with 1 being the highest. According to the LBFD Strategic Plan, the travel time benchmark, which uses a 90 percent fractal time and represents the goal or industry standard, is a response time of 4 minutes.⁹ The response time baseline for all fire emergencies, which is generally defined as the travel time the LBFD is currently achieving and is acceptable, is 5 minutes and 12 seconds using 70 percent fractal time. The current LBFD average response time is 5 to 6 minutes. Therefore, the current response time is slightly below the threshold.

Water Supply

Fire water pressure must be considered when planning capacity increases for new development. The City's development review process requires consultation with the Los Banos Public Works Department (PWD) to ensure adequate water supply necessary for a fire

emergency. The City maintains local hydrants while the PWD is responsible for fire flow. PWD typically calculates required fire flow in accordance with Uniform Fire Code and Insurance Services Office guidelines. Peak load requirements vary based on building construction, size, type, and location, and may be modified by the addition of fire alarm or sprinkler systems. Fire flow requirements are met in most of the EIR Study Area; deficient areas are identified by the PWD, ranked along with others in the service area, and scheduled for upgrade based on need and funding availability. It is noted that qualified consultant Kimley Horn prepared a *Fire Water Study Memorandum* (see Appendix D) to analyze the existing water system to determine the size and location of the proposed water system to provide and maintain an acceptable level of service that meets minimum state and local requirements. The Memorandum concluded that the proposed fire water configuration would be sufficient for the Fire Water service on this Project.

Police Protection

Law enforcement services (police protection services) are and would continue to be provided to the Project site by the Los Banos Police Department (LBDP). As described in the EIR, the LBDP operates out of one main headquarters downtown. The LBDP is responsible for providing 24-hour uniformed law enforcement patrol services. The Merced County Sheriff's Department is responsible in providing law enforcement services to the unincorporated area surrounding Los Banos. Merced County has an operating sub-police station adjacent to the Los Banos Police Station, responsible for serving the City of Gustine and unincorporated communities of Santa Nella, Volta, Santa Rita Park, and South Dos Palos. See Figure 4.14-1 (of the EIR), Fire and Police Stations.

Staffing and Equipment

As noted at the Los Bano Police Fire Department (LBDP) website (see: <https://losbanos.org/city-government/departments/police/>), the current LBDP headquarters is located at 1111 G Street. LBDP currently employs 48 sworn police officers and 34 professional staff (i.e., dispatchers, community service officers, Code Enforcement Officers, Administrative Clerks and other positions). Under the Federal Bureau of Investigation (FBI), the Western U.S. average staffing ratio is 1.5 sworn officers to 1,000 residents. Currently, Los Banos is below the federal average, with a ratio of approximately 1.1 officers per 1,000 residents. Construction of a new LBDP completion of a new police department building was completed in 2023 and is located at 1111 G Street. See Figure 4.14-1 (of the EIR), Fire and Police Stations.

As noted in the EIR, the LBDP is divided into several divisions: Investigations, Communications, Code Enforcement, and Patrol.

- Investigations Division: The Investigations Division responds to crimes of violence and missing person investigations as well as property crimes and fraud cases. This Division is comprised of a Detective Sergeant and three Detectives, as well as a Gang Unit

comprised of a gang Sergeant and Gang Officer that addresses gang activity within the city.

- Patrol Division: The Patrol Division makes up the bulk of the LBPD and is comprised of four Sergeants and 18 Patrol Officers. The Patrol Division responds to calls for service, provides traffic enforcement, collision investigations, and proactive patrol, and leads preliminary criminal investigations.
- Code Enforcement Division: The Code Enforcement Division includes Animal Control Services and Community Preservation sections. Animal Control Services staff are responsible for the operations of the Animal Shelter and a Code Enforcement Officer responds to animal-related calls for service. The Community Preservation section is comprised of an Administrative Clerk, three Code Enforcement Officers, and a grant-funded contract employee, and focuses on maintaining a safe and desirable living and working environment within the city through code enforcement.
- Communications Division: The Communications Division is responsible for dispatching emergency and non-emergency calls 24 hours a day, for both police and fire units. This team consists of a Dispatch Supervisor and nine Public Safety Dispatchers.

Response Times and Call Volumes

The EIR notes that LBPD has indicated that it does not have an established response time target. According to the 2023 Police Annual Report, the LBPD responded to 17,755 911 calls (99% of calls were answered within 20 seconds or less) and 53,427 total incidents (see <https://losbanos.org/wp-content/uploads/2024/08/Year-in-Review-2023.pdf>)

Schools

The Project site is located within the Los Banos Unified School District (LBUSD). The nearest school to the Project site is Grasslands Elementary located approximately 0.25 miles east. A complete list and location of the schools can be found in Table 4.14-2 in the EIR.

As provided by the Los Banos Unified School District (LBUSD) website (see: <https://www.losbanosusd.org/page/our-district-overview>); "The Los Banos Unified School District is composed of approximately 11,242 students, TK-12. From 2000-0008, our enrollment growth has averaged 3.89% per year. Students are housed in nine elementary schools, one district-wide Transitional Kindergarten Center and two junior high schools (grades 7-8), two comprehensive high schools, one alternative high school and one alternative education center. The District has an adult education program and operates LEAP, a before/after school program. Governed by a 7-member Board of Education, the District employs approximately 585 certificated and 510 classified employees and oversees an annual budget in excess of \$143,248,517 (2019-2020). Changing is the single word that can be used that best describes the

Los Banos Unified School District. We are changing to ensure that all students master District curriculum standards. We are upgrading and building new school facilities to house our rapidly increasing enrollment. We are spending more resources training our staff to ensure all children have highly qualified teachers in their classrooms. Teachers and administrators are working collaboratively to find out what we are doing well and identify those areas needing improvement. Programs include Vocational Education, Technology Education, and specialized reading and mathematics programs. Los Banos Unified School District is focused on becoming a destination district, where families choose to locate as a result of the quality instructional programs that are offered. It is our belief that all collaborative community efforts are productive, because schools belong to all of us. We encourage and seek the support and active participation of our citizens in educational issues.”

Libraries

As noted in the EIR, the Merced County Public Library System governs and administers twelve community libraries, including in the incorporated city of Los Banos. There is one library in the study area: Los Banos Branch of the Merced County Library. The library is at the center of the city at the Pacheco Park. The library is funded through the general library fund and through a nonprofit organization, Friends of the Los Banos Library. Single residents pay a \$10 per year fee and families pay a \$15 per year fee to be a library member. The nonprofit has been able to paint the inside of the library, display local artwork, and provide funding for extra hours for library employees as well as provide various reading programs and magazine subscriptions the community.

Parks and Recreation

According to the EIR, The City of Los Banos Parks and Recreation Division is the sole park service provider in the EIR Study Area. Parks and recreation facilities in Los Banos are shown in Figure 4.14-3 (in the EIR), *Parks and Recreation Facilities*. As described in the 2021 Parks Master Plan, most areas within the city limit are within 0.5 miles of a park.

The EIR further notes that the City of Los Banos Public Works Department is responsible for overseeing the Parks and Recreation Division. The Parks and Recreation Division provides youth, adult, and senior services, as well as special programs, such as, sports leagues, summer camps, health and fitness classes, and senior activities. In recent years the City has been undergoing several maintenance procedures to upgrade playground equipment and improve the Urban Forestry Program. The City of Los Banos currently has 264.35 acres of developed public parks. The 2021 Parks Master Plan added in a new park category as “Trails.”

As the Project does not include a parks component, as such, the City’s parks policy would not apply.

Regulatory Setting

Federal

None that apply to the Project.

State*Fire*

California Government Code Section 65302 of the California Government Code requires General Plans to include a Safety Element, which must include an assessment of wildland and urban fire hazards. The Safety and Resilience Element of the existing General Plan and the proposed General Plan satisfies this requirement.

California Building Code

The State of California provides a minimum standard for building design through Title 24 of the California Code of Regulations (CCR), commonly referred to as the California Building Code (CBC). The CBC is in Part 2 of Title 24. The CBC is updated every three years. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local City building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all high-rise buildings and other facilities; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction in high fire hazard severity zones; requirements for smoke-detection systems and exiting requirements; and the clearance of debris.

California Fire Code

The California Fire Code (CFC) incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is found in CCR Title 24, Part 9 and, like the CBC, it is revised and published every three years by the California Building Standards Commission. Also like the CBC, the CFC is effective statewide, but a local jurisdiction may adopt more restrictive standards based on local conditions.

The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

Regional

Merced County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP)

The Merced County Office of Emergency Services, together with several jurisdictions in Merced County, including the City of Los Banos, prepared the MJHMP. The MJHMP was prepared in accordance with the Disaster Mitigation Act of 2000 and followed the Federal Emergency Management Agency (FEMA) 2011 Local Hazard Mitigation Plan guidance. The MJHMP, adopted in 2014, includes hazard mitigation goals, strategies, and priorities, and provides a comprehensive assessment of the area's hazards and vulnerabilities. The MJHMP is a guide to hazard mitigation throughout Merced County and serves as a tool to help decision makers direct hazard mitigation activities and resources. In the context of the MJHMP, mitigation is an action that reduces or eliminates long-term risk to people and property from hazards, including those occurring naturally and those caused by humans such as wildfire. The County released a draft update to the MJHMP in 2021 (herein referred to as the "2021 Draft MJHMP"). The hazard mitigation plan for Los Banos is Annex E of the 2021 Draft MJHMP and includes a section on wildfire hazards that includes a maps wildfire threat areas and wildfire hazard classes in and around Los Banos. A description of the mitigation actions for wildfires include:

- Participate in Countywide Public Education Program. A natural hazards education and awareness program in Merced County would be a valuable tool for sharing information with residents. Implementation ideas include sharing information online and conducting workshops. The county will partner with special districts, the cities, and other entities to provide awareness and education on hazards and steps to mitigate.
- Integrate Local Hazard Mitigation Plan into Safety Element of General Plan. Recognizing the potential duplication of effort over evaluation of the same issues, efforts to update the Health and Safety Element will be conducted in coordination with the multi-hazard mitigation plan and to also ensure Assembly Bill 2140 Compliance. Integration and coordination of both plans provides General Plan policy direction for development activity. Potential loss reductions in the \$1,000s as any new development within the county will be considered within the context of the County's Health and Safety Element.
- Review Building Codes. Periodically review building codes for updates and enhancements and ensure necessary capabilities for enforcement.
- Wildfire Fuels. Implement and Monitor Weed Abatement Program to Reduce Wildfire Fuels.
- Emergency Preparation. Prepare a Shelter, and Emergency Provision Plan to Ensure Adequate Space and Supplies.

The 2021 MJHMP has identified the types and levels of fire responsibility areas for the EIR Study Area. This is shown on Figure 4.17-1 (of the EIR), Fire Hazard Severity Zones, in Chapter 4.17, Wildfire.

Local

General Plan

The General Plan 2042 Land Use (LU) Element, Safety and Noise (S) Element, and Public Facilities and Services (PFS) Element contain goals, policies, and actions that require local planning and development decisions to consider and mitigate impacts that potential future development could have on fire protection service facilities. The following goals, policies, and actions would serve to reduce impacts to fire protection service facilities and services in the EIR Study Area; particularly the Project site:

Fire

- Goal LU-1. Provide for orderly, well-planned, and balanced development.
 - Policy LU-P1.2. Maintain a well-defined compact urban form, with a defined urban growth boundary and development intensities on land designated for urban uses.
 - 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 LU-P1.7. Ensure that new development provides for infrastructure, schools, parks, neighborhood shops, and community facilities in close proximity to residents.
 - Policy LU-P1.9. Coordinate land use planning efforts between City departments and with local institutions and regional agencies.

In addition to the goals, policies, and actions listed here, see Chapter 4.17 (of the EIR), Wildfire, of this Draft EIR, for a complete list of goals, policies, and actions that would minimize risk of wildfire, thereby reducing demand on LBFD fire services.

Police

- Goal S-4. Protect Los Banos' residents and businesses from potential wildfire and structural fire hazards through data-driven decision-making and community planning efforts.
 - Action S-A4.1. Assess the manpower, facility, and equipment needs of *police* [emphasis added] and fire services as the city undergoes expansion to provide all residents with an optimal level of protection.
- Goal S-5. Maintain and enhance the City's capacity for law enforcement.
 - Policy S-P5.1. Promote crime prevention strategies and provide a high level of response to incidents. Reduce crime in Los Banos through a comprehensive strategy that includes rapid response to calls and regular patrols in neighborhoods with above-average crime rates.

- Action S-A5.1. Support public education programs involving crime prevention and safety issues.
- Action S-A5.2. Maintain mutual aid agreements with Merced County, neighboring law enforcement agencies, and the California Highway Patrol.

In addition, new development would be required to comply with City's Building Code (LBMC, Title 8, Chapter 1) and pay their fair share of the cost associated with expanded police services and facilities in accordance with payment of development impact fees as outlined in Section 4.14.2.1 (of the EIR), Environmental Setting. The payment of fees would be based on the fees that are adopted at the time of future project approval for new residential, retail, office, institutional, and industrial development. Current fees at the time of the EIR are listed in Table 4.14-1 (of the EIR), City of Los Banos 2021 Adjusted Development Impact Fees

Schools, Libraries, Parks and Recreation

As the project will not include any schools, libraries, parks and recreation facilities, they will not be included in this regulatory discuss. Rather, discussions in regard to goals, policies, actions, etc., of these resources can be found in their entirety in the EIR, generally from pages 4.14-19 through 4.14-41.

Los Banos Municipal Code (LBMC)

Fire

The LBMC includes various directives to minimize adverse impacts resulting from fire. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to fire impacts are included in Title 2, Administration, Title 3, Finance, Title 4, Public Safety, and Title 8, Building Regulations, as follows:

- Chapter 3, Officers and Employees. This chapter establishes a Department of Public Safety for the City of Los Banos. The Department of Public Safety shall be responsible for the administration and provision of public safety services which shall include police protection, fire protection, and other related public safety services.
 - Section 2-3.203, Department of Public Safety, establishes the Fire Services Division.
 - Section 2-3.205, Fire Services Division, establishes the roles and responsibilities of the Fire Services Division including the position of Chief of Fire Services, who is responsible for management, administration, and provision of the Fire Services Division, which shall include the Volunteer Fire Department.
- Chapter 12.1, Los Banos Police, Fire, Public Safety/911 Special Transactions (Sales) and Use Tax. This chapter is adopted for the special purpose of funding additional public safety personnel, supplies and services, capital outlay items, equipment, facilities and

technology improvements over the term of the tax imposed under this chapter and paying for all incidental costs of operating this special transactions (sales) and use tax program, including administration and collections costs reimbursable to the State Board of Equalization, with any unused revenue committed to police and firefighting equipment and services.

- Chapter 3, Fire Prevention Code. This chapter includes provisions to prevent fire and protect the residents and visitors of Los Banos from fire related hazards.
 - Section 4-3.01, Adoption of the California Fire Code 2022 Edition. This section adopts the CFC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CFC is to prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake, and other disasters and to provide for permits.
 - Section 4-3.08, Fire Zones. Under this section a Fire District is established, thereby declaring the entire area of the city as a Fire District divided into three fire zones.

- Chapter 1, Building Codes. This chapter includes Section 8-1.01, Adoption of the California Building Code 2022 Edition, which adopts the CBC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CBC is to prescribe regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the city. The CBC includes the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

Los Banos Fire Department Strategic Plan and Standard of Cover The LBFD approved the LBFD Strategic Plan in February 2019. The LBFD Strategic Plan includes a review of the operations of the LBFD and its operational needs, and addresses community risk assessment, response time analysis, resource allocations, response network, and staffing resources. While the LBFD Strategic Plan is not a regulatory tool per say, it provides a series of recommendations to identify areas the LBFD can become more effective and efficient in the response to calls for service for fire and emergency medical needs.

Police

The LBMC includes various directives to minimize adverse impacts resulting from unsafe conditions and criminal behavior. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions of the LBMC related to police services are included in Title 2, Administration, Title 3, Finance, Title 4, Public Safety, Title 8, Building Regulations, and Title 9, Planning and Zoning, as follows:

- Chapter 3, Officers and Employees. This chapter establishes a Department of Public Safety for the City of Los Banos. The Department of Public Safety shall be responsible for the administration and provision of public safety services which shall include police protection, fire protection, and other related public safety services.
 - Section 2-3.203, Department of Public Safety, establishes the Police Services Division.
 - Section 2-3.204, Police Services Division, establishes the roles and responsibilities of the Police Services Division including the position of Chief of Police Services, who is responsible for management, administration, and provision of the Fire Services Division and Animal Control.

- Chapter 12.1, Los Banos Police, Fire, Public Safety/911 Special Transactions (Sales) and Use Tax. This chapter is adopted for the special purpose of funding additional public safety personnel, supplies and services, capital outlay items, equipment, facilities and technology improvements over the term of the tax imposed under this chapter and paying for all incidental costs of operating this special transactions (sales) and use tax program, including administration and collections costs reimbursable to the State Board of Equalization, with any unused revenue committed to police and firefighting equipment and services.

- Title 4, Public Safety, which, among other regulations, grants emergency authority of police and fire to direct traffic, and code enforcement (e.g., apprehension and prosecution of those who commit vandalism, etc.).

- Chapter 1, Building Codes. This chapter includes Section 8-1.01, Adoption of the California Building Code 2019 Edition, which adopts the CBC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CBC is to prescribe regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the city. The CBC includes the establishment of lighting for safety and orientation.

- Chapter 2, Subdivisions, Article 6, Improvements. This chapter includes Section 9-2.608, Police Development Impact Fees, which deems it necessary to establish a fee for police facilities to serve proposed development in the city.

Discussion

a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable serve ratios, response times of other performance objectives for any of the public services:

i. **Fire protection?**

Less Than Significant Impact: The City of Los Banos Fire Department will continue to provide fire protection services to areas near and for Project. The closest fire station is Fires Station 1, located approximately 0.5 miles southwest of the Project Site. The addition of structures and employees will increase the demand for fire protection services. This increase in service demand will be compensated by the development impact fee. As noted in the AB 1600 Development Impact Fees Report 2023, Fire Facilities fees are intended to provide for the expansion, design and construction of Fire facilities (as set forth in the nexus study). The purpose of the fire facilities impact fee is to fund the fire facilities needed to serve new development based on planned facilities referenced in the 2022 development impact fee update and nexus study. This fee will provide funding for the construction and improvement of the fire protection facilities within the City, including any required acquisition of land to serve the needs of new development. Fee study shows equipment as well as facilities. The Report was accessed at: https://losbanos.org/wp-content/uploads/2024/07/AB-1600-DEVELOPMENT-IMPACT-FEE-REPORT-2023_1.pdf.

The timing of when new fire service facilities would be required, or details about their size and location, cannot be determined until such facilities are planned and proposed. Any attempt to analyze impacts to a potential future facility would be speculative at this time. As new or expanded fire service facilities become necessary, construction or expansion projects would be subject to their own separate California Environmental Quality Act (CEQA) review to identify and mitigate any potential environmental impacts. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

ii. **Police protection?**

Less Than Significant Impact: The Los Banos Police Department will continue to provide police protection services to areas near and for the Project. The Los Banos Police Department headquarters is located approximately 0.75 miles southwest of the Project site. The addition of 159 residential units will increase the demand for police services. The Project would be required to pay a development impact fee per the City's Development Impact Fees schedule. As noted in the AB 1600 Development Impact Fees Report 2023, Police Facilities are intended to provide for the expansion, design and construction of Police facilities (as set forth in the nexus study). The purpose of the police facilities impact fee is to fund the police facilities needed to serve new development. based on planned facilities referenced in the 2019 development impact fee update and nexus study. This fee will provide funding for construction and improvement of the City's law enforcement facilities, including a new police sub-station (which was completed in 2023), a new

comprehensive radio system, and acquisition of additional new police vehicles and equipment in order to meet the needs of new development.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

The timing of when new police service facilities would be required, or details about their size and location, cannot be known until such facilities are planned and proposed, and any attempt to analyze impacts to a potential future facility would be speculative. As new or expanded police service facilities become necessary, construction or expansion projects would be subject to their own separate CEQA review to identify and mitigate any potential environmental impacts. Therefore, based on the analysis and information provided herein, the impact would be *less than significant.*

iii. Schools?

Less than Significant Impact: The Project is within the Los Banos Unified School District (LBUSD). Typically, new development is required by state law to pay development impact fees to the school districts at the time of building permit issuance. These impact fees are used by the school districts to maintain existing facilities and develop new ones as needed. Moreover, payment of these fees is considered by law to fully mitigate new development's impacts. As it is unlikely that the Project would generate additional school-aged students and, as such, would not result to an increase in enrollment at local schools. However, the levy of school fees applicable to the Project rests on a determination exclusively within the purview of LBUSD. Therefore, based on the analysis and information provided herein, the impact would be *less than significant.*

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

iv. Parks?

Less Than Significant Impact: The Project is a commercial/retail center. As such, it is unlikely that the Project would generate additional population increases that would result in the need for additional park land.

As noted in the AB 1600 Development Impact Fees Report 2023, Parks and Recreation Facilities, this fee is to generate revenue to fund the park and special use facilities necessary to mitigate the impacts of new residential developments on the residents and businesses in the City of Los Banos. Residents of Los Banos use park and special use facilities. The fees advance a legitimate City interest by enabling the City to provide park

and recreation facilities to new development based on planned facilities referenced in the 2019 development impact fee update and nexus study. This fee will provide funding for construction and improvement of parks and recreational facilities within the City, including any required acquisition of land to meet the demands generated by the new development. According to the 2023 Los Banos Development Fee table, no fees are required for retail or office development; the table does not explicitly list a fee for commercial development (see, <https://losbanos.org/wp-content/uploads/2024/07/Fee-Table-2024.pdf>). The Project does not propose on-site park land, as such it is not likely to be subject to pay fees regarding parks and recreational facilities. Therefore, based on the analysis and information herein, the Project would result in a *less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

v. Other public facilities?

Less Than Significant Impact: The Project would not result in new residents or a population increase on the Project Site. As such, it is unlikely that the Project could result in increased demand of other public facilities, such as schools, parks, or other recreation facilities. The Project would be subject to development impact fees (i.e., fire, police, water, sewer, storm drainage, etc.) as determined by the City to address public facilities and maintain adequate service levels as a result of the Project. Therefore, based on the analysis and information provided herein, impacts would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: Less than Significant

Regarding schools, parks, or other public facilities, as noted earlier, the nature of the Project would not result in a population increase that could subsequently result in a change to or demand for new (or expanded) facilities of schools, parks or other public facilities. There would be no cumulative to these resources.

As discussed in Chapter 4, Environmental Analysis, this EIR takes into account growth from development under the proposed project within the city combined with the estimated growth in the service areas of each service provider of fire or police protection services in the service

area of the LBFD or LBPD. The proposed Project would be subject includes goals, policies, and actions, listed in impact discussion Items a.i) and a.ii) for assessing staffing levels, facility, and equipment needs of police and fire services as the city grows. The LBFD participates in the statewide Master Mutual Aid Plan and provides mutual aid for fire, rescue, and EMS to other local agencies in Merced County, while LBFD maintains mutual aid agreements with Merced County, neighboring law enforcement agencies, and the California Highway Patrol; coordinating regular emergency drills with City and County emergency service providers; and collaborating with other local, State, and federal agencies and with utility service providers in activities related to terrorism prevention and response

As described earlier, the LBFD has identified the need for additional fire stations to adequately serve future growth in the EIR Study Area, but no funding or plans are currently in place for the new fire stations. As the LBFD requires new equipment or staffing, the funds for such improvements would be provided through required payment of developer impact fees, the annual budget process, and would rely on the General Fund.

Likewise, the Merced County General Plan EIR concluded that while fire and police protection facilities would be constructed over the lifetime (that is, incrementally) of the 2030 Merced County General Plan, their applicable General Plan policies would minimize the number of these facilities necessary to maintain adequate levels of service as well as reduce environmental effects coupled with subsequent site-specific environmental review of future facilities. Potential future development that may occur within and adjacent to the EIR Study Area would occur incrementally over the General Plan's 20-year buildout horizon, and therefore is not anticipated to substantially increase the population, thereby reducing the ability for fire districts and police departments within the county to adequately serve residents.

In and of itself, the Project would not result in a less than significant, however; as noted in the EIR, all future development would be required to undergo project-specific review at the time of project application to assess impacts to fire and police protection services. With adequate planning in place in both the city (and the unincorporated Merced County) service area, the Project would not result in a cumulatively considerable impact to fire and police protection services. Therefore, based on the analysis and information provided herein, *cumulative impacts would be less than significant.*

XVI.RECREATION

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Recreation resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

The City of Los Banos Parks and Recreation Division is the sole park service provider in the EIR Study Area. Other recreational service providers in the region include the County of Merced's Parks and Recreation with the nearest facility, Hagaman Park, in Stevinson, California, about 20 miles north; the California Department of Parks and Recreation with the nearest facility, Great Valley Grassland State Park (2,826 acres), also just outside of Stevinson, California; the California Department of Fish and Wildlife with the nearest facility, Volta Wildlife Area (3,800 acres), located about 10 miles to the northwest of Los Banos; and the United States Fish and Wildlife Service, with the nearest facility, San Luis National Wildlife Refuge (26,800 acres), about 20 miles to the north of Los Banos. The California Department of Parks and Recreation operate the San Luis Reservoir State Recreation Area about 15 miles west of Los Banos, this facility is noted for boating, board sailing, camping, picnicking, and most notably fishing. The City of Los Banos currently has a joint-use agreement between the LBUSD and the City for facility use.

Additionally, public park and recreational services are supplemented by private facilities such as swim and racquet clubs.

The City of Los Banos Public Works Department is responsible for overseeing the Parks and Recreation Division. The Parks and Recreation Division provides youth, adult, and senior services, as well as special programs, such as, sports leagues, summer camps, health and fitness classes, and senior activities. In recent years the City has been undergoing several maintenance procedures to upgrade playground equipment and improve the Urban Forestry Program. The City of Los Banos currently has 264.35 acres of developed public parks.

Regulatory Setting

See discussion at resource XIV Public Services.

Discussion

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?

No Impact: As noted earlier, the Project is a commercial/retail development. It would not include any park or recreational facilities. As such, it precludes the potential for increases in population that are typically the result of development of residences and would not increase the use of existing neighborhood and regional parks to the extent that substantial physical deterioration would occur or be accelerated. Also, see Item IV a.iv.). Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

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?

Less Than Significant Impact: As noted earlier, the Project is a commercial/retail development. It would not include any park or recreational facilities. As such, it precludes the potential for increases in population that are typically the result of development of residences. The Project would not include any recreational facilities or require the construction or expansion of any recreational facilities which might have an adverse physical effect on the environment. Also, see Item IV a.iv.). Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required.*

Cumulative Impact: No Impact.

As discussed in Chapter 4, Environmental Analysis of the EIR, consideration is given to development within the City combined with the estimated growth in the service areas of each service provider. Parks and recreation services in the EIR Study Area are provided by the City, and regional parks are provided by the County of Merced's Parks and Recreation, California Department of Parks and Recreation, California Fish and Wildlife Service, and the United States Fish and Wildlife Service. Future growth in the area would result in increased demand for park and recreational facilities throughout the City and region. State law allows jurisdictions to require additional development to fund park improvements, and the City requires new *residential development* (emphasis added) to pay development impact fees to help fund parks and recreation. As noted earlier, the Project is a commercial/retail development and precludes the development of residences. The absence of residential development negates the potential for increases in population that are typically associated with residential development. As such, the Project would not result in substantial or accelerate physical deterioration of a park or recreation facility, nor would it include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, based on the analysis and information provided herein, the Project would not result in a cumulatively considerable impact to park and recreational facilities and there would be *no cumulative impacts* associated with the Project.

XVII. TRANSPORTATION

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with the CEQA guidelines Section 15064.3, Subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Greenhouse Gas Emissions resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion. As such, this discussion also relies on , conclusions, and recommendations based on the Transportation Impact Study (TIS) prepared for the Project by qualified expert consultants Rick Engineering, Inc.; dated January 2, 2025, which is available in Appendix E to this report.

Environmental Setting

The following are terminology/definitions used in this chapter.

- Vehicle Miles Traveled (VMT). A measure of network use or efficiency that accounts for the number of daily vehicle trips generated, times the length or distance of those trips. VMT is generally expressed as VMT per capita for a typical weekday.

- Greenhouse gases (GHG). Gases in the atmosphere that absorb infrared light, thereby retaining heat in the atmosphere and contributing to a greenhouse effect

Roadway Network

The City's roadway network serves as the primary channel for all modes of travel. Roadways are organized using a hierarchical system, whereby individual roadways are classified by their intended function within the overall roadway network. These classifications – freeways, highways, arterials, collectors, and local roads – define the desired functional and operational characteristics of a roadway, such as traffic volume capacity and level of service. Figure 4.15-1 f(of the EIR), Existing Roadway Network depicts the existing number of lanes and arterial roadway network.

Freeways

Freeways are divided highways designed for the unimpeded flow of large traffic volumes. Most freeways are four lanes, or two lanes each direction. Access to a freeway is rigorously controlled through the use of interchanges, and the type of interchange depends upon the kind of intersecting roadway (surface street, rural road, another freeway, urban arterial, etc.) The future SR-152 Bypass, which is north of the city, falls under this category.

Highways: Pacheco Boulevard and Mercey Springs Road provide regional access in, to, and out of Los Banos.

- Pacheco Boulevard (SR-152). SR-152 extends from Highway 1 in Watsonville on the Pacific Coast, across I-5 about 6 miles west of Los Banos, and east to Highway 99 near Merced, connecting Los Banos to the larger region and the state. Within Los Banos city limits, SR-152 is known as Pacheco Boulevard, a five-lane street controlled by 13 traffic signals at major intersections. Los Banos has identified a number of challenges associated with the SR-152 corridor, including traffic congestion, truck traffic, accidents, and difficult pedestrian crossings.
- Mercey Springs Road (SR-165). SR-165 extends from SR-99 in the City of Turlock, north of Los Banos, through Los Banos and south to I-5. Within the Los Banos city limits, SR-165 is known as Mercey Springs Road. It is five lanes wide north of SR-152 and two lanes wide at the southern city limits.

Arterials: Arterials are designed to move large volumes of traffic between highways and other arterials within Los Banos and to adjacent jurisdictions. Major arterials are access-controlled roadways emphasizing mobility between major portions of the city and to regional freeways and highways. Minor arterials provide mobility through the city and access to residential, employment, and activity centers. On-street parking should not be provided on major arterials

but may be appropriate for minor arterials that emphasize accessibility over mobility. Minor arterials should provide two travel lanes. Driveway access should be minimized, consistent with the primary function of arterials to move through traffic. Bike lanes, landscaped parkstrips, sidewalks, and transit facilities may also be accommodated within the right-of-way of minor arterials, depending on the right-of-way width.

Collectors: Collector streets provide a link between neighborhood streets and arterials. Collectors should provide two travel lanes and should be designed to include bicycle lanes, in particular where called for in the Los Banos Bicycle-Pedestrian Plan. On-street parking may be provided if sufficient width is available. Collectors also provide access to adjacent properties, so driveway access should be discouraged but need not be restricted (subject to accepted engineering practice). Bike lanes, landscaped parkstrips, sidewalks, and transit facilities may also be accommodated depending on the right-of-way available.

Local Roads: Local roadways directly serve residences, businesses, schools, and other services.

Truck Routes

Roadways in Los Banos carry a substantial number of trucks serving local businesses and traveling between I-5 and SR-99 and other regional destinations. Los Banos has designated Pacheco Pass Road (SR-152) and Mercey Springs Road (SR-165) as local truck routes to allow truck traffic to pass through the city while minimizing impacts on residential neighborhoods, local traffic, and cyclists and pedestrians.

Rail

There are no active railway lines in Los Banos. Northwest of downtown Los Banos, a freight rail line operated by California Northern Railroad connects Los Banos' industrial areas north to the City of Tracy. There is no passenger rail service along this line.

Bus and Transit

Local transit in Los Banos is provided by The Bus, which is operated by the transit Joint Powers Authority for Merced County. Currently, Los Banos is served by one commuter route that connects Los Banos to Dos Palos, El Nido, and Merced. A microtransit system, known as The Micro Bus, also serves the region and connects Los Banos to Santa Nella and Gustine. The Bus also provides Dial-A-Ride services for paratransit passengers and the general public throughout Los Banos, and to destinations in Los Banos, Dos Palos, Gustine, and Santa Nella. Reservations must be made in advance. For intercity bus service, there is a Greyhound bus depot in Los Banos at 820 G Street. Tickets must be purchased in advance and are not sold at this location. MCAG has partnered with Dibs, CalVans, and Enterprise to provide ridesharing and vanpools throughout Merced County.

Bicycle and Pedestrian Facilities

The flat topography and warm climate of Los Banos make walking and biking attractive transportation options for getting around. Los Banos has good bicycle connectivity along major transportation corridors. Bicycle paths, lanes, and trails are provided, but they are not continuous. Figure 4.15-2 (in the EI), Existing and Planned Bicycle Facilities, shows the existing bicycle and trailway network according to the Los Banos Bicycle-Pedestrian Plan. Bicycle Facilities Caltrans recognizes four classifications of bicycle facilities, as described in Section 4.15.1.2 (in the EIR). There are two major Class I bike paths (separated facilities) in Los Banos: The Central California Irrigation District (CCID) Canal pathway (also known as the HG Fawcett Parkway) from Pioneer Road to I Street, and the Rail Trail path, which parallels H Street from 2nd Street to the intersection of Pacheco Boulevard and Mercey Springs Road. These bike paths connect neighborhoods with recreation facilities, schools, churches, shopping, dining, and services. In addition, there are several shared-use paths (Class I facilities on sidewalks), Class II bike lanes (facilities, separated by striping) and Class III bike routes which share a lane with cars and are denoted by sharrows (i.e., road markings used to indicate a shared lane environment for bicycles and automobiles).

Pedestrian Facilities

Pedestrians are served by sidewalks that are located on arterials, collectors, and most local roadways in the city. According to the Los Banos Bicycle-Pedestrian Plan, 95 percent of the roadways in Los Banos have sidewalks. Crosswalks with pedestrian call-buttons are provided at signalized intersections, and school crossings are provided at a number of elementary schools. In 2017, a high-intensity activated crosswalk was installed across Mercey Springs Road at Scripps Drive in front of Los Banos High School. The Rail Corridor Trail and HG Fawcett Parkway are specifically reserved for pedestrians and bicyclists and provide an alternative to traveling along high-volume vehicular streets.

Los Banos Municipal Airport

The Los Banos Municipal Airport is located within the city limits of Los Banos in the western part of the city. The airport is between SR-152 and Ingomar Grade Road, west of Downtown and directly adjacent to the Central California Irrigation District Main Canal. It covers 125 acres and contains one paved runway 3,800 feet long. The airport is owned by the City of Los Banos and operated through the Public Works Department. The airport was developed in 1940 and has historically been used for general aviation, which includes all aviation activities other than commercial passenger flights, commuter/air taxi, and military uses. General aviation activity typically includes single-engine and small twin-engine aircraft holding six or fewer people. The Los Banos Municipal Airport is the third largest and third most active airport in the county. As noted in the EIR, the Federal Aviation Administration (FAA) reported that as of 2017, an average of 21 planes were based at the Los Banos Municipal Airport over the past 5 years, and the airport saw a total of 16,000 "aviation activities," which could include local users, travelers passing

through, emergency operations, etc. Also as noted in the EIR, the City is considering the relocation of the airport to a site outside the EIR Study Area to reduce current and future conflicts with surrounding land uses.

Regulatory Setting

Federal

Applicable federal regulations pertaining to transportation are addressed in other chapters of this document, including Resource Items III Air Quality; VIII Greenhouse Gas Emissions; and IX Hazards and Hazardous Materials. The Federal Clean Air Act (CCA), the Fixing America's Surface Transportation Act, and the Americans with Disabilities Act (ADA) may have some relevance or influence for individual projects or actions as part of potential future projects in the EIR Study Area. Additionally, the Federal Highway Administration (FHWA) is the agency of the United States Department of Transportation (USDOT) responsible for the federally funded roadway system, including the interstate highway network and portions of the primary State highway network, such as Interstate 5 (I-5).

State

Senate Bill (SB) 743

With the passage of SB 743 (September 2013) and the subsequent adoption of revised CEQA Guidelines (December 2019), level of service, also referred to as LOS, can no longer be used as a criterion for identifying significant transportation impacts for most projects under CEQA. Level of service is the measure of the average amount of delay experienced by vehicle drivers at an intersection or along a road segment during the most congested time of day, while the new CEQA metric (VMT) measures the total

number of daily miles traveled by vehicles on the roadway network and thereby the impacts on the environment from those miles traveled. Level of service is a measure of local vehicle congestion at an intersection or on a road segment, and VMT is a measure of the total miles of vehicle travel measured at an area-wide or project-level scale. In other words, SB 743 changed the focus of transportation impact analysis in CEQA from measuring quality-of-life impacts to drivers, to measuring the physical impacts of driving on the environment. According to the Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory)¹ land use projects with one or more of the following characteristics would generate lower VMT than conventional development:

- Higher land use densities
- Mix of project uses
- Support of a citywide jobs-housing balance (i.e., provide housing in a job rich area, or vice versa)
- Proximity to the core of a region

- Proximity to high-quality transit service
- Located in highly walkable or bikeable areas

This shift in transportation impact criteria is expected to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation. Specific to SB 743, CEQA Guidelines Section 15064.3(c) states that, "a lead agency may elect to be governed by the provisions of this section immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide." However, CEQA Section 21099(b)(2) states that, "upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the CEQA Guidelines."

Although OPR provides recommendations for adopting new VMT analysis guidelines, lead agencies have the final say in designing their methodology. Lead agencies must select their preferred method of estimating and forecasting VMT, their preferred significance thresholds for baseline and cumulative conditions, and the mitigation strategies they consider feasible. Lead agencies must prove that their selected analysis methodology aligns with SB 743's goals to promote infill development, reduce GHGs, and reduce VMT. California Complete Streets Act of 2008 Originally passed in 2008, California's Complete Streets Act came into effect in 2011 and requires local jurisdictions to plan for land use transportation policies that reflect a "complete streets" approach to mobility. "Complete streets" comprises a suite of policies and street design guidelines which provide for the needs of all road users, including pedestrians, bicyclists, transit operators and riders, children, the elderly, and the disabled. From 2011 onward, any local jurisdiction—county or city—that undertakes a substantive update of the circulation element of its general plan must consider "complete streets" and incorporate corresponding policies and programs.

California Department of Transportation (Caltrans)

Caltrans is the primary State agency responsible for transportation issues. One of its duties is the construction and maintenance of the State highway system. Caltrans approves the planning, design, and construction of improvements for all State-controlled facilities including I-5, State Route (SR-) 152 (Pacheco Blvd.), SR-165 (Merced Springs Road), and the associated interchanges for these facilities located in the EIR Study Area. Caltrans has established standards for roadway traffic flow and developed procedures to determine if State-controlled facilities require improvements. For projects that may physically affect facilities under its administration, Caltrans requires encroachment permits before any construction work may be undertaken. For projects that would not physically affect facilities but may influence traffic flow and levels of service at such facilities, Caltrans may recommend measures to mitigate the

traffic impacts of such projects. The following Caltrans procedures and directives are relevant to the proposed General Plan, particularly to State roadway facilities:

- **Vehicle Miles Traveled-Focused Transportation Impact Study Guide.** The Caltrans Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG), dated May 20, 2020, was prepared to provide guidance to Caltrans districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans' review of VMT impact analysis for land use projects and land use plans. Caltrans seeks to reduce single-occupancy vehicle trips, provide a safe transportation system, reduce per capita VMT, increase accessibility to destinations via cycling, walking, carpooling, and transit, and reduce GHG emissions. The TISG notes that, for land use projects and plans, automobile delay (the level of service metric) is no longer considered a significant impact on the environment under CEQA. Caltrans' primary review focus for a land use project's transportation impacts is now VMT. The TISG generally endorses the OPR Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory), including the thresholds in that document. Caltrans may review VMT thresholds, methodology, and mitigations.
- **Interim Land Development and Intergovernmental Review (LDIGR) Safety Review Practitioners Guidance.** The Interim LDIGR Safety Review Practitioners Guidance (July 2020) was developed to provide immediate direction about the safety review while final guidance is being developed. The Interim LDIGR Safety Review Practitioners Guidance does not establish thresholds of significance for determining safety impacts under CEQA. The Interim LDIGR Safety Review Practitioners Guidance states that the significance of impacts should be determined with careful judgment on the part of a public agency and based, to the greatest extent possible, on scientific and factual data consistent with Caltrans' CEQA guidance contained in Caltrans' Standard Environmental Reference. The Interim LDIGR Safety Review Practitioners Guidance states that Caltrans' traffic safety staff will use available data to determine if the proposed project may influence or contribute to locations identified by traffic safety investigations generated by network screening or initiated by the district.
- **Deputy Directive 64-RI: Complete Streets – Integrating the Transportation System.** This directive requires Caltrans to provide for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system. Caltrans supports bicycle, pedestrian, and transit travel with a focus on "complete streets" that begins early in system planning and continues through project construction and maintenance and operations.
- **Director's Policy 22.** This policy establishes support for balancing transportation needs with community goals. Caltrans seeks to involve and integrate community goals in the planning, design, construction, and maintenance and operations processes, including

accommodating the needs of bicyclists and pedestrians. Director's Policy 22 recognizes that "in towns and cities across California, the State highway may be the only through street or may function as a local street," that "these communities desire that their main street be an economic, social, and cultural asset as well as provide for the safe and efficient movement of people and goods," and that "communities want transportation projects to provide opportunities for enhanced non-motorized travel and visual quality." Director's Policy 22 acknowledges that addressing these needs will assure that transportation solutions meet more than just traffic and operational objectives.

Caltrans recognizes four classifications of bicycle facilities.

- Class I. Commonly referred to as a bike path or bikeway, Class I facilities are separated from automobile traffic for the exclusive use of bicyclists.
- Class II. Commonly referred to as bike lanes, Class II facilities are dedicated for bicyclists immediately adjacent to automobile traffic.
- Class III. Commonly referred to as bike routes, Class III facilities are on-street routes where bicyclists and automobiles share the road.
- Class IV. Commonly referred to as cycle tracks or protected bike lanes, Class IV facilities combine elements of Class I and Class II facilities to offer an exclusive bicycle route immediately adjacent to a roadway, similar to a Class II facility, but include a physical separation from traffic with raised curbs, plastic delineators, or parked automobiles.

Regional

Merced County Association of Governments (MCAG)

Regional Transportation Plan and Sustainable Communities Strategy

As indicated in the EIR, Senate Bill 375 requires all metropolitan planning organizations (MPO) to prepare a sustainable communities strategy (SCS) in its regional transportation plan (RTP). The Merced County Association of Governments (MCAG) is the MPO for the Merced County region. MCAG updated and adopted a SCS in its RTP on August 6, 2018 called the 2018 Regional Transportation Plan and Sustainable Communities Strategy for Merced County (2018 RTP/SCS). The 2018 RTP/SCS emphasizes transportation investments in transportation facilities to improve bicycle and pedestrian mobility. Furthermore, implementation of the 2018 RTP/SCS is projected to result in a decrease in VMT throughout the region. The RTP/SCS is required so that MCAG can receive federal and State funding for transportation projects and programs. The 2018 RTP/SCS includes a "Tier Project List," which provides a list of financially constrained projects consistent with financial revenue forecasts through 2042. The Tier 1 projects represent financially constrained projects while the Tier 2 projects are projects that could only be implemented without financial constraints.

In its updated 2022 RTP/SCs document, only one significant roadway project is specified near (that is, adjacent) to the Project, the Mercey Springs Road widening project (see

<https://www.mcagov.org/DocumentCenter/View/3689/MCAG-2022-RTP-SCS?bidId=>. This project would widen SR-165 through the City of Los Banos to accommodate local traffic as well as thru traffic (especially goods movement) between the two major State Corridors, I-5 and SR 99.

Merced County Regional Bicycle Transportation Plan

As noted in the EIR, the current Merced County Regional Bicycle Transportation Plan was adopted in 2008. Its overarching goal is to guide development of a comprehensive regional bikeway system throughout the county, including unincorporated areas of the county as well as incorporated cities, in order to improve safety and convenience and increase the number of people who commute and recreate on bicycles. The Merced County Regional Bicycle Transportation Plan includes goals and policies that address safety, education (of both drivers and riders), and connectivity and accessibility. Finally, it provides information on various State and federal sources of funding for bicycle improvements. The Merced County Regional Bicycle Transportation Plan encourages new development that “allows full, continuous and uninterrupted access for bicycle, pedestrian and other non-motorized modes of transportation,” and discourages “dead-end cul-de-sacs [that] limit bicycle and pedestrian access.” It also provides standards and guidelines for bikeway facility design, construction, and maintenance, and recommends support facilities such as parking, lockers, showers, and water fountains. In Los Banos, the Merced County Regional Bicycle Transportation Plan recommends that the City amend development codes to require bicycle parking for all new public, semi-public, commercial, and industrial development, and establish a program to encourage existing public, semi-public, commercial, and industrial development to provide bicycle parking. The Merced County Regional Bicycle Transportation Plan recommends about \$1.8M worth of improvements in and around Los Banos, which includes one facility near the Project site, a Class II bike lane on SR-165 north to Henry Miller Road.

Local

As noted earlier, this document incorporates by reference all applicable goals, policies, etc. included in the Los Banos General Plan Update 2042 and accompanying EIR. As such, the following will highlight those applicable to the Project but notes that the following are not exhaustive.

- Goal C-1. Promote safe and efficient vehicular circulation for all modes and users.
 - Policy C-P1.1. Plan, design, and maintain complete streets in Los Banos, which balance safe access to all users, including drivers, pedestrians, cyclists, and people of all ages and abilities, and which integrates all appropriate modes of transportation into an effectively functioning system.
 - Policy C-P1.2. Require all new developments to provide right(s)-of-way and improvements consistent with the General Plan street designations and City cross-street section standards.

- Goal C-2. Make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks, and employment centers for all users, and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy.
 - Policy C-P2.5. Achieve State-mandated reductions in vehicle miles traveled (VMT) by requiring development and transportation projects to meet specific VMT metrics. In the event a proposed project does not meet these metrics, require measures to reduce the additional VMT associated with the project, consistent with the City's adopted thresholds.

- Goal C-4. Promote bicycling and walking as alternatives to the automobile.
 - Policy C-P4.4. Require secure and convenient bicycle parking at large commercial and industrial employer sites.
 - Policy C-P4.5. Require new development in office parks, commercial districts, and residential neighborhoods to include a series of continuous walkways so they connect to one another.

- Goal ED-1. Help create jobs and improve job quality for existing and future Los Banos residents.
 - Policy ED-P1.1. Facilitate the development of new businesses and/or expansion of existing businesses through site availability, infrastructure investment, workforce preparedness, branding, and marketing.

- Goal LU-1. Provide for orderly, well-planned, and balanced development.
 - Policy LU-P1.1. Ensure that new development provides for infrastructure, schools, parks, neighborhood shops, and community facilities in close proximity to residents.

- Goal LU-5. Provide residents with excellent employment and shopping opportunities.
 - Policy LU-P5.2. Allow flexible planning for larger-scale employment-generating businesses, technology-based businesses, light industrial, professional offices, and other businesses wishing to locate in Los Banos.
 - Policy LU-P5.3. Locate regionally oriented commercial uses on major roadway corridors. Locate community and neighborhood-oriented uses within planned communities and neighborhoods.
 - Policy LU-P5.6. Evenly distribute neighborhood retail centers in new development areas and encourage a mix of uses to offer both choice and convenience for shoppers and residents.

City of Los Banos Municipal Code (LBMC)

The LBMC includes various directives pertaining to transportation. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to transportation

impacts are included in Title 3, Finance; Title 4, Public Safety; and Title 9, Planning and Zoning; as follows:

- Title 3, Finance, Chapter 18, Regional Transportation Impact Fee. Chapter 18 describes the regional transportation impact fee ordinance that is intended to raise additional revenues needed to construct improvements to accommodate traffic that will be generated by new development within Merced County and the City of Los Banos.
 - Section 3-18.06, Establishment of Regional Transportation Impact Fee. This section describes the process for determining the fees and the amount of the fee to be paid by each land use category to contribute their fair share of impacts to the transportation network.

- Title 4, Public Safety, Chapter 5, Traffic. Chapter 5 sets forth the laws and policies governing the regulation and enforcement of specific traffic-related matters within the city.
 - Section 4-5.05, Establishment of Traffic Safety Committee. This section creates a Traffic Safety Committee comprised of members from the Public Services Department, Community Development/Planning, and the Police and Fire Departments.
 - Section 4-5.06, Powers and Duties of the Traffic Safety Committee. This section states that the duties of the Traffic Safety Committee are to initiate or review all proposals or requests for establishment, modification, elimination, or removal of all traffic control signs, signals, markings, speed zones, prohibited or restricted parking zones, or other such related matters, which fall under the lawful discretionary control of the City.

- Title 9, Planning and Zoning, Chapter 3, Zoning, Article 20, Off-Street Parking. Article 20 describes the provision of off-street parking as specified by land use type and specifies parking design parameters.

Los Banos Bicycle-Pedestrian Plan

The City of Los Banos Bicycle-Pedestrian Plan (Los Banos Bicycle-Pedestrian Plan) was adopted in 2018. The vision of the Los Banos Bicycle-Pedestrian Plan is to develop a safe, convenient system of bikeways and walkways that serve the needs of the community, including recreational users. There are 39 proposed Class I and II bikeway projects, as well as programs to support cycling in the city, such as bicycle parking, transit connections, and bicycle repair shops. The Los Banos Bicycle-Pedestrian Plan also proposes programs to encourage developers to provide bicycle parking or to substitute vehicle parking spaces with bicycle spaces or City cost-sharing for bicycle support facilities. Development policies are identified to encourage bicycle and pedestrian travel; continuous, uninterrupted bicycle and pedestrian systems; frequent, safe crossings; and integral bicycle and pedestrian facilities and systems. The Los Banos Bicycle-Pedestrian Plan recommends a variety of programs to increase

awareness and inform the public about where and how to bike and walk in the city; to educate cyclists, motorists, and public officials on bicycle safety and the rights of bicyclists and pedestrians; and to incentivize walking and biking.

The Pacheco Boulevard Complete Streets Plan and Pioneer Road Complete Streets Plan

These Plans are not discussed herein as they do not apply to the Project.

Discussion

a) Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant Impact: The Project does not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, bicycle, and pedestrian facilities as outlined in the City's General Plan.

According to the Transportation Impact Study (Appendix E), prepared for the Project by qualified expert consultants Rick Engineering Company, the intersection level of service (LOS) analysis showed that under existing conditions, the intersections of Mercey Springs Road / Santa Cruz Way-Existing Retail-Project Driveway and Mercey Springs Road/Willmott Road are currently operating at a deficient LOS F during both the AM and PM peak hours based on the worst movement delay (westbound left-turn at both intersections). The TIA concluded that Opening Year (2025) conditions analysis results showed that without the project; however, implementing the recommended improvements for the project, both Opening Year (2025) and Future Year 2045, the study intersections are expected to operate at an acceptable LOS D or better, and queuing would be improved with the recommended improvements.

Intersection LOS Analysis Results

The results of the intersection level of service (LOS) analysis showed that under existing conditions, the intersections of Mercey Springs Road / Santa Cruz Way-Existing Retail-Project Driveway and Mercey Springs Road / Willmott Road are currently operating at a deficient LOS F during both the AM and PM peak hours based on the worst movement delay (westbound left-turn at both intersections).

As noted in the TIA, the following study intersections are expected to operate at deficient LOS E or F during the peak hours based on the overall or worst movement delays:

- Mercey Springs Road / Willmott Road (Eastbound Left-turn AM/PM: LOS F; Westbound Left-turn AM/PM: LOS F)

The Opening Year (2025) conditions analysis results also showed that with the addition of project traffic, the following study intersections are expected to operate at deficient LOS E or F during the peak hours based on the overall or worst movement delays:

- Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway (Eastbound Left-Turn PM: LOS E)
- Mercey Springs Road / Willmott Road (Eastbound Left-turn AM/PM: LOS F; Westbound Left-turn AM/PM: LOS F)

The Future Year 2045 conditions analysis results showed that without the project, the following study intersections are expected to operate at deficient LOS E or F during the peak hours based on the overall or worst movement delays:

- Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway (Eastbound Left-Turn PM: LOS E)
- Mercey Springs Road / East B Street (Overall AM: LOS E)
- Stonewood Drive-7th Street / Willmott Road (Overall AM: LOS F)

The Future Year 2045 conditions analysis results also showed that with the addition of project traffic, the following study intersections are expected to operate at deficient LOS E or F during the peak hours based on the overall or worst movement delays:

- Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway (Eastbound Left-Turn AM: LOS E; Eastbound Left-Turn PM: LOS F)
- Mercey Springs Road / East B Street (Overall AM: LOS F)
- Stonewood Drive-7th Street / Willmott Road (Overall AM: LOS F)

Intersection Queuing Analysis Results

The results of the intersection queuing analysis showed that under existing conditions, the following 95th percentile queue lengths during the peak hours currently exceed the storage lengths of the left-turn or right-turn lanes for the turning movements to which project trips would be added:

- Mercey Springs Road/East B Street
- Eastbound Left-Turn (AM/PM peak hours)

The Opening Year (2025) conditions queuing analysis results showed that with the addition of project traffic, the following 95th percentile queue lengths during the peak hours are expected to exceed the storage lengths of the left-turn or right-turn lanes for the turning movements to which project trips would be added, or any lanes including through lanes that are expected to block access to the proposed project driveways:

- Mercey Springs Road/Willmott Road
- Westbound Through (AM peak hour)

- Mercey Springs Road / East B Street
- Eastbound Left-Turn (AM/PM peak hours)

The Future Year 2045 conditions queuing analysis results showed that with the addition of project traffic, the following 95th percentile queue lengths during the peak hours are expected to exceed the storage lengths of the left-turn or right-turn lanes for the turning movements to which project trips would be added, or any lanes including through lanes that are expected to block access to the proposed project driveways:

- Mercey Springs Road/East B Street
- Southbound Left-Turn (AM peak hour)
 - Eastbound Left-Turn (AM/PM peak hours)

- East B Street/Place Road
- Northbound Left-Turn (AM peak hour)

Signal Warrant Analysis Results

The results of the signal warrant analysis showed that the Eight-Hour Vehicular Volume (Warrant 1), the Four-Hour Vehicular Volume (Warrant 2) and the Peak Hour Warrant (Warrant 3) are all satisfied at the Mercey Springs Road/Willmott Road intersection under existing conditions.

Under Opening Year (2025) and Future Year 2045 conditions either without or with the proposed project the Eight-Hour Vehicular Volume (Warrant 1), the Four-Hour Vehicular Volume (Warrant 2) and the Peak Hour Warrant (Warrant 3) are all satisfied at the Mercey Springs Road/Willmott Road intersection.

The Peak Hour Warrant (Warrant 3) is satisfied at the Stonewood Drive-7th Street/Willmott Road intersection under Future Year 2045 conditions either without or with the proposed project.

Furthermore, improvement plans would be submitted for review by the City Engineer to ensure all new streets and intersections meet City standards. Given the alignment with City policies, the Project would have a *less than significant impact* on the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

The TIA includes recommended improvements which are included in this document as Mitigation Measures.

Mitigation Measures: See Mitigation Measures TRAN 1 through TRAN 8

No mitigation measures would be required for transit, bicycle, and pedestrian facilities. Based on the analysis and information provided herein, implementation of Mitigation Measures TRAN 1 through 8 would result in *a less than significant impact* and would improve existing conditions at the affected areas.

b) Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)?

Less than Significant Impact: Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual auto travel (additional miles driven) a proposed project would create on California roads. If the project adds excessive car travel onto the roads, the project may cause a significant transportation impact.

Based on the findings of the Transportation Impact Study, the Project has been screened out from requiring a detailed VMT analysis based on the findings of the vehicle miles traveled (VMT) assessment revealed that the proposed project would be screened out from VMT analysis as a local-serving retail project, and the office component of the proposed project would be screened out from VMT analysis as a Small Project (<110 daily trips) per the *Caltrans Vehicle Miles Traveled-Focused Transportation Impact Study Guide* (May 20, 2020) and the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 28, 2018). The Transportation Impact Study confirms that no additional VMT modeling is necessary as the Project's characteristics and its location indicate it would not contribute to significant increases in regional or Citywide VMT. Therefore, based on the analysis and information provided herein, the Project's impact on VMT would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

c) Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact: The proposed Project does not include any features that could result in increased hazards due to a geometric design feature. All proposed road designs will be reviewed and approved by the City Engineering Division. Moreover, the proposed site plan

also illustrated that no sharp curves or dangerous intersections or incompatible uses are proposed by the Project. Therefore, based on the analysis and information provided herein, the Project would result in *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

d) Would the Project result in inadequate emergency access?

No Impact: This Project would not result in inadequate emergency access. Emergency access to the Project Site could be from Willmott and Mercey Springs Roads. According to the site plan, the Project would provide full access and egress to/from the site which could also be used by emergency vehicles. Therefore, *no impact* would occur.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Mitigation Measures for Traffic Impacts: See TRAN-1 through TRAN-8

The following recommendations were provided in the TIA prepared by qualified expert consultants Rick Engineering, Inc. (See Appendix E)

The Opening Year (2025) and Future Year 2045 intersection LOS analysis results with the recommended improvements are provided in Table 12 and Table 13 on Pages 53-54 of the TIA report. The results show that the study intersections are expected to operate at an acceptable LOS D or better, and queuing was improved with the recommended improvements as shown in Table 14 on Page 55

Recommended Opening Year (2025) Improvements/Mitigation Measures

The following improvements were recommended at the study intersections under Opening Year (2025) conditions with the proposed project:

TRAN 1 Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway

- Construct a “worm island” center raised median that would be configured to allow left-turn access on the northbound and southbound Mercey Springs Road approaches, but would restrict access on the eastbound Santa Cruz Way approach to right-turns only

and would provide additional left-turn access restriction for the westbound existing retail driveway approach. Project would be reimbursed for the construction cost minus their fair share contribution shown below.

- **Project Responsibility = 38.9%**

It is anticipated that the left-turning vehicles from eastbound Santa Cruz Way to northbound Mercey Springs Road would divert to Willmott Road from Santa Rosa Street or Santa Rita Street, and would turn left from eastbound Willmott Road onto northbound Mercey Springs Road. The left-turn volumes from eastbound Santa Cruz Way were added to the eastbound left-turn volumes at the Mercey Springs Road/Willmott Road intersection and were also added to the northbound through volumes at the Mercey Springs Road/Santa Cruz Way-Existing Retail Driveway intersection for the analysis with the recommended improvements.

TRAN 2 Mercey Springs Road, from Willmott Road to Santa Cruz Way

- Construct a center raised median on Mercey Springs Road from Willmott Road to Santa Cruz Way, which would prohibit left-turn ingress and egress at the two project driveways on Mercey Springs Road and is required per the City of Los Banos General Plan for a Major Arterial roadway classification. Project would be reimbursed for the construction cost minus their fair share contribution shown below.
- **Project Responsibility = 79.3%**

TRAN 3 Mercey Springs Road / Willmott Road

Caltrans District 10 plans to install a roundabout at the Mercey Springs Road / Willmott Road intersection. The roundabout project is fully funded and construction is expected to begin in late 2028, with completion of the roundabout project expected in 2029. The proposed Los Banos Commercial project is expected to be completed by late 2025, and to address the improvement needs at the Mercey Springs Road / Willmott Road intersection before the Caltrans roundabout project is completed, the following improvement is recommended:

- Install a temporary roundabout to be in place during the design and initial construction phases of the Caltrans roundabout project. Project would be reimbursed for the installation cost minus their fair share contribution shown below.
- **Project Responsibility = 79.0%**

TRAN 4 Mercey Springs Road / East B Street

- Restripe the eastbound East B Street approach of the intersection to extend the storage length of the left-turn lane to 220 feet, and provide a dedicated right-turn lane with a storage length of 220 feet.
- Extend the storage length of the existing southbound left-turn lane to 350 feet.
- Project would be reimbursed for the restriping costs minus their fair share contribution shown below.

- **Project Responsibility = 22.9%**

Recommended Future Year 2045 Improvements

The recommended improvements at the Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway intersection and Mercey Springs Road / Willmott Road intersection under Opening Year (2025) conditions would continue to provide acceptable LOS D or better operations at these two intersections through the Future Year 2045 scenario with the proposed project. Based on the findings of the Future Year 2045 intersection LOS and queuing analysis with the proposed project, the following improvements were recommended to improve operations to an acceptable LOS (LOS D or better) and/or to improve the queuing conditions at these intersections:

TRAN 5 Mercey Springs Road / East B Street

For Mercey Springs Road south of East B Street, it is recommended that the project contribute their appropriate Development Impact Fees (DIF) to fund future transportation improvements such as widening Mercey Springs Road to its ultimate width as a four-lane Major Arterial per the *City of Los Banos General Plan 2042* (adopted October 2022). Once the widening of Mercey Springs Road south of East B Street is completed, the segment of Mercey Springs Road between Santa Cruz Way and East B Street can be restriped with four travel lanes.

TRAN 6 Stonewood Drive-7th Street / Willmott Road

- Contribute a fair share payment toward installing a traffic signal. A traffic signal is warranted under Future Year 2045 conditions per CA-MUTCD Warrant 3 as previously shown in Signal Warrant Analysis section.
- Contribute a fair share payment toward restriping the westbound approach to provide a dedicated left-turn lane with a storage length of 110 feet.
- Contribute a fair share payment toward restriping the eastbound approach to provide a dedicated left-turn lane with a storage length of 50 feet.
- Contribute a fair share payment toward restriping the northbound approach of the intersection to provide a dedicated left-turn lane with a storage length of 80 feet.
- Contribute a fair share payment toward restriping the southbound approach of the intersection to provide a dedicated left-turn lane with a storage length of 75 feet.
- **Project Responsibility = 11.2%**

TRAN 7 East B Street / Place Road

- Contribute a fair share payment toward restriping the south leg of the intersection to extend the storage length of the existing northbound left-turn lane to 200 feet.
- **Project Responsibility = 6.9%**

Contingency Mitigation Measure:

TRAN 8 Mercey Springs Road / East B Street

For Mercey Springs Road south of East B Street, it is recommended that the project contribute their appropriate Development Impact Fees (DIF) to fund future transportation improvements such as widening Mercey Springs Road to its ultimate width as a four-lane Major Arterial per the *City of Los Banos General Plan 2042* (adopted October 2022). Once the widening of Mercey Springs Road south of East B Street is completed, the segment of Mercey Springs Road between Santa Cruz Way and East B Street can be restriped with four travel lanes.

If the ultimate General Plan improvements on Mercey Springs Road are not completed by the year 2042, the following improvements are recommended for Future Year 2045 conditions, in addition to the improvements previously recommended under Opening Year (2025) conditions:

- Contribute a fair share payment toward restriping the southbound Mercey Springs Road approach to provide a dedicated right turn lane with a storage length of 50 feet. A longer storage pocket may be desired; however, a shorter storage length is recommended to minimize the length of onstreet parking that would need to be removed adjacent to the existing residential properties on the west side of Mercey Springs Road.
- **Project Responsibility = 11.0%**

Cumulative Impacts: Less than Significant with Mitigation Measures

The Project in and of itself would result in a less than significant impact. However, as noted in the Los Banos General Plan EIR, future potential development under the proposed (now adopted) General Plan 2042 would contribute to an increase in VMT in the EIR Study Area as shown in Table 4.15-1 (of the EIR). The balance of items in this resource would result in less than significant impacts. Buildout of the General Plan 2042 is assumed over a 20-year project horizon. Implementation of the General Plan 2042 by the horizon year of 2042 would result in a net increase of people and employees (service population) in the EIR Study Area. As described under impact discussion TRAN-2 (of the EIR), implementation of the General Plan would result in a decrease in VMT per service population from existing baseline to horizon year 2042 but would not achieve a reduction of 15 percent below the baseline. Therefore, the impact on VMT would be cumulatively considerable. Mitigation Measure TRAN-1 (as shown in the EIR) would apply. Therefore, based on the analysis and information provided herein, the Project itself would result in a *less than significant impact* with implementation of Mitigation Measures TRAN 1 through TRAN-8.

XVIII. TRIBAL CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the Project 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, 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:				
i. 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. 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 I 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Tribal Cultural Resources discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in

their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

Los Banos is within the aboriginal territory of the Nopchinchi tribelet of the Northern Valley Yokuts, who lived in the San Joaquin Valley. Little is known of these inhabitants but that their aboriginal lifestyle disappeared in the early nineteenth century when they changed from hunters and gatherers to agricultural laborers who lived at the missions. Most of the aboriginal population gradually moved to the ranches to work as manual laborers in 1834, due to secularization of the missions by Mexico.

A sacred lands file search conducted by the NAHC for the EIR Study Area was requested in February 2022. The City notified the tribal representatives about the proposed project (draft General Plan EIR) and requested information regarding potential resources at or near the General Plan area. No tribal responses were received during the EIR process. Also, per AB 52, the City initiated Tribal Consultation on March_ 2025; at the time of release of this document no responses have been received.

Cultural Resources Record Search and Native American Consultation

As indicated earlier at resource discussion V Cultural Resources, the Central California Information Center (Information Center or CCIC), California Historical Resources Information System (CHRIS), Department of Anthropology – California State University, Stanislaus conducted a review of their maps for the specific project area and the immediate vicinity of the project area of the following:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CRHR)
- *California Inventory of Historic Resources* (1976)
- *California Historical Landmarks*
- California Points of Historical Interest listing
- Office of Historic Preservation Built Environment Resource Directory (BERD) and the Archaeological Resources Directory (ARD)
- *Survey of Surveys* (1989)
- Caltrans State and Local Bridges Inventory
- General Land Office Plats
- Other pertinent historic data available at the CCalC for each specific county

As indicated in the CHRIS search, no prehistoric or historic resources within the immediate vicinity of the project area have been formally reported to the Information Center; no resources that are known to have value to local cultural groups have been formally reported to the Information Center; and no previous investigations within the project area have been formally

reported to the Information Center (see Appendix C). **Prehistoric or historic resources within the immediate vicinity of the project area:** None has been formally reported to the Information Center.

Also, the NAHC Sacred Lands File search were negative indicating there is no known presence of Tribal resources (see Appendix C). It is noted that NAHC results do not rule out the presence of cultural resources, and consultation with local tribes was recommended.

Tribal Consultation

In compliance with AB 52, as noted earlier, the City did not receive any responses from Native American tribes that were contacted during the AB52 consultation process as of the release date of this document. Eight (8) Tribes and 11 persons were invited to participate in Tribal Consultation via certified mail on March 25, 2025, inviting the Tribes to consult with the City regarding the Project. A copy of each letter is available in Appendix C to this report. As of May 7, 2025, no responses or requests for consultation were received.

Regulatory Setting

See discussion at Item V Cultural Resources for a more detailed discussion as Tribal Cultural Resources are included in the discussion.

Federal

American Indian Religious Freedom Act

The American Indian Religious Freedom Act establishes, as national policy, that traditional Native American practices; beliefs; sites, including the right of access; and the use of sacred objects shall be protected and preserved. It does not include provisions for compliance.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 protects Native American remains, including Native American graves on federal and tribal lands, and recognizes tribal authority over the treatment of unmarked graves. This Act prohibits the selling of Native American remains and provides guidelines for the return of Native American human remains and cultural objects from any collection receiving federal funding, such as museums, universities, or governments. Noncompliance with this Act can result in civil and criminal penalties

State

California Environmental Quality Act (CEQA)

CEQA was passed in 1970 to institute a statewide policy of environmental protection. It requires that public agencies that finance or approve public or private projects must consider the impacts of their actions on the environment, of which, Historical Resources, Unique Archaeological Resources, and Tribal Cultural Resources are a part. A project that may cause a substantial adverse change in the significance of a Historical Resource is a project that may have a significant effect on the environment (PRC 21084.1). Section 21083.2 requires agencies to determine whether proposed projects would have effects on Unique Archaeological Resources, and Section 21074(a)(1) concerns effects to Tribal Cultural Resources.

CEQA requires that if a project would result in significant impacts on cultural resources that are important or significant, alternative plans or measures must be considered to lessen or mitigate such impacts. Prior to the development of mitigation measures, the importance of cultural resources must be determined. The steps that are generally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify cultural resources in a project area;
- If cultural resources exist in the footprint of a project, evaluate the significance of resources;
- If significant resources are determined to exist, evaluate the potential impacts of a project on these resources; and
- Develop and implement measures to mitigate the impacts of the project only on significant resources, namely Historical Resources, Unique Archaeological Resources, and Tribal Cultural Resources

California Health and Safety Code Section 7050.5(b) and CEQA Section 15064.5

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered during activities involving ground disturbance. If human remains are discovered or identified in any location other than a dedicated cemetery, there should be no further disturbance or excavation nearby until the county coroner has determined the area is not a crime scene that warrants further investigation into the cause of death and made recommendations to the persons responsible for the work in the manner provided in PRC Section 5097.98. This section provides guidance for proceeding when human remains associated with Native American burials and associated items are encountered.

CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered during a project or activity, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native American descendants, if any, as identified by the NAHC. Under certain circumstances, the lead agency (or applicant), is required to develop an agreement with the Native American descendants for the treatment and disposition of the remains

Public Resources Code (PRC) Section 5097.9

PRC Section 5097.9 states that no public agency or private party on public property shall interfere with the free expression or exercise of Native American religion. The code further states that: ...nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres.

Government Code Section 65352.3-5 (Senate Bill 18)

California Government Code Section 65352.3-5, formerly known as Senate Bill (SB) 18, states that prior to the adoption or amendment of a city or county's general plan, or specific plans, the city or county shall consult with California Native American tribes that are on the contact list maintained by the NAHC. The intent of this legislation is to preserve or mitigate impacts on places, features, and objects, as defined in PRC 5097.9 and PRC 5097.993, that are within the city or county's jurisdiction. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by Native American consultation. Government Code 65362.3-5 applies to all general and specific plans and amendments proposed after March 1, 2005. The SB 18 process was completed during preparation of the Los Banos General Plan Update 2042 and its accompanying EIR; however, the SB 18 process does not apply to this Project.

Assembly Bill 52 (AB 52)

Effective July 1, 2015, AB 52 amended CEQA to require that: (1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and (2) the lead agency consult with any tribe that responded to the project notice within 30 days of receipt with a request for consultation. Topics that may be addressed during consultation include Tribal Cultural Resources, the potential significance of project impacts, the type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

A California Native American tribe is defined as "...a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the PRC defines Tribal Cultural Resources for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- A. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria 1) A and 1) B also meet the definition of a Historical Resource under CEQA, a Tribal Cultural Resource may also require additional consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators. Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that request notification an opportunity to consult at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures

City of Los Banos General Plan

The City of Los Banos General Plan Update 2042 goals and policies listed in impact discussion CUL-2 require local planning and development decisions to consider impacts to tribal cultural resources. Specific policies are:

- Policy P-P10.2 requires the City to preserve any tribal cultural resources that are found in the Los Banos Planning Area;
- Policy P-P10.3 requires the City to consult with Native American tribes during any project that may impact a tribal cultural resource; and
- Policy P-P10.4 requires new development to analyze and avoid any potential impacts to archaeological resources, which could be tribal cultural resources, through record searches, preconstruction field surveys, ground-disturbance monitoring, and implementation of appropriate measures or project alternatives to avoid identified significant impacts;
- Policy LU-P1.2 requires the City to maintain a well-defined compact urban form, thus reducing potential impacts to development in undisturbed lands and
- Policy LU-P4.3 requires the City, to the extent possible, to preserve historic treasures, open spaces, and cultures and traditions, all of which would support minimizing potential impacts to tribal cultural resources.

Discussion

a) Would the Project 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, 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:

i. 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

The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, nor is it listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources. Based on the results of the records search, no previously recorded cultural resources are located within the Project Site. As noted earlier, AB52 Tribal Consultation letters were sent out via certified mail on March 27, 2025; as of May 7, 2025, no responses were received during the Tribal consultation process (see Appendix C). Although no cultural resources were identified, Mitigation Measures CUL-1 and CUL-2 (specified in resource V Cultural Resources), required for potential impacts to cultural resources, would also address impacts caused by inadvertent discovery of tribal cultural resources. Therefore, based on the analysis and information provided herein, the Project would result in a *less than significant with mitigation incorporated*.

Mitigation Measures: Less Than Significant Impact with Mitigation Incorporated.

Based on the analysis and information provided herein, implementation of Mitigation Measures CUL-1 and CUL-2 as specified in Item V Cultural Resources, would mitigate impacts to *less than significant*.

ii. 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.

Mitigation Measures for Tribal Cultural Resources, see CUL-1 and CUL-2

The City, as lead agency, has determined there are no known tribal cultural resources located within the Project site or area. Additionally, there are no known human remains buried within the Project area's vicinity, including internment of Native Americans. However unlikely, it is possible that inadvertent discovery of previously unknown tribal cultural resources could occur. Although no cultural resources were identified, as an abundance of caution, Mitigation Measures CUL-1 and CUL-2 (as specified in resource V Cultural Resources) that are required for

impacts to cultural resources, would also address impacts caused by inadvertent discovery of Tribal Cultural resources. Therefore, based on the analysis and information provided herein, implementation of Mitigation Measures CUL-1 and CUL-2 as specified in Item V Cultural Resources, would mitigate impacts *to less than significant*.

Cumulative Impacts: Less than Significant with Mitigation.

The cumulative impact area is the General Plan EIR area. The impacts of development of the proposed Project on tribal cultural resources would be site specific, and cumulative impacts would occur when a series of actions leads to the loss of a substantial type of site or other tribal cultural resource. The project would be entirely within the developed portions of the Cit that is entirely surrounded by urban-type development predominantly in the form of residential uses. As previously discussed, impacts to tribal cultural resources (and historical resources, archaeological resources, and human remains) identified within the areas of potential development in the EIR Study Area would be less than significant. Additionally, the existing federal, state, and local regulations and General Plan goals, policies, and actions described in this resource Item would protect tribal cultural resources in Los Banos. Continued compliance with these regulations substantially decreases potential impacts to tribal cultural resources (and historical resources, archaeological resources, and human remains) to the maximum extent practicable. As such, based on the analysis and information provided herein, the Project would result in a *less than significant impact with mitigation measures* that would be implemented where applicable.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with Federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Utilities and Service Systems discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in

their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion.

Environmental Setting

In summary, this resource discussion describes and analyzes the potential impacts to the utilities and service system; specifically, water supply, wastewater treatment, stormwater drainage, water supply, landfill capacity, and solid waste disposal.

Water

The City of Los Banos produces its water supply solely from groundwater and distributes it to its residential, commercial, institutional, and industrial customers. As of 2020, the City supplied 8,309 AF of water via 12,792 connections. Most of the water (58 percent) is supplied to single-family residences. Commercial properties account for 13 percent of the water used, landscape customers 7 percent, multi-family residences 4 percent, and water losses 18 percent. Water for the proposed development will be provided by the City of Los Banos.

The City's water distribution system consists of 13 groundwater wells, 142 miles of water pipelines – ranging in size from four to 30 inches in diameter, an elevated water tank with a capacity of 100,000 gallons, and one aboveground 5-million-gallon water storage tank equipped with four booster pumps with a total pumping capacity of 10,500 gallons per minute (gpm).

The City's WMP assumed a population of 90,400 people by 2030, and the plan provides needed expansions in the City's distribution system to meet this demand.¹³ The General Plan 2042 projects a much smaller population increase of 72,500 people by 2042. The water supply system is shown in Figure 4.16-1 (of the EIR) Water Distribution System map.

Sewer Collection System

The City operates and maintains the sewer collection system. The sewer collection system consists of approximately 131 miles of sewer mains and operates largely by gravity. The system also includes 13 lift stations, 1,273 sewer manholes, and 245 sewer cleanouts.

The average wastewater flow rate was 2.75 mgd in 2019, with a maximum flow rate of 2.9 mgd. Over the last ten years, flow rates have decreased slightly and have remained relatively stable for the last several years.

Residential customers make up over 55 percent of the current flow but there are several large food processing plants within the city that average about 880,000 gpd of industrial wastewater, or about 30 percent of the total discharge. The sewer lines range in size from 4 inches up to 30

inches in diameter. See Figure 4.16-2 (in the EIR) for a map of the City's Wastewater Collection System.

Wastewater Treatment Plant (WWTP)

The City owns and operates its own wastewater treatment plant located at 17963 W. Henry Miller Avenue, just northeast of the city. Wastewater collected within the city is discharged to a series of unlined treatment and disposal ponds with reuse for irrigation on approximately 397 acres of pasture on land owned by the city. An expansion project was recently completed, which has increased the permit influent rate from 2.5 to 4.9 mgd.

As part of the treatment process, effluent is recirculated between the treatment and storage/disposal ponds. Screened influent entering the system flows to the recirculating pump station, where it is mixed with treated effluent and sent to the treatment ponds. Treated effluent is applied as irrigation water on land adjacent to the WWTP; these pasture areas are used for livestock grazing of non-milking animals. The pasture areas are surrounded by a 12-inch berm and equipped with a tailwater return system, which collects excess runoff and returns it to the WWTP at the recirculating station for the ponds. The WWTP relies on evapotranspiration, evaporation, and percolation for effluent disposal. At current flow rates, there is sufficient storage within the pond system to store all effluent during the wet season for a normal year and a 100-year wet year.

Solid Waste

Collection: As noted in the EIR, as of July 2021, the City has entered into a new solid waste collection agreement with Mid Valley Disposal (MVD). The MVD provides weekly service to containers with three separate carts for trash, mixed recyclables and organic waste. Under the new contract, trash is sent to Billy Wright Landfill for disposal. However, MVD has their own recycling and organics processing facilities (which is located in Kerman, CA) and processes these materials directly. .

Landfill: The trash collected by MVD in Los Banos is shipped to Billy Wright Landfill. The landfill is owned and operated by Merced County Regional Waste Management Authority (MCRWMA) and is regulated under Waste Discharge Requirements (WDRs) Order No. R5-2011-0061. The landfill is located at 17173 South Billy Wright Road, approximately 4.5 miles west of the Los Banos city limit. Approximately 172 acres are dedicated to landfill operations, with a maximum permitted throughput of 1,500 tons/day and a remaining capacity of 11 million tons. The estimated closure date is December 31, 2054.

Solid Waste Diversion and Recycling: Compliance with AB 939 is measured by comparing the CalRecycle target disposal rates for residents and employees to actual disposal rates. The latest reported target disposal rates for the MCRWMA, of which Los Banos is a member, in 2020 were 10.7 pounds per day (ppd) for residents and 38.8 ppd for employees. The actual disposal

rates were 6 ppd for residents and 21 ppd for employees. Therefore, solid waste diversion goals for Los Banos and Merced County are in compliance with AB 939.

Stormwater

The City of Los Banos owns and maintains the storm drain system that is located throughout the city. The storm drain system consists of over 79 miles of storm drains ranging in size from six to 66 inches in diameter. It also operates 12 stormwater pump stations throughout the City. The City streets serve as collectors for most of the stormwater, and a network of drainage ditches and storm drains convey the runoff to detention basins. The runoff from the detention basins is then conveyed via gravity or pump stations to the CCID and GWD canals, although a few neighborhoods have direct discharge to the canals. The original agreements between CCID and GWD regarding stormwater discharge from the City into their canals were renegotiated in 2005 and 2007 to provide sufficient capacity for stormwater runoff as development within the city increased. Currently, the City discharges to CCID's Main Canal and GWD's San Luis Canal and Santa Fe Canal. The stormwater system, detention basins, and pump station locations are shown in Figure 4.16-3 (of the ER) Stormwater System map.

In general, the existing storm drain system has sufficient capacity to convey runoff generated during design storms. However, the 2010 Stormwater Master Plan stated that in some locations, such as the downtown area, storm drains either do not have adequate capacity and can contribute to flooding or they are connected to the wastewater collection system. Improvements to the storm drain system in this area have since been implemented so that the stormwater runoff no longer flows into the wastewater collection system. These storm drain improvements achieved multiple benefits, including reducing wastewater flow to the WWTP, relieving flooding in the downtown area, and eliminating the need for future wastewater capital projects.

Electric Power: Pacific Gas and Electric (PG&E) provides electricity (and natural gas) to the entire City of Los Banos planning area. The Project will tie into existing electricity and gas facilities adjacent to the site. Additional details can be found in the discussion in Item VI. Energy.

Regulatory Setting

Federal

Federal Safe Drinking Water Act

The Safe Drinking Water Act, the principal federal law intended to ensure safe drinking water to the public, was enacted in 1974 and has been amended several times since it came into law. This Act authorizes the United States Environmental Protection Agency (USEPA) to set national standards for drinking water, called the National Primary Drinking Water Regulations, to protect against both naturally occurring and man-made contaminants. These standards set

enforceable maximum contaminant levels in drinking water and require all water providers in the United States to treat water to remove contaminants, except for private wells serving fewer than 25 people. In California, the State Water Resources Control Board (SWRCB) conducts most enforcement activities. If a water system does not meet standards, it is the water supplier's responsibility to notify its customers.

America's Water Infrastructure Act (AWIA) of 2018

AWIA, signed into law on October 23, 2018, authorizes federal funding for water infrastructure projects, expands water storage capabilities, assists local communities in complying with the Safe Drinking Water Act and Clean Water Act (CWA), reduces flooding risks for rural, western, and coastal communities, and addresses significant water infrastructure needs in tribal communities.¹ Additionally, AWIA requires that drinking water systems that serve more than 3,300 people develop or update risk assessments and emergency response plans (ERPs). Risk assessments and ERPs must be certified by the USEPA within the deadline specified by the AWIA.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Act (Water Code sections 13000 et seq.), passed in California in 1969 and amended in 2013, is the basic water quality control law for California. Under this Act the SWRCB has authority over State water rights and water quality policy. This Act divided the State into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional levels. RWQCBs engage in various water quality functions in their respective regions and regulate all pollutant or nuisance discharges that may affect either surface water or groundwater. The EIR Study Area is within the jurisdiction of the Central Valley RWQCB (Region 5).

California Senate Bills (SBs) 610 and 221

SBs 610 and SB 221 were amended in 2001 to assure coordination between the local water and land use decisions to confirm that California cities and communities are provided with an adequate water supply. Specific projects are required to prepare a Water Supply Assessment (WSA). The WSA is composed of information regarding existing and forecasted water demands, as well as information pertaining to available water supplies for the new development. The following projects are required to prepare a WSA:

1. Residential developments consisting of more than 500 homes;
2. A business employing more than 1,000 people or having more than 500,000 square feet;
3. A commercial office building employing more than 1,000 people or having more than 250,000 square feet of floor space;
4. A hotel having more than 500 rooms;

5. An industrial complex with more than 1,000 employees and occupying more than 40 acres of land; or
6. A mixed-use project that requires the same or greater amount of water as a 500 dwelling-unit project.

SB 221 requires written verification that there is sufficient water supply available for new residential subdivisions that include over 500 dwelling units. The verification must be provided before commencement of construction for the project. Although SB 610 does not specifically apply to a comprehensive general plan update, the City of Los Banos recognizes that water supply and demand is an important issue and has voluntarily chosen to prepare a WSA to support the General Plan 2042

California Urban Water Management Planning Act (UWMP)

The UWMP and Section 10620 of the Water Code requires that every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (AF)² of water annually, shall prepare and adopt an UWMP and update it every five years. The UWMP describes the service area of the water supplier, projected 20-year water supply and demand for the service area in normal years, dry years and multiple dry years, and water recycling strategies.

Sustainable Groundwater Management Act of 2014

On September 16, 2014, a three-bill legislative package was signed into law, composed of AB 1739, SB 1168, and SB 1319, collectively known as the Sustainable Groundwater Management Act (SGMA). The Governor's signing message states "a central feature of these bills is the recognition that groundwater management in California is best accomplished locally." Under SGMA, in groundwater basins that are designated as medium and high priority, local public agencies and groundwater sustainability agencies (GSAs) must assess conditions in their local groundwater basins and then prepare groundwater sustainability plans (GSPs). Los Banos is located within the Delta-Mendota Subbasin, which has been designated as a high priority groundwater basin and is in critical overdraft.

The City of Los Banos is one of ten GSAs that are part of the San Joaquin River Exchange Contractors (SJREC) GSP Group. A Groundwater Sustainability Plan for the group was prepared in December 2019 and has been adopted. The Department of Water Resources (DWR) is currently reviewing the plan for adequacy. GSAs for basins in critical overdraft must adopt and begin to implement the GSP by January 31, 2020 and must achieve the sustainability goals by January 31, 2040.

California Plumbing Code

The California Plumbing Code was adopted as part of the California Building Code (CBC) and specifies technical standards of design, materials, workmanship, and maintenance for plumbing systems. The CBC is updated on a three-year cycle; the latest edition is dated 2022. One of the purposes of the plumbing code is to prevent conflicting plumbing codes within local jurisdictions. Among many topics covered in the code are water fixtures, potable and non-potable water systems, and recycled water systems. The City of Los Banos adopts the California Plumbing Code under the Los Banos Municipal Code (LBMC)

California Building Code: CALGreen

The California Building Standards Commission adopted the California Green Building Standards Code, also known as CALGreen. As part of the California Building Code, CALGreen is in Part 11 of Title 24. CALGreen establishes building standards for sustainable site development, including water efficiency and water conservation measures. New residential and non-residential development must install water conserving plumbing fixtures and fittings and comply with the Model Water Efficient Landscape Ordinance (MWELO) for outdoor water use. The building efficiency standards are enforced through the local building permit process. The mandatory provisions of CALGreen became effective January 1, 2011. The City of Los Banos has regularly adopted each new CALGreen update under the LBMC, Title 8, Building Regulations, Section 8-1.12, Adoption of the California Green Building Standards Code 2022 Edition.

California Health and Safety Code A portion of the State Health and Safety Code is dedicated to water issues, including testing and maintenance of backflow prevention devices, coloring of pipes carrying recycled water, and programs addressing cross-connection control by water users.

California Water Code

The Water Code states that the water resources of the State must be put to beneficial use and that waste or unreasonable use of water be prevented. The Code contains many statutes regarding various water related issues including flood control, water rights, riparian rights, water quality, and the formation of municipal water districts.

Mandatory Water Conservation

Following the declaration of a drought state of emergency in 2014, the SWRCB adopted Resolution No. 2014-0038. In an effort to reduce water usage by 20 percent, the emergency regulation prohibited several activities, including 1) the application of potable water to outdoor landscapes in a manner that causes excess runoff; 2) the use of a hose to wash a motor vehicle except where the hose is equipped with a shut-off nozzle; 3) the application of potable water to driveways and sidewalks; and 4) the use of potable water in non-recirculating ornamental fountains. The SWRCB resolution also directed urban water suppliers to submit monthly water monitoring reports to the SWRCB.

Water Conservation Act of 2009

The Water Conservation Act of 2009 (SB X7-7) requires all water suppliers to increase water use efficiency. The legislation sets an overall goal of reducing per capita water use by 20 percent by 2020, with an interim goal of a 10 percent reduction in per capita water use by 2015. Effective in 2016, urban retail water suppliers who do not meet the water conservation requirements established by this bill are not eligible for State water grants or loans

Water Conservation in Landscaping Act of 2006

The Water Conservation in Landscaping Act includes the State of California's Model Water Efficient Landscape Ordinance (MWELO), which requires cities and counties to adopt landscape water conservation ordinances. The 2015 revisions to the MWELO improve water savings in the landscaping sector by promoting efficient landscapes in new developments and retrofitted landscapes. The revisions increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture, and by limiting the portion of landscapes that can be covered in turf. New development projects that include landscape areas of 500 square feet or more are subject to the MWELO. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review. The City of Los Banos adopts the MWELO Ordinance in LBMC Title 9, *Planning and Zoning*, Chapter 6, *City of Los Banos Water Efficient Landscape Ordinance*.

Sustainable Groundwater Management Grant Program

This program is managed by DWR, which oversees implementation of the SGMA in California. The program is intended to provide funding to GSAs and other responsible entities to promote healthy and sustainable groundwater basins and to promote projects that provide multiple benefits while also improving groundwater supply and quality. The SGM Grant Program funds: 1) the development and implementation of GSPs, 2) projects that promote the sustainable use of groundwater, 3) provide technical assistance to underrepresented communities to identify their risks and needs with respect to SGMA compliance, and 4) research and disseminate information of sustainable groundwater best management practices. The SJREC was awarded a grant through this program to offset the costs of preparing the GSP for disadvantaged communities within the GSP area.

Regional

Los Banos is not part of regional or countywide water planning efforts. The City's Public Works Division is the sole responsible entity in charge of managing and distributing water resources to its customers. However, there are two important agencies that provide water to the areas surrounding the city, which are described in further detail as follows.

Central California Irrigation District

The Central California Irrigation District (CCID) was formed in 1954 and is one of the largest irrigation districts in the Central Valley. CCID's service area extends from Marshall Road to the north in Stanislaus County to Bass Road to the south near Mendota. Irrigation water is provided to the agricultural land surrounding the towns of Crows Landing, Newman, Gustine, Santa Nella, Volta, Los Banos, Dos Palos, Firebaugh, and Mendota. The City of Dos Palos has poor quality groundwater and has an agreement with CCID to transfer 2,500 AFY of surface water for its potable water needs.

The majority of the CCID irrigation water comes from the Central Valley Project (CVP) via the Delta-Mendota Canal. Water is conveyed to the agricultural users via CCID's Main Canal and Outside Canal and the Delta-Mendota Canal. According to the 2016 CCID Water Management Plan, CCID provides water to 155,466 acres of farmland via 1,232 delivery points. CCID has an exchange contract with the US Bureau of Reclamation for the annual delivery of 532,400 AF of water for non-critical water years and 399,300 AF in critical water years. The US Bureau of Reclamation has determined that 2022 will be a critical year and it is likely that the Delta-Mendota Canal supplies will be insufficient to meet the demands of the exchange contract. In addition, groundwater is pumped and delivered into the system to meet peak crop water demands during the summer months and recycled drain water also supplements CCID's surface water supplies. Groundwater supplies from CCID wells and private wells, as well as recycled drain water, contribute about 65,000 AFY.

Conversion of agricultural land within the EIR Study Area will have implications for CCID. The canal water from CCID that currently irrigates agricultural land within this area will no longer be available, as CCID will require de-annexation from the irrigation district with annexation of land by the City. However, the canal water previously used by lands within the EIR Study Area will still be put to beneficial use elsewhere within CCID's boundaries and may alleviate some of the current water shortages due to the curtailment of CCID's full surface water allotment from the Bureau of Reclamation with the current drought conditions.

Grassland Water District

The Grassland Water District (GWD) delivers water to the 75,000-acre Grassland Resource Conservation District (GRCD), which includes private, State, and federal wildlife refuges. The GWD's primary function is to provide water to the critical wetland habitat within its boundaries. It also delivers water to State and federal wildlife refuges on the behalf of the Bureau of Reclamation.⁸ GWD also manages water deliveries for the 230,000-acre Grassland Ecological Area. The area serves as a wintering and breeding habitat for migratory birds using the Pacific Flyway and is the largest remaining wetland complex in the western United States.

The GRCD area borders Los Banos to the east. It extends north to State Route 140 near Gustine and extends south to CCID's Main Canal. The GRCD consists primarily of privately owned

hunting clubs and wildlife–beneficial agriculture. The GRCD also includes several State wildlife areas, such as the Volta Wildlife Area, Los Banos Wildlife Area, and Mud Slough, Gadwall, and Salt Slough Units of the North Grasslands Wildlife Management Area. Federal wildlife refuges in the GRCD include portions of the San Luis National Wildlife Refuge.

Because of changes in the natural hydrology of the region, the wetlands now depend on water deliveries. The CCID delivers water to the GRCD through its main canal. The GRCD receives its water supply in two blocks. Level 2 water averages about 125,000 AFY and comes from the CVP. Incremental Level 4 water totals about 55,000 AFY and is acquired from the SJREC through their transfer program and sellers of groundwater.

Local

Los Banos Municipal Code (LBMC)

The LBMC includes various directives to ensure the efficient use of water in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to water supply and conservation are found in Title 6, Sanitation and Health; Title 8, Building Regulations; and Title 9, Planning and Zoning:

- Title 6, Chapter 7, *Water System*. This chapter describes the City’s rules, rates, and requirements to connect to the City’s water system, and establishes the Public Works Department as the main City agency in charge of water services. It also provides regulations regarding meters, fire hydrants, and fluoridation of the water supply.
- Title 6, Chapter 8, *Water Well Standards and Cathodic Protection Well Standards*. This chapter provides the well standards for the construction, rehabilitation, and abandonment of water wells within the city, which are based on DWR’s Bulletin No. 74, Water Well Standards: State of California and Supplemental Bulletin 74-90, California Well Standards. A well permit application must be submitted to the Public Works Department for approval along with an associated fee and a copy of the “Water Well Driller’s Report” must be submitted to DWR and the Public Works Department within 30 days after completion of the work.
- Title 6, Chapter 9, *Cross Connection Control*. Each water user must install an appropriate backflow prevention assembly to prevent the water supply system from contamination due to cross connections. Only backflow prevention assemblies that have been approved by the City of Los Banos shall be acceptable for installation, and testing of the backflow assemblies shall only be conducted by qualified testers at least annually and immediately after installation, relocation, or repair.
- Title 8, Chapter 1, *Building Codes*. The City has adopted the 2019 Edition of the California Building Code, 2019 Edition of the California Plumbing Code, and the 2019 Edition of the

California Green Building Standards Code. These codes require the installation of low-flow plumbing fixtures and outdoor water conservation.

- Title 9, Article 6, *Water Development Impact Fees*. Section 9-2.605 establishes development impact fees for water supply and the construction of a water distribution system for undeveloped areas that are proposed for residential or commercial development.
- Title 9, Chapter 6, *City of Los Banos Water Efficient Landscape Ordinance*. Section 9-6.06 establishes the State MWELO requirements which increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture.

2020 Urban Water Management Plan

The City of Los Banos adopted its current 2020 UWMP in June 2021. The 2020 UWMP describes water demands, available water supply sources, and supply reliability for its service area in five-year increments for normal years, single-dry years, and multiple-dry years up to year 2045. The UWMP also provides a water shortage contingency plan, demand management measures to increase water use efficiency, and current and planned water conservation efforts.

The City's 2020 UWMP includes projections of water demand and supply for its entire service area, including the area proposed for redevelopment as part of the General Plan 2042. Although the water demand projections were developed through the year 2045, the population growth estimates were less than what is envisioned for the General Plan 2042. The future water use projections were based on 165 gallons/day/person, because land use was not expected to vary in density or water use per acre.¹¹ Also, water savings resulting from compliance with the CALGreen Building Code and the MWELO for new construction were not accounted for in the future projections. The current and projected water demands from the City's 2020 UWMP are provided in Table 4.16-1 (in the EIR and summarized here), *2020 UWMP Current and Projected Water Demands for the City of Los Banos*.

2020 UWMP Current and Projected Water Demands City of Los Banos (AFY)		
Use Type	2020	2045
Single Family	4,97	6,486
Multi-Family	355	480
Commercial	1,107	1,497
Landscape	584	790
Losses	1,465	1,981
Total	8,309	11,233

Los Banos Water Master Plan

The latest Water Master Plan (WMP) for the City of Los Banos was prepared in 2008 but amended in March 2010 to include the changes in land use and planning boundaries that would be consistent with the City's General Plan 2030. The area evaluated in the WMP has essentially the same boundaries as the EIR Study Area for the General Plan 2042, but the General Plan 2030 and thus the WMP projected a much higher population of 90,400 people by 2030 when compared to the proposed General Plan 2042, which is 72,500 population. The WMP describes the existing water distribution system, historic water usage and future water demand projections, supply capacity and proposed improvements, and prioritization of future capital improvement projects to meet the projected increase in population demand. Some of the improvements described in the WMP have since been implemented.

Federal

Clean Water Act

The Clean Water Act (CWA) of 1972 regulates the discharge of pollutants into watersheds throughout the nation and is implemented by the United States Environmental Protection Agency (USEPA). Under the CWA, the USEPA sets wastewater standards and made it unlawful to discharge pollutants from a point source to any navigable waters without obtaining a permit. Point sources include any conveyances, such as pipes and man-made drainage channels, from which pollutants may be discharged.

National Pollutant Discharge Elimination System (NPDES)

The NPDES permit program was established as part of the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable connections and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities. Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

State

State Water Resources Control Board In California (SWRCB)

The SWRCB is responsible for developing statewide water quality policy and exercises the powers delegated to the State by the federal government under the CWA. The Waste Discharge Requirements require public agencies that own or operate sanitary sewer systems to develop and implement Sewer System Management Plans (SSMPs) and report all SSOs to the SWRCB's online reporting system. The SWRCB has delegated authority to nine Regional WQCBs (RWQCB) to enforce these requirements within their regions.

The Central Valley RWQCB (Region 5) issues and enforces NPDES permits in the study area. NPDES permits allow the RWQCB to regulate where and how waste is disposed, including the discharge volume and effluent limits of waste and the monitoring and reporting responsibilities of the discharger. The RWQCB is also charged with conducting inspections of permitted discharges and monitoring permit compliance.

Sanitary District Act of 1923

The Sanitary District Act of 1923 (Health and Safety Code Section 6400 et seq.) authorizes the formation of sanitation districts and enables the sanitation districts to construct, operate, and maintain facilities for the collection, treatment, and disposal of wastewater

Local

Los Banos Wastewater Treatment Plant NPDES Permit

The City of Los Banos conveys wastewater from within the city via sanitary sewer lines to its own wastewater treatment plant (WWTP) located just northeast of the city. The WWTP is located at 17963 W. Henry Miller Avenue. The City operates under a NPDES permit issued by the Central Valley RWQCB (Order No. R5-2021-0026). The permit sets forth discharge prohibitions and effluent limitations as well as monitoring and reporting requirements. The new permit took effect in April 2021 and increased the wastewater flow rates to 4.9 million gallons per day (mgd) with completion of the WWTP expansion project.

Los Banos Sewer System Management Plan

The City's most recent Sewer System Management Plan (SSMP) is dated September 2019 and was prepared in accordance with State regulations to manage, operate, and maintain all parts of the City's sanitary sewer collection system. The SSMP was prepared pursuant to the requirements of SWRCB Order No. 2006-003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems and the Monitoring and Reporting Program associated with the statewide order that was amended in July 2013 (SWRCB Order WQ-2013-0058-EXEC). The SSMP describes the City's operations and maintenance program, design and performance standards, emergency response plan, SSO notification, reporting and record keeping, and monitoring program.

Los Banos Wastewater Master Plan

Carollo Engineers prepared a Wastewater Collection System Master Plan for the City of Los Banos in September 2008, which was later amended in March 2010 to reflect the buildout conditions of the City's 2030 General Plan Update. The sphere of influence boundaries for this plan are the same as those proposed in the General Plan 2042 and the report assumed a population buildout of 90,400 people by 2030, which is much greater than that proposed in the General Plan 2042.²⁰ The Master Plan analyzes the age and status of the existing sewer infrastructure and the capacity of the sewer collection system for existing and future peak flows under both dry and wet weather conditions and maximum industrial discharge.

Existing flows were modeled based on flow monitoring data and influent flows to the WWTP. Proposed flows were modeled based on a combination of land use information and the City's proposed buildout for 2030. The average day flow in 2006 was 3.55 mgd, or about 50 percent of the City's total water use. The projected wastewater flow in 2030 ranged between 9.4 to 11.0 mgd, assuming 100 percent buildout of the sphere of influence. This projection overestimates the future wastewater flow rates, because it assumes a larger population than the General Plan 2042 and does not account for the reduction in water use and thus wastewater generation with low flow plumbing fixtures and water conservation measures.

Los Banos Municipal Code (LBMC)

The LBMC includes various directives that pertain to wastewater in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions are found in Title 6, Sanitation and Health, and Title 9, Planning and Zoning:

- Title 6, Chapter 5, *Sewer System*. This chapter describes the City's rules, rates, and requirements to connect to the City's sewer system, calculations of sewer disposal charges, wastewater discharge permits, and wastewater collection and treatment fees.
- Title 9, *Planning and Zoning, Sewer Impact Development Fees*. Article 6, Section 9-2.606 establishes development impact fees for a sewer collection system for undeveloped areas that are proposed for new residential or commercial development.

Stormwater

The regulatory framework for stormwater is described in detail in Item X, Hydrology and Water Quality, of this document. The regulatory requirements that solely apply to storm drain systems are repeated below

Federal

National Pollutant Discharge Elimination System (NPDES)

Under the NPDES program, all facilities that discharge pollutants into waters of the United States are required to obtain an NPDES permit. Requirements for stormwater discharges are also regulated under this program. As previously described, the study area lies within the jurisdiction of the Central Valley RWQCB (Region 5). The City is subject to the requirements of the General Permit for Storm Water Discharges for Phase II Small Municipal Separate Storm Sewer Systems (MS4s) Order No. 2013-0001-DWQ (as amended by Order No. WQ 2015-0133-EXEC, Order No. WQ 2016-0069-EXEC, Order No. WQ 2017- XXXX-DWQ, Order No. WQ 2018-0001-EXEC, and Order No. WQ 2018-0007-EXEC). The City of Los Banos is a traditional small MS4, as well as many other cities and towns within Merced County.

State

State Water Quality Control Board's Trash Amendment

On April 7, 2015, the SWQCB adopted an amendment to The Water Quality Control Plan for Ocean Waters of California to control trash. In addition, the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California added the section, Part I Trash Provisions. Together, they are collectively referred to as "the Trash Amendments". The purpose of the Trash Amendments is to provide statewide consistency for the RWQCBs in their regulatory approach to protect aquatic life, public health beneficial uses, and reduce environmental issues associated with trash in State waters, while focusing limited resources on high trash generating areas.

The Trash Amendments apply to all Phase I and II permittees under the NPDES municipal separate storm sewer systems (MS4) permits. Compliance with the Trash Amendment requires municipalities to install certified trash treatment control systems on all catch basins no later than December 2, 2030.

State Water Resources Control Board General Construction Permit

Construction activities that disturb one or more acres of land that could impact hydrologic resources must comply with the requirements of the SWRCB Construction General Permit (Order 2009-0009-DWQ), as amended by Order 2010-0014-DWQ and Order 2012-006-DWQ. Under the terms of the permit, applicants must file Permit Registration Documents (PRDs) with the SWRCB prior to the start of construction. The PRDs include a notice of intent, risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and a signed certification statement.

Applicants must also demonstrate conformance with applicable best management practices (BMPs) and prepare a SWPPP containing a site map that shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection, and discharge points, general topography both before and after construction, and drainage patterns across the

project site. The SWPPP must list BMPs that would be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby water resources. Additionally, the SWPPP must contain a visual monitoring program, a chemical monitoring program for nonvisible pollutants if there is a failure of the BMPs, and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Some sites also currently require implementation of a Rain Event Action Plan. A new Construction General Permit is expected to be issued by the SWRCB in July 2022.

Regional

Westside-San Joaquin Integrated Regional Water Management Plan (IRWMP)

The IRWMP was prepared by the San Luis & Delta-Mendota Water Authority. The region it covers encompasses approximately 2,000 square miles of land on the western side of the San Joaquin Valley, including the City of Los Banos.²⁷ The IRWMP provides a blueprint to guide regional water resource management and addresses issues such as water supply reliability, surface and groundwater quality protection, protection of aquatic, riparian, and watershed resources, flood protection, and drainage. Projects implemented through the IRWMP include water supply and reliability, habitat protection and improvement, water quality, agricultural water management, urban water management, flood management, and public education and outreach programs.

Westside-San Joaquin (WSJ) Stormwater Resource Plan (SWRP)

The WSJ SWRP identifies and prioritizes multiple-benefit stormwater projects that can best address the regional stormwater management goals in the SWRP planning area. The WSJ Region encompasses 2,000 square miles of land on the western side of the San Joaquin Valley and includes the City of Los Banos. The San Luis and Delta-Mendota Water Authority (SLDMWA) is the Regional Water Management Group for the SWRP and CCID and GWD are member agencies.

The SWRP is intended to be a living document where projects will be updated and added beyond the initial SWRP development timeframe. Stormwater capture for groundwater basin recharge was identified as a regional watershed priority to increase water supply. A list of 26 eligible projects is provided in the SWRP, including the Santa Fe Canal Water Storage and Groundwater Recharge B Project which would convert existing agricultural land to water storage and recharge basins. The 400-acre site is located one mile north of the City of Los Banos adjacent to and on the north side of the Santa Fe Canal and adjacent to and on the west side of SR-165 (Mercey Springs Road).

Central Valley RWQCB Waste Discharge Requirements (WDRs) for Irrigated Lands

In 2014, the Central Valley RWQCB issued Waste Discharge Requirements (WDRs) for irrigated lands to growers within the Western San Joaquin River Watershed. The WDRs were last revised

in October 2021. These WDRs (Order No. R5-2014.002-11) supersede the previous Conditional Waivers (Order Nos. R5- 2006-0053 and R5-2003-0105). The applicability of these WDRs for the City of Los Banos is that the agreements between the City and CCID and GWD to discharge stormwater into their canals required compliance with the former Conditional Waivers, which required water quality monitoring, data collection, and reporting. The new WDRs may require additional water quality monitoring and reporting by the City.

The San Joaquin Valley Drainage Authority, also known as the Western San Joaquin River Watershed Coalition, is acting as the third party to represent growers in the Western San Joaquin River Watershed and develop the required programs.

Local

Los Banos Municipal Code (LBMC)

LBMC includes various directives that pertain to stormwater in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions are found in Title 6, Sanitation and Health, and Title 9, Planning and Zoning:

- Title 6, Chapter 13, *Los Banos Urban Storm Water Management and Discharge Control*. This chapter describes the City's rules and requirements to reduce the risk of non-storm water discharge and/or pollutant discharge to the City's storm water system, as well as SWPPP and BMP compliance.
- Title 9, Chapter 2, Article 13, *Storm Drainage Development Impact Fees*. This chapter establishes development fees for storm drain system for undeveloped areas that are proposed for new development.
- Title 9, Chapter 6, *City of Los Banos Water Efficient Landscape Ordinance*. Section 9-6.06, Landscape Design Plan, establishes the State MWELO requirements which increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and onsite stormwater capture.

Los Banos Storm Drainage System Master Plan (SDSMP)

The SDSMP for the City of Los Banos was prepared in 2008 but amended in March 2010 to include the changes in land use and planning boundaries that would be consistent with the City's 2030 General Plan Update. The area evaluated in the SDSMP has essentially the same boundaries as the EIR Study Area for the General Plan 2042 but the plan projected a much higher population of 90,400 people by 2030. The SDSMP describes the existing storm drain system, capacity evaluation and proposed improvements, and prioritization of future capital improvement projects to meet the projected increase in population demand. The future system improvements include the installation of numerous storm detention basins located in

the upper watershed of subbasins, which attenuate peak flows. Some of the improvements described in the SDSMP has since been implemented, including improvements to the storm drains in the downtown area so that stormwater runoff no longer drains to the City's wastewater collection system. This also reduced the potential for flooding in the downtown area.

Los Banos Low Impact Development (LID) Manual

During preparation of the General Plan EIR, the City was in the process of drafting a Low Impact Development (LID) Manual that was ultimately adopted as the *Post Construction Stormwater Low Impact Development Standards Plan* (LID or Plan) in December, 2022. The LID guide is intended for new development and redevelopment projects in implementing Provision E.12 of the Phase II Small MS4 permit, which requires post-construction stormwater best management practices (BMPs). Provision E.12 requires single-family homes that create and/or replace 2,500 square feet of impervious surface or small projects that create and/or replace between 2,500 and 5,000 square feet of impervious surface to implement site design measures to reduce runoff. Projects that create and/or replace 5,000 square feet or more of impervious surface must implement site design, source control, runoff reduction, and stormwater treatment measures. Projects that create and/or replace one acre or more of impervious surfaces must implement hydromodification management, which requires that post-project runoff does not exceed the pre-project flow rate for the 2-year, 24-hour storm event. Prior to the issuance of grading permits, the Public Works Department will require completion and submittal of a Stormwater Management Checklist for review and approval to ensure that these requirements are met. Implementation of these stormwater measures will reduce the amount of stormwater runoff that is ultimately discharged to the CCID and GWD canals

Solid Waste

Federal

Resource Conservation and Recovery Act of 1976

The Resource Conservation and Recovery Act of 1976 (Title 40 of the Code of Federal Regulations), Part 258, contains regulations for municipal solid waste landfills and requires states to implement their own permitting programs incorporating the federal landfill criteria. The federal regulations address the location, operation, design (liners, leachate collection, runoff control, etc.), groundwater monitoring, and closure of landfills.

State

Sanitary District Act of 1923

The Sanitary District Act of 1923 (Health and Safety Code Section 6400 et seq.) authorizes the formation of sanitation districts and enforces the sanitation districts to construct, operate, and maintain facilities for the collection, treatment, and disposal of wastewater. This Act was amended in 1949 to allow the sanitation districts to also provide solid waste management and disposal services, including refuse transfer and resource recovery.

California Integrated Waste Management Act (AB 939)

California's Integrated Waste Management Act of 1989 (AB 939) required that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000 through source reduction, recycling, and composting. AB 939 also established a goal for all California counties to provide at least 15 years of ongoing landfill capacity. To help achieve this, this Act requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to the Department of Resources Recycling and Recovery (CalRecycle).

CalRecycle sets a per capita disposal rate target for each jurisdiction. Each jurisdiction must submit an annual report to CalRecycle with an update of its progress in implementing diversion programs and its current per capita disposal rate.

Organic Waste Methane Emissions Reduction Act (Senate Bill 1383)

In September 2016, SB 1383 was signed into law establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. Methane emissions resulting from the decomposition of organic waste in landfills are a significant source of greenhouse gas emissions contributing to global climate change. Organic materials—including waste that can be readily recycled or composted—account for a significant portion of California's overall waste stream.

Mandatory Commercial and Multi-Family Residential Recycling Requirements

AB 341 (Chapter 476, Statutes of 2011) increased the statewide goal for waste diversion to 75 percent by 2020 and requires recycling of waste from commercial and multifamily residential land uses. Businesses that produce four or more cubic yards of solid waste per week or multifamily residential dwellings of five or more units are covered by this regulation. Under AB 341, businesses and multifamily dwellings must separate recyclables from trash and either subscribe to recycling services, self-haul their recyclables, or contract with a permitted private recycler.

Mandatory Commercial Organics Recycling

AB 1826, which was enacted in 2014, mandates organic waste recycling for businesses and multifamily dwellings with five or more units. The commercial organics recycling law took effect on April 1, 2016, and organic waste includes food waste, green waste, landscape and pruning

waste, nonhazardous woodwaste, and food-soiled paper waste that is mixed in with food waste. Previously, businesses and multifamily residences of five or more units that generated four or more cubic yards per week of solid waste (including recycling and organic waste) had to arrange for organic waste recycling services. However, the law contained a 2020 trigger that if the statewide goal of 50 percent reduction in organic waste as compared to 2014 had not been met, the threshold for mandatory compliance would cover businesses that generate two or more cubic yards of solid waste per week. This is the threshold that is currently being enacted.

California Solid Waste Reuse and Recycling Access Act

The California Solid Waste Reuse and Recycling Access Act requires development projects to set aside areas for collecting and loading recyclable materials. This Act required CalRecycle to develop a model ordinance for adoption by any local agency that provides adequate areas for the collection and loading of recyclable materials for development projects. Local agencies are required to adopt the model, or an ordinance of their own, that establishes standards including space allocation for the collection and loading of recyclable materials. CALGreen Building Code Sections 4.408 and 5.408, Construction Waste Reduction Disposal and Recycling, mandate that, in the absence of a more stringent local ordinance, a minimum of 65 percent of non-hazardous construction and demolition debris must be recycled or salvaged. CALGreen requires developers to prepare and submit a Construction Waste Management Plan for on-site sorting of construction debris, which is submitted to the City for approval. The Construction Waste Management Plan must:

- Identify the materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale.
- Specify if materials will be sorted on-site or mixed for transportation to a diversion facility.
- Identify the diversion facility where the material collected can be taken.
- Identify construction methods employed to reduce the amount of waste generated.
- Specify that the amount of materials diverted shall be calculated by weight or volume, but not by both.

Local

Merced Countywide Integrated Waste Management Plan

The California Integrated Waste Management Act of 1989 (AB 935) requires each county to prepare and adopt a Countywide Integrated Waste Management Plan (CIWMP). The CIWMP is a State-mandated plan prepared by Merced County Regional Waste Authority. The plan identifies solid waste facilities within Merced County and describes the countywide plan for reaching the State-mandated 50 percent recycling goal. Waste reduction and disposal facilities in the county that require solid waste facility permits must conform to policies and

siting criteria in the CIWMP. The CIWMP includes, by reference, source reduction and recycling elements, household hazardous waste elements, and non-disposal facility elements as well as a plan that describes countywide diversion programs and landfill disposal needs. The elements must be reviewed every five years and revised if necessary. The latest five-year review report for the CIWMP was submitted by Merced County Regional Waste Authority on March 2021.

In addition, each city, county, or regional agency must prepare an annual report for submittal to CalRecycle that summarizes its progress in reducing solid waste as required by Public Resources Code Section 41821. Once every two or four years (depending on the compliance schedule), CalRecycle conducts its own jurisdictional review of the annual reports to determine if the jurisdiction has met the Integrated Waste Management Act goals.

Los Banos Municipal Code (LBMC)

The LBMC includes various directives that pertain to solid waste collection and disposal in Los Banos. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions are found in Title 3, Finance, and Title 6, Sanitation and Health, and Title 8, Building Codes:

Title 3, Finance, Article 1, General. Section 3-10.330, *Recycled Products Procurement*, states that the City of Los Banos will purchase recycled products whenever such products perform satisfactorily and are available at a reasonably competitive price. The section further describes the steps that will be take by each City department to procure, identify, and evaluate the use of recycled materials.

Title 6, Chapter 3, *Solid Waste Collection and Disposal*. This chapter states that every occupied property within the city must receive solid waste collection and disposal services, with associated billing. The requirements under Chapter 3 are implemented by the Public Works Department. The chapter also provides information on solid waste collection charges, prohibitions against littering, and times specified for setting out containers. Chapter 3.1 also describes the requirements of the curbside recycling program that is mandatory for all single-family and multi-family residents, the responsibilities of the recycling company and customers regarding appropriate containers, and the recycling rate and charges. Chapter 3.2, describes the organic waste disposal reduction program and requires all single-family and multi-family dwellings and commercial businesses to place organic waste, consisting of green waste and food waste, in the green containers for pickup. Commercial edible food generators and food recovery organizations and services have additional requirements under Chapter 3.2.

Title 8, *Building Regulations, Sewer Impact Development Fees*. With adoption of the California Green Building Standards Code, 2019 Edition, the City requires that all construction projects submit a Construction Waste Management Plan that documents the diversion of construction waste and debris in compliance with the CALGreen Building Code requirements.

Discussion

a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relation of which could cause significant environmental effects?

No Impact: The Project will require the extension of existing utility services into the Project area, including water, wastewater, stormwater drainage, electric power, and telecommunications connections.

- Water: The Project will tie into an existing water line in Willmott Road. See Figure 4.16-1 on page 4.16-10 of the EIR at: https://losbanos2042.org/wp-content/uploads/2022/06/LosBanosGeneralPlan2042DraftEIR_061722.pdf
- Wastewater: The Project will connect to an existing sewer line in Willmott Road. See Figure 4.16-2 on page 4.16-25 of the EIR at: https://losbanos2042.org/wp-content/uploads/2022/06/LosBanosGeneralPlan2042DraftEIR_061722.pdf
- Stormwater Drainage: Stormwater will flow to on-site bioretention basins and connecting to an existing storm drain line in Willmott Road thus, eliminating the need for new off-site stormwater facilities. See Figure 4.15-3 on page 4.16-35 of the EIR at: https://losbanos2042.org/wp-content/uploads/2022/06/LosBanosGeneralPlan2042DraftEIR_061722.pdf
- Electric and/or Natural gas: Electric power or natural gas will be available from Pacific Gas & Electric (PG&E) through connections to existing facilities adjacent west and/or south of the site.
- Telecommunications: Telecommunications facilities will connect to existing infrastructure or wireless access in the area.

Construction-related activities related to these utility extensions are not anticipated to cause significant environmental effects. The construction-related activities would occur within existing rights-of-way and will be integrated into the overall Project construction plan to minimize environmental impacts. Best management practices (BMPs), such as erosion control measures and proper waste management, will be implemented during construction-related activities to reduce potential environmental impacts. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

b) Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact: Water services for the Project would be provided by the City of Los Banos upon development. The City's water distribution system consists of 13 groundwater wells, 142 miles of water pipelines ranging in size from four to 30 inches in diameter, an elevated water tank with a capacity of 100,000 gallons, and one aboveground 5-million-gallon water storage tank equipped with four booster pumps with a total pumping capacity of 10,500 gallons per minute (gpm). The City's water supply is drawn from the groundwater wells extracting water from an underground aquifer. According to the City's 2020 Urban Water Management Plan (UWMP), the existing 2020 water demand of the entire City planning area is estimated to be 8,309 AFY, plus an additional 4,080 AFY for buildout (2042) resulting in a total water demand of 12,389 AFY in 2042. As of 2020, current water demand for commercial uses is estimated to be 1,107 acre-feet per year (AFY) and projected to be 1,740 in 2042. These figures represent 13.3 and 14.0 percent of total water demand by commercial uses; respectively.

While the Project will result in reduced percolation to the groundwater basin compared to the existing vacant site as a result of increased paved and impervious surfaces, all stormwater will be redirected to onsite bioretention basins for groundwater recharge and conveyance to an existing stormwater line in Willmott Road. As noted earlier, the Project tie-in to the City's water distribution system which uses groundwater as its water supply. As noted earlier, commercial developments use approximately 13.3 percent of water demand and is not considered significant. As such, the Project would not substantially lower the aquifer's groundwater table or interfere with its recharge processes.

Additionally, the City employs water conservation staging ordinances and conjunctive use techniques—such as diverting excess surface water for groundwater recharge during wet years—to ensure water availability during dry periods. These strategies enhance the City's control over water supply and demand which reduces vulnerability during dry and multiple dry years. Furthermore, the development of the Project would be consistent with the underlying General Plan land use designation of the Project Site, and as such, the Project has been accounted for in the current 2020 UWMP and its growth forecasts as well as its water demand and supply calculations.

The Project will also pay its fair share for the installation of improvements and all development fees related to water service, supporting the City's ability to provide adequate water supplies without burdening existing infrastructure. The impact on water resources would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

c) Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments?

Less Than Significant Impact: Wastewater generated by the Project will be collected through the existing sewer collection system. Wastewater would be conveyed to the existing lines in Willmott Road and subsequently treated at the City's wastewater treatment facility (WWTF).

Although the addition of the Project would increase the volume of overall wastewater requiring treatment, the General Plan EIR indicates that the wastewater treatment facility has adequate capacity to accommodate this Project and other new developments within the City during the 2042 build-out scenario. The WWTF facility is designed to serve and accommodate demand within the City's growth boundary, and this Project is within the existing City limits. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

d) Would the Project 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?

Less Than Significant Impact: Solid waste collection service would be provided through the City of Los Banos' current solid waste collection agreement with Mid Valley Disposal (MVD). The refuse collected by MVD in Los Banos is subsequently transported to Billy Wright Landfill. The landfill is owned and operated by Merced County Regional Waste Management Authority. The landfill is located at 17173 South Billy Wright Road, approximately 4.5 miles west of Los Banos. Approximately 172 acres are dedicated to landfill operations, with a maximum permitted throughput of 1,500 tons/day and a remaining capacity of 11 million tons. The estimated closure date is December 31, 2054. The addition of solid waste generated by the Project would result in additional solid waste; however, the existing landfill capacities are sufficient to handle the additional waste generated by the Project as it is anticipated that the landfill would have sufficient capacity up to its closure date in Year 2054.

The waste generated by the Project can be accommodated by MVD and the landfill. Moreover, the Project will comply with all applicable solid waste reduction statutes and regulations, including implementing recycling programs and encouraging waste reduction practices among residents. Therefore, based on the analysis and information provided herein, the impact would be *less than significant*.

e) Would the Project comply with Federal, state, and local management and reduction statutes and regulations related to solid waste?

As previously discussed, MCRWMA, which serves the EIR study area, complies with State requirements to reduce the volume of solid waste through recycling and organic waste diversion. As indicated in the EIR, the MCRWMA's per capita disposal rates of 6 ppd per resident and 21 ppd per employee are well below the CalRecycle targets of 10.7 ppd per resident and 38.8 ppd per employee. In addition, all development pursuant to the General Plan 2042 would comply with Section 4.408 of the 2019 CALGreen Building Code Standards, which requires that at least 65 percent of nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. Development would also comply with the requirements of AB 341 that mandates recycling for commercial and multifamily residential land uses as well as schools and school districts. Additionally, businesses pursuant to the General Plan 2042 that generate organic waste in amounts over a certain threshold would be mandated to recycle organic matter in accordance with AB 1826.

Therefore, based on the analysis and information provided herein, the Project would result in *a less than significant impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: Less Than Significant

The cumulative area includes both regional and local areas.

Water

The analysis of water supply is based on the WSA and 2020 UWMP. Water supply would impact the Delta-Mendota Subbasin as the City relies exclusively on ground water for its water. As noted earlier, the City has the water supply capacity to provide sufficient water supply for the Project and anticipates adequate water supplies through the Year 2042 buildout period. While the proposed project would contribute to an increased demand for water supply, the increase in water demand would be offset by the reduction in groundwater pumping from private wells, implementation of SB X7-7 and State, regional, and local water conservation ordinances, required water conservation, and implementation of water efficiency measures. As such, relocation or construction of new or expanded water facilities to accommodate the Project would not be necessary.

Overall, cumulative water demands would neither exceed planned levels of supply nor require an expansion of the water distribution system beyond what is currently planned in the City's

WMP and 2020 UWMP. Together, existing regulations, proposed policies, and other considerations would ensure that cumulative impacts with respect to water supply under the Project would be *less than significant*.

Wastewater Treatment

Buildout of the General Plan 2042 would generate an increase in the volume of wastewater that requires treatment at the City's WWTP. However, the WWTP only receives and treats wastewater that originates within the City limits or in the future within the EIR Study Area. The WWTP has the capability to treat the 1.41 mgd of additional wastewater with buildout of the General Plan 2042 and would still have a residual capacity of 0.33 mgd. Based on the current excess wastewater treatment capacity of the WWTP and the projected future wastewater demand within the EIR Study Area, cumulative wastewater treatment demand is less than the capacity of the WWTP. Because the cumulative demand, including those from the Project, would not substantially impact the existing or planned capacity of the wastewater treatment system, the construction of new wastewater treatment facilities would not be necessary.

Also, future development within the service area would be required to comply with all applicable regulations and ordinances issued by the City. Additionally, the City's SSMP and Wastewater Master Plan account for increased demand with future development. Therefore, with continued compliance with applicable regulations, cumulative development combined with the proposed project would not exceed wastewater collection or treatment capacities. Accordingly, the Project would not result in a cumulatively considerable impact related to wastewater and cumulative impacts would be *less than significant*.

Stormwater

As discussed previously, development within the EIR Study Area would require conformance with State and local policies that would reduce hydrology and infrastructure construction impacts to less than significant levels. Any new development within the city would be subject on a project-by-project basis to independent project review as well as compliance with City policies and ordinances, design guidelines, zoning codes, and other applicable City requirements that reduce impacts related to hydrology and stormwater drainage facilities. More specifically, potential changes related to stormwater flows, drainage, impervious surfaces, and flooding would be minimized by the implementation of stormwater control measures, retention, infiltration, and LID measures, and review by the City's Public Works Department to integrate measures to reduce potential stormwater drainage and flooding impacts. The stormwater control program and storm drain improvements implemented by the City would not directly or adversely impact the surrounding area. In combination with past, present, and reasonably foreseeable projects, the Project would not result in a cumulatively considerable impact to stormwater infrastructure and would be *less than significant*.

Solid Waste

The two landfills (Billy Wright Landfill and Highway 59 Landfill) that receive the majority of the solid waste from the MCRWMA have an excess capacity of 1,500 tons/day each and could provide for the projected growth as described in the EIR. In addition, new development within Merced County would comply with Section 4.408 of the 2019 CALGreen Building Code Standards, which requires that at least 65 percent of nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. This would reduce the volume of solid waste transported to the landfills. Therefore, with continued compliance with the applicable regulations and an increase in recycling and landfill diversion rates, solid waste cumulative impacts from the Project would be *less than significant*.

XX. 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 With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

It is noted that this IS/MND will rely on the adopted/certified Los Banos General Plan 2042 Environmental Impact Report (General Plan EIR) as this Project is consistent with General Plan land use designations and current zoning classifications. The discussions regarding Environmental Setting, Regulatory Setting, CEQA requirements, Wildfire resource discussion, etc.; contained in the Los Banos General Plan Update 2042 and Los Banos General Plan 2042 EIR are incorporated herein by reference in their entirety. Components included as part of the General Plan EIR such as Technical Studies, Mitigation Measures, Responses to Comments, Findings, Resolutions, etc., as applicable, are incorporated by reference herein in their entirety. Where necessary, and if available, additional site-specific facts, data, information, etc., are included in this discussion. There are no areas in the Very High FHSZ in the LRA in or around Los Banos. The nearest area within the SRA is the land on the west side of Interstate 5, approximately four (4) miles west of the city; this area within the SRA consists primarily of land within the Moderate and High FHSZ.

Regulatory Framework

Federal

None that apply to the Project.

State

Fire Hazard Severity Zones and Responsibility Areas

None that apply to the Project.

California Building Code (CBC)

The CBC, contained in Part 2 of Title 24 of the California Code of Regulations, identifies building design standards, including those for fire safety. Typical fire safety requirements of the CBC include the installation of fire sprinklers in all new high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code (CFC)

The CFC incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Typical fire safety requirements include installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

Regional

Merced County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP)

The Merced County Office of Emergency Services, together with several jurisdictions in Merced County, including the City of Los Banos, prepared the MJHMP. The MJHMP was prepared in accordance with the Disaster Mitigation Act of 2000 and followed the Federal Emergency Management Agency (FEMA) 2011 Local Hazard Mitigation Plan guidance. The MJHMP, adopted in 2014, includes hazard mitigation goals, strategies, and priorities, and provides a comprehensive assessment of the area's hazards and vulnerabilities. The MJHMP is a guide to hazard mitigation throughout Merced County and serves as a tool to help decision makers

direct hazard mitigation activities and resources. In the context of the MJHMP, mitigation is an action that reduces or eliminates long-term risk to people and property from hazards, including those occurring naturally and those caused by humans such as wildfire. The wildfire component of the MJHMP would not apply to the Project.

The 2021 Draft MJHMP has identified the types and levels of fire responsibility areas for the Environmental Impact Report (EIR) Study Area. This is shown on Figure 4.17-1, Fire Hazard Severity Zones.

Local

Los Banos Municipal Code (LBMC)

The LBMC includes various directives pertaining to wildfire. The LBMC is organized by title, chapter, and section, and in some cases articles. Most provisions related to wildfire impacts are included in Title 4, Public Safety, and Title 8, Building Regulations, as follows:

- Chapter 3, Fire Prevention Code. This chapter includes provisions to prevent fire and protect the residents and visitors of Los Banos from fire related hazards.
 - Section 4-3.01, Adoption of the California Fire Code 2019 Edition. This section adopts the CFC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CFC is to prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake, and other disasters and to provide for permits.
 - Section 4-3.08, Fire Zones. Under this section a Fire District is established, thereby declaring the entire area of the city as a Fire District.
 -
- Chapter 1, Building Codes. This chapter adopts the following codes as described:
 - Section 8-1.01, Adoption of the California Building Code 2019 Edition. This section adopts the CBC in its entirety, subject, however, to the amendments, additions, and deletions set forth in this chapter. The purpose of the CBC is to prescribe regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures within the city. The CBC includes the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

Discussion

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

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact: The Project is not located within a state responsibility area or on land classified as very high fire hazard severity zone. Moreover, the Project would not impair an adopted emergency response plan or emergency evacuation plan. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

b) Due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact: The Project is not located within a state responsibility area or on land classified as very high fire hazard severity zone. The Project is located on a flat area of land with insignificant risk of fire. The Merced County Multi-Jurisdictional Local Hazard Mitigation Plan identifies the risk of fire within the City of Los Banos as having unlikely frequency, limited extent, limited magnitude, and low significance. The Project would not exacerbate wildfire risks and expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

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?

No Impact: The Project is not located within a state responsibility area or on land classified as very high fire hazard severity zone. As such, the Project would not the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities). The construction of the Project requires that all improvements would be subject to City standards and fire chief approval. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes?

No Impact: The Project is not located within a state responsibility area or on land classified as very high fire hazard severity zone. The Project Site is located on land with relatively flat topography and is not susceptible to flooding or landslides from post-fire instability from being downslope or downstream. Therefore, based on the analysis and information provided herein, there would be *no impact*.

Mitigation Measures: None Required.

Based on the analysis and information provided herein, *no mitigation measures are required*.

Cumulative Impact: Less than significant

The cumulative area is the EIR Study Area. CAL FIRE has determined that the EIR Study Area possesses little or no wildfire risk and no impact would occur pursuant to the standards in the CEQA Guidelines identified in Section 4.17.2 (of the EIR), Standards of Significance. As noted in the EIR, the City recognizes that even though within the city, fuel loading is light and fire risk comes primarily from urban fires, not wildfires, there is some risk related to wildfires. The riparian forest corridor to the west of Los Banos Creek represents the largest single risk due to the amount of tree cover and undergrowth; this area is being managed with the implementation of Los Banos Creek flood-control measures. The City also recognizes that the greatest level of wildfire hazard is likely to occur at the edges of the city where residential homes abut grassland or open space. However, the Project is not located near these areas.

The General Plan 2042 Land Use (LU) Element, Safety and Noise (S) Element, and Public Facilities and Services (PFS) Element contain goals, policies, and actions that require local planning and development decisions to consider potential impacts from wildfire as part of development. Implementation of these goals and policies, as well as compliance with state, regional, and local regulations required to reduce the risk of wildfire impacts, and the many resources available to address wildland fires should they arise. As such, based on the analysis and information provided herein, cumulative wildfire-related impacts would be *less than significant*.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Does the Project have the potential substantially to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

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

Less Than Significant Impact with Mitigation Incorporated: The Initial Study found the Project could potentially significantly impact on Cultural Resources, Geology and Soils

(Paleontological Resources), and Tribal Cultural Resources. However, with the implementation of previously identified Mitigation Measures CUL-1 and CUL-2; GEO-1, HYD-1, HYD-2, and HYD-3; HRA-1; and TRAN 1 through TRAN 8; each respective potentially significant impacts would be reduced to a less than significant level. Accordingly, the Project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. No additional mitigation measures are required as impacts would be *less than significant with previously identified mitigation measures incorporated*.

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)?

Less Than Significant Impact: State CEQA Guidelines Section 15064(h) states that a lead agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., an increase in population could lead to an increased need for housing, an increase in traffic, air pollutants, etc.). Therefore, impacts would be *less than significant*.

c) Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact: The analyses of environmental issues contained in this above Initial Study indicate that the Project is not expected to have a substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project design to reduce all potentially significant impacts to less than significant, which results in a *less than significant* impact on this checklist item.

3.6 Mitigation Monitoring and Reporting Program

As required by Public Resources Code Section 21081.6, subd. (a)(1), a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Vintners Distributors LLC – Willmott Commercial Development Center Project to monitor the implementation of the mitigation measures that have been adopted for the Project. This MMRP has been created based upon the findings of the Initial Study/Mitigated Negative Declaration.

The first column of the table identifies the mitigation measure. The second column names the party responsible for carrying out the required action. The third column identifies the timing of initiating the mitigation measure. The fourth column names the party ensuring that the mitigation measure is implemented. The last column will be used by the City of Los Banos to ensure that the individual mitigation measures have been monitored.

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Mitigation Measure CUL-1: If cultural resources are encountered during ground-disturbing activities, work in the immediate area must halt and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If the discovery proves to be important resource under CEQA, additional work such as data recovery excavation and Native American consultation shall be completed to mitigate any adverse effects.</p>	Project Applicant	Ongoing During Construction	City of Los Banos	
<p>Mitigation Measure CUL-2: If human remains are uncovered during construction, the Merced County Coroner shall be notified to investigate the remains and arrange proper treatment and disposition. If the remains are identified on the basis of archaeological context, age, cultural associations, or biological traits to be those of a Native American, California Health and Safety Code 7050.5 and PRC 5097.98 require that the coroner notify the Native American Heritage Commission within 24 hours of discovery. The Native American Heritage Commission will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the treatment and disposition of the remains. The Most Likely Descendent shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>	Project Applicant	Ongoing During Construction	City of Los Banos	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Mitigation Measure GEO-1: If a suspected unique paleontological resource were to be discovered during construction of the Project, the following protocol shall be implemented:</p> <ul style="list-style-type: none"> The City of Los Banos shall be notified of the discovery. Work shall cease around the find until a qualified paleontologist meeting the Society of Vertebrate Paleontology standards has evaluated the find in accordance with federal, state, and local guidelines. The applicant shall choose the qualified paleontologist subject to the approval of the City. If the find is determined to be a unique resource, such measures may include avoidance, preservation in place, data recovery and associated documentation, or other appropriate measures. Construction activity may continue unimpeded in other portions of the Project Site. The City shall determine the appropriate and feasible measure(s) that will be necessary to mitigate impacts, in consideration of the measure(s) recommended by the paleontologist. Construction in the affected area shall re-commence with the approval of the City. 	Project Applicant	Ongoing During Construction	City of Los Banos	
<p>Mitigation Measure HYD-1: Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project Site to the California State Water Resources Control Board's Storm Water Permit Unit and submit a copy of this NOI to the City. The City shall review the noticing documentation prior to approval of the grading permit and City monitoring staff shall inspect the Project Site during construction for compliance.</p>	Project Applicant	Pre-Construction	City of Los Banos	
<p>Mitigation Measure HYD-2: The Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project Site in excess of one (1) acre, or where the area of disturbance is less than one acre but is part of the Project's plan of development that in total disturbs one or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include specific Best Management Practices (BMPs) to control the discharge of material from the site. The following BMPs methods shall include, but would not be limited to:</p> <ul style="list-style-type: none"> Dust control measures to ensure success of all on-site activities to control fugitive dust; A routine monitoring plan to ensure success of all on-site erosion and sedimentation control measures; 	Project Applicant	Pre-Construction	City of Los Banos	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<ul style="list-style-type: none"> Provisional detention basins, straw bales, erosion control blankets, mulching, silt fencing, sand bagging, and soil stabilizers shall be used; Soil stockpiles and graded slopes shall be covered after two weeks of inactivity and 24 hours prior to and during extreme weather conditions; and, BMPs shall be strictly followed to prevent spills and discharges of pollutants on-site, such as material storage, trash disposal, construction entrances, etc. 				
<p>Mitigation Measure HYD-3: A Development Maintenance Manual for the Project shall include comprehensive procedures for maintenance and operations of any stormwater facilities to ensure long-term operation and maintenance of post-construction stormwater controls. The maintenance manual shall require that stormwater BMP devices be inspected, cleaned, and maintained in accordance with the manufacturer's maintenance conditions. The manual shall require that devices be cleaned prior to the onset of the rainy season (i.e., mid-October) and immediately after the end of the rainy season (i.e., mid-May). The manual shall also require that all devices be checked after major storm events. The Development Maintenance Manual shall include the following:</p> <ul style="list-style-type: none"> Runoff shall be directed away from trash and loading dock areas; Bins shall be lined or otherwise constructed to reduce leaking of liquid wastes; Trash and loading dock areas shall be screened or walled to minimize offsite transport of trash; and, Impervious berms, trench catch basin, drop inlets, or overflow containment structures nearby docks and trash areas shall be installed to minimize the potential for leaks, spills or wash down water to enter the drainage system. 	Project Applicant	Prior to Opening Day	City of Los Banos	
<p>HRA-1: Implement Tier 4 Engine Controls for all off-road, diesel-fueled equipment during construction. the use of Tier 4 engine controls is consistent with U.S. EPA, CARB, and SJVAPCD goals for implementing mitigation measures that directly reduce DPM emissions. Tier 4 generally requires the addition of emissions control equipment to new engines, such as a Diesel Particulate Filter (DPF).</p>	Project Applicant	Prior to Opening Day	City of Los Banos	
<p>Mitigation Measure: TRAN-1 Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway:</p> <ul style="list-style-type: none"> Construct a "worm island" center raised median that would be configured to allow left-turn access on the northbound and southbound Mercey Springs Road approaches, but would restrict access on the eastbound Santa Cruz Way approach to right-turns only and would provide additional left-turn access restriction for the westbound existing retail driveway 	Project Applicant	Prior to Opening Day	City of Los Banos	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>approach. Project would be reimbursed for the construction cost minus their fair share contribution shown below.</p> <ul style="list-style-type: none"> Project Responsibility = 38.9% 				
<p>Mitigation Measure: TRAN -2: Mercey Springs Road, from Willmott Road to Santa Cruz Way</p> <ul style="list-style-type: none"> Construct a center raised median on Mercey Springs Road from Willmott Road to Santa Cruz Way, which would prohibit left-turn ingress and egress at the two project driveways on Mercey Springs Road and is required per the City of Los Banos General Plan for a Major Arterial roadway classification. Project would be reimbursed for the construction cost minus their fair share contribution shown below. Project Responsibility = 79.3% 	Project Applicant	Prior to Opening Day	City of Los Banos	
<p>Mitigation Measure: TRAN-3: Mercey Springs Road/Willmott Road</p> <p>Caltrans District 10 plans to install a roundabout at the Mercey Springs Road / Willmott Road intersection. The roundabout project is fully funded and construction is expected to begin in late 2028, with completion of the roundabout project expected in 2029. The proposed Los Banos Commercial project is expected to be completed by late 2025, and to address the improvement needs at the Mercey Springs Road / Willmott Road intersection before the Caltrans roundabout project is completed, the following improvement is recommended:</p> <ul style="list-style-type: none"> Install a temporary roundabout to be in place during the design and initial construction phases of the Caltrans roundabout project. Project would be reimbursed for the installation cost minus their fair share contribution shown below. Project Responsibility = 79.0% 	Project Applicant	Prior to Opening Day	City of Los Banos	
<p>Mitigation Measure: TRAN-4: Mercey Springs Road/East B Street</p> <ul style="list-style-type: none"> Restripe the eastbound East B Street approach of the intersection to extend the storage length of the left-turn lane to 220 feet, and provide a dedicated right-turn lane with a storage length of 220 feet. Extend the storage length of the existing southbound left-turn lane to 350 feet. Project would be reimbursed for the restriping costs minus their fair share contribution shown below. Project Responsibility = 22.9% 	Project Applicant	Prior to Opening Day	City of Los Banos	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Recommended Future Year 2045 Improvements</p> <p>The recommended improvements at the Mercey Springs Road / Santa Cruz Way-Existing Retail Driveway intersection and Mercey Springs Road / Willmott Road intersection under Opening Year (2025) conditions would continue to provide acceptable LOS D or better operations at these two intersections through the Future Year 2045 scenario with the proposed project. Based on the findings of the Future Year 2045 intersection LOS and queuing analysis with the proposed project, the following improvements were recommended to improve operations to an acceptable LOS (LOS D or better) and/or to improve the queuing conditions at the following intersections:</p>				
<p>Mitigation Measure: TRAN-5: Mercey Springs Road/East B Street</p> <p>For Mercey Springs Road south of East B Street, it is recommended that the project contribute their appropriate Development Impact Fees (DIF) to fund future transportation improvements such as widening Mercey Springs Road to its ultimate width as a four-lane Major Arterial per the <i>City of Los Banos General Plan 2042</i> (adopted October 2022). Once the widening of Mercey Springs Road south of East B Street is completed, the segment of Mercey Springs Road between Santa Cruz Way and East B Street can be restriped with four travel lanes.</p>	Project Applicant	TBD	City of Los Banos	
<p>Mitigation Measure: TRAN-6: Stonewood Drive-7th Street / Willmott Road</p> <p>Contribute a fair share payment toward installing a traffic signal. A traffic signal is warranted under Future Year 2045 conditions per CA-MUTCD Warrant 3 as previously shown in Signal Warrant Analysis section.</p> <ul style="list-style-type: none"> Contribute a fair share payment toward restriping the westbound approach to provide a dedicated left-turn lane with a storage length of 110 feet. Contribute a fair share payment toward restriping the eastbound approach to provide a dedicated left-turn lane with a storage length of 50 feet. Contribute a fair share payment toward restriping the northbound approach of the intersection to provide a dedicated left-turn lane with a storage length of 80 feet. Contribute a fair share payment toward restriping the southbound approach of the intersection to provide a dedicated left-turn lane with a storage length of 75 feet. Project Responsibility = 11.2% 	Project Applicant	TBD	City of Los Banos	
<p>Mitigation Measure: TRAN-7: East B Street/Place Road</p> <ul style="list-style-type: none"> Contribute a fair share payment toward restriping the south leg of the intersection to extend the storage length of the existing northbound left-turn lane to 200 feet. Project Responsibility = 6.9% 	Project Applicant	TBD	City of Los Banos	

Mitigation Measure	Responsible Party for Implementation	Implementation Timing	Responsible Party for Monitoring	Verification
<p>Contingency Mitigation Measure: For Mercey Springs Road south of East B Street, it is recommended that the project contribute their appropriate Development Impact Fees (DIF) to fund future transportation improvements such as widening Mercey Springs Road to its ultimate width as a four-lane Major Arterial per the <i>City of Los Banos General Plan 2042</i> (adopted October 2022). Once the widening of Mercey Springs Road south of East B Street is completed, the segment of Mercey Springs Road between Santa Cruz Way and East B Street can be restriped with four travel lanes. If the ultimate General Plan improvements on Mercey Springs Road are not completed by the year 2042, the following improvements are recommended for Future Year 2045 conditions, in addition to the improvements previously recommended under Opening Year (2025) conditions as follows:</p>				
<p>Mitigation Measure: TRAN-8: TRAN 8 Mercey Springs Road/East B Street</p> <ul style="list-style-type: none"> Contribute a fair share payment toward restriping the southbound Mercy Springs Road approach to provide a dedicated right turn lane with a storage length of 50 feet. A longer storage pocket may be desired; however, a shorter storage length is recommended to minimize the length of on-street parking that would need to be removed adjacent to the existing residential properties on the west side of Mercey Springs Road. Project Responsibility = 11.0% 	<p>Project Applicant</p>	<p>TBD</p>	<p>City of Los Banos</p>	

3.7 Supporting Information and Sources

California Air Resources Board website accessed at:

<https://arb.ca.gov/adam/trends/trends1.php>.

California Energy Commission (CEC's) 2022 Total System Electric Generation summary

(accessed at: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2022-total-system-electric-generation>

California Department of Conservation, CA Geological Survey

https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3Adata_Source_4-191d8e6d993-layer-25%3A5083120)

Federal Emergency Management Agency (National Flood Hazards Layer, FIRM Panel

0850G, map number 06047C0850G, December 2, 2008; accessed at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>)

Los Banos AB 1600 Development Impact Fees Report 2023, Fire Facilities, accessed at:

https://losbanos.org/wp-content/uploads/2024/07/AB-1600-DEVELOPMENT-IMPACT-FEE-REPORT-2023_1.pdf

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accessed at: <https://losbanos.org/wp-content/uploads/2024/07/Fee-Table-2024.pdf>

Los Banos Fire Department website, accessed at: <https://www.fire.losbanos.org/>

Los Banos Police Department, accessed at: <https://losbanos.org/city-government/departments/police/>

Los Banos Police 2023 Police Annual Report, accessed at: <https://losbanos.org/wp-content/uploads/2024/08/Year-in-Review-2023.pdf>

The Los Banos Community Design Standards, accessed at: https://losbanos.org/wp-content/uploads/2013/09/community_design_standards.pdf

The Los Banos General Plan Update 2042, accessed at: <https://losbanos2042.org/>

The Los Banos General Plan 2042 Environmental Impact Report, accessed at:

https://losbanos2042.org/wp-content/uploads/2022/06/LosBanosGeneralPlan2042DraftEIR_061722.pdf

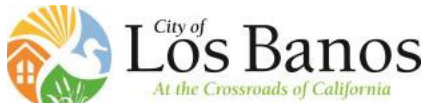
The Los Banos Planning and Zoning Ordinance, accessed at:

<https://ecode360.com/43458430#43458430>

Los Banos Unified School District (LBUSD) website, accessed at:
<https://www.losbanosusd.org/page/our-district-overview>

Merced County ALUCP, BACKGROUND DATA: LOS BANOS MUNICIPAL AIRPORT AND ENVIRONS, CHAPTER 6, Compatibility Factors Map accessed at:
https://web2.co.merced.ca.us/pdfs/planning/aluc/alucp_july2012/chap_6_los_banos_background.pdf

Merced County Association of Governments (MCAG's) 2022 Regional Transportation Plan and Sustainable Communities Strategy: The Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), accessed at:
<https://www.mcagov.org/DocumentCenter/View/3689/MCAG-2022-RTP-SCS?bidId=>



City of Los Banos

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Los Banos, CA 93635

SECTION 4: List of Preparers

Project Title: Vintners Distributors LLC – Willmott Commercial Development Center

Lead Agency

City of Los Banos

- Stacy Souza Elms, Economic & Community Development Director

List of Preparers

4Creeks Inc.

- Hector Guerra, Senior Environmental Planner
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Persons and Agencies Consulted

The following individuals and agencies contributed to this Initial Study/Mitigated Negative Declaration:

Core Environmental Consulting (AQ/GHG Memorandum, CalEEMOD, Health Risk Assessment)

- Jesse Madsen, Principal Environmental Scientist

Kimley Horn (Fire Water Study Memorandum)

- Anthony Hoac, P.E. RCE 82399

Kimley Horn (Project Stormwater Control Report)

- Jennifer Kerby, P.E.

Rick Engineering Company (Transportation Impact Study)