

Railroad Business Park:
Tentative Parcel Map (TPM) No. 24-34-0300, Site Plan (SP) No. 24-34-0100, and Architectural Review (AR) No. 24-34-0200
INITIAL STUDY – MITIGATED NEGATIVE DECLARATION
PUBLIC REVIEW DRAFT
AUGUST 2026

Prepared for
City of Atwater
1350 Broadway Avenue
Atwater, CA 95301

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1 INTRODUCTION

Precision Civil Engineering, Inc. (PCE) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Atwater (City) to address the environmental effects of the proposed Railroad Business Park (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code *Section 21000 et. seq.* The City of Atwater is the Lead Agency for this proposed Project. The site and the proposed Project are described in detail in **SECTION 2 ENVIRONMENTAL CHECKLIST FORM**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, et seq.), also known as the CEQA Guidelines, *Section 15064 (a)(1)* states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels.

A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines *Section 15070*, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or

b. The IS identified potentially significant effects, but:

- 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Mitigated Negative Declaration and Initial Study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and*
- 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.*

1.2 Document Format

This IS/MND contains five (5) chapters plus appendices. **SECTION 1 INTRODUCTION** provides bases of the IS/MND's regulatory information and an overview of the Project. **SECTION 2 ENVIRONMENTAL CHECKLIST FORM** provides a detailed description of Project components. **SECTION 3 DETERMINATION** concludes that the Initial Study is a mitigated negative declaration, identifies the environmental factors potentially affected based on the analyses contained in this IS, and includes with the Lead Agency's determination based upon those analyses. **SECTION 4 EVALUATION OF ENVIRONMENTAL IMPACTS** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant, or why no impacts are expected is included. **SECTION 5 MITIGATION MONITORING AND REPORTING PROGRAM** presents the mitigation measures recommended in the IS/MND for the Project. The CalEEMod Results, CNDDB

Occurrence Report, CHRIS Search Record, NAHC SLF Results Letter, and VMT Analysis are provided as **Appendix A**, **Appendix B**, **Appendix C**, **Appendix D**, and **Appendix E** respectively, at the end of this document.

2 ENVIRONMENTAL CHECKLIST FORM

This section describes the components of the proposed Project in more detail, including project location, project objectives, and required project approvals.

2.1 Project Title

Railroad Business Park (Tentative Parcel Map (TPM) No. 24-34-0300, Site Plan (SP) No. 24-34-0100, and Architectural Review (AR) No. 24-34-0200)

2.2 Lead Agency Name and Address

City of Atwater
1350 Broadway Avenue
Atwater, CA 95301

2.3 Contact Person and Phone Number

Lead Agency Contact

City of Atwater
Attn. Jonnie J. Hanson Lan, AICP
(209) 357-6342
jjlan@atwater.org

Applicant Information

SAI RAM Properties
Attn. Ketan Upadhyay
(510) 335-2766
Ketanupadhyay4@gmail.com

2.4 Study Prepared By

Precision Civil Engineering
1234 O Street
Fresno, CA 93721
(559) 449-4500

2.5 Project Location

The Project site is in the jurisdiction of the City of Atwater, Merced County, California. The site is located on the southeast corner of Railroad Avenue and Hazel Avenue (**Figure 2-1**), consisting of one (1) parcel that totals approximately 16.0 acres. The site is identified by the Merced County Assessor as Assessor's Parcel Numbers (APNs) 003-160-003-000. **Figure 2-2** shows the aerial image of the Project site. The Project site is a portion of Section 12, Township 7 South, Range 12 East, Mount Diablo Base and Meridian.

2.6 Latitude and Longitude

The centroid of the Project site is 37.341257597240364, -120.60050449653582.



Figure 2-1 Project Location



Figure 2-2 Project Site Aerial Image

2.7 General Plan Designation

The Project site has a City of Atwater General Plan (General Plan) land use designation of Business Park (**Figure 2-3**). According to the General Plan, the Business Park land use designation “*provides for large buildings or a cluster of buildings usually developed in a ‘campus’ style.*” The maximum floor area ratio permitted is 0.40.

2.8 Zoning

The Project site is in the B-P – Business Park zoning district (**Figure 2-4**).

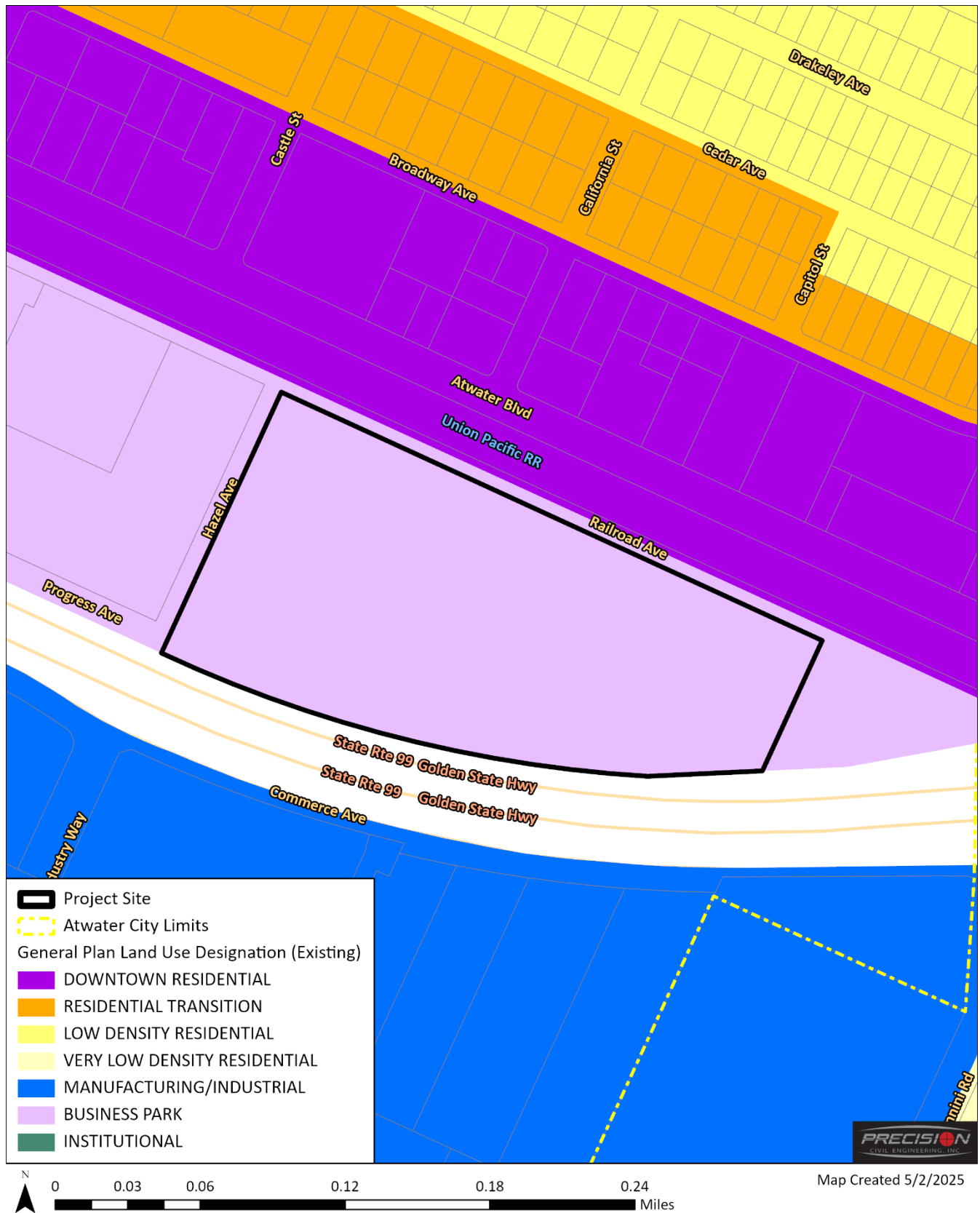


Figure 2-3 City of Atwater General Plan Land Use Designation (Existing)

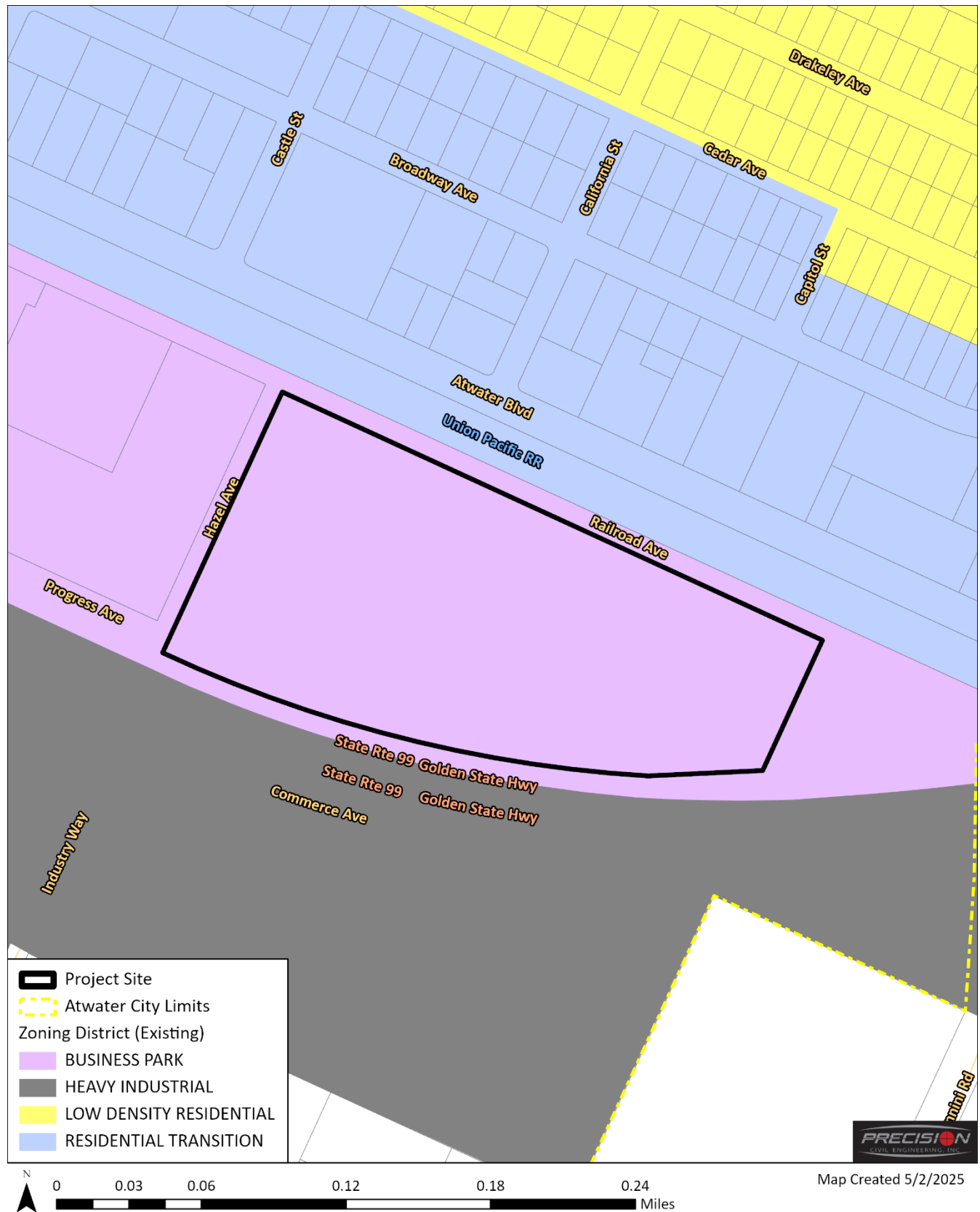


Figure 2-4 City of Atwater Zoning District (Existing)

2.9 Description of Project

Sai Ram Properties, Inc. (Applicant) requests Tentative Parcel Map (TPM 24-34-0300), Site Plan (SP 24-34-0100), and Architectural Review (AR 24-34-0200) pertaining to one (1) parcel totaling 16.0 acres, located on the southeast corner of Railroad Avenue and Hazel Avenue (APN 003-160-003-000). The Project site is within the City of Atwater Sphere of Influence and within Atwater City Limits. The Project site has a General Plan land use designation of Business Park and is currently within the B-P – Business Park zone district.

Tentative Parcel Map (TPM 24-34-0300) would facilitate the subdivision of the Project site into four (4) parcels and one (1) remainder parcel: Parcel 1 (2.79 acres), Parcel 2 (2.61 acres), Parcel 3 (1.70 acres), Parcel 4 (2.75 acres), and a remainder parcel (5.51 acres). **Figure 2-5** shows the proposed parcel map.

Site Plan (SP 24-34-0100) and Architectural Review (AR 24-34-0200) would facilitate the development of the site into a business park style development, with a mix of commercial, light manufacturing, and warehouse uses. Parcels 1 and 2 would contain four (4), 10,000 square foot buildings each, Parcel 3 would contain two (2) 10,000 square foot buildings, and Parcel 4 would contain four (4) buildings that total 32,000 square feet total. No development is proposed for the remainder parcel. Parcels 1-4 would be improved with drive aisles, parking spaces, trash enclosures, underground utilities, signage, pavement, and landscaping, in addition to a storm drain basin.

2.10 Project Setting and Surrounding Land Uses

Project Setting

Since 1998, the Project site has been vacant and regularly disked. The Project site is currently undeveloped with no existing structures or improvements. The site is generally flat with a gradual slope to the west. The site does not contain any geologic formations. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to regular disking for fire protection. There is one (1) existing tree along the southern boundary of the site. No shrubs or water features are present on the site.

Surrounding Land Uses

The Project site is generally surrounded by the right-of-way (north, south, and west), commercial use (north), industrial use (south), a storm basin (east), and vacant land (west). As referenced in **Table 2-1**, planned land use and zoning districts surrounding the Project site are residential (north), industrial (south), and business park (east, west).

Table 2-1 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from the Project Site	Existing Land Use	Planned Land Use	Zone District
North	Railroad Avenue, Union Pacific Railroad, Atwater Boulevard, Commercial	Downtown Residential	Residential Transition
South	State Route 99, Commerce Avenue, Industrial	N/A, Manufacturing/Industrial	Heavy Industrial
East	Caltrans Storm Basin	Business Park	Business Park
West	Hazel Avenue, Vacant	Business Park	Business Park

2.11 Site Preparation

Site preparation would include typical grading activities and minor excavation for installation of utility infrastructure for conveyance of water, sewer, stormwater, and irrigation. Site preparation, building, grading, encroachment, and site utilities permits would be subject to review and approval by the appropriate agency and/or department to ensure compliance with applicable codes and regulations. Compliance would be verified through the building permit and inspection process. There are no existing improvements or structures on the site, so there would be no demolition required.

2.12 Project Construction and Phasing

The proposed Project will be constructed in two (2) phases. Phase 1 would include the development of Parcels 1 and 4. Phase 2 would include the development of Parcels 2 and 3. For the purposes of the analysis within this initial study, construction of Phase 1 was assumed to begin in January 2026.

2.13 Project Components

This section describes the overall components of the Project, such as the proposed buildings, landscaping, vehicle and pedestrian circulation, and utilities.

Site Layout and Elevations

As shown in **Figure 2-5**, the Project proposes to subdivide the approximately 16.0-acre parcel into 4 parcels, ranging 1.70 to 2.79 acres in size, and a 5.51-acre remainder. 20 feet along Railroad Avenue and Hazel Avenue, or approximately 0.64 acre of the site, will be dedicated as part of the right-of-way. Both roads will be widened and improved along the Project frontage with pavement, curb, and gutter.

As shown in **Figure 2-6**, the Project would facilitate the development of all four (4) parcels with ten (10) 10,000-square-foot (sf.) buildings, each consisting of commercial (2,500 sf.), light manufacturing (5,000 sf.), and warehouse (2,500 sf.) uses, two (2) 7,800-sf. and one (1) 15,600-sf. mini-storage buildings, and one (1) 800-sf. office. **Table 2-2** details the proposed development on each Parcel. A total of 234 standard parking spaces, 18 compact parking spaces, and 11 accessible parking spaces are proposed throughout the site. Site improvements include paved drive aisles, curb, gutter, sidewalk, lighting, 11 trash enclosures, six (6) monument signs, and landscape areas. Development of the site will increase the site's impervious area from 1,250 sf. to 339,909 sf. A storm drain basin is proposed on the east portion of Parcel 1, Parcel 2, and Parcel 3.

Table 2-2 Proposed Development

	Parcel 1	Parcel 2	Parcel 3	Parcel 4
Area	2.79 acres	2.61 acres	1.70 acres	2.75 acres
Structures	Four (4) 10,000-sf. buildings	Four (4) 10,000-sf. buildings	Two (2) 10,000-sf. buildings	Two (2) 7,800-sf., one (1) 15,600-sf, one (1) 800-sf buildings
Parking	87 standard 8 compact 4 accessible	91 standard 7 compact 4 accessible	53 standard 3 compact 2 accessible	3 standard 0 compact 1 accessible
% Coverage	32.9%	35.1%	27.0%	26.8%

% Landscape	16.5%	11.1%	23.8%	10.6%
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Building and Site Design Features

Figure 2-7 and **Figure 2-8** shows the building elevations of the proposed development. The proposed development of the Project would include 13 metal buildings and one (1) stucco office building. Exterior materials to be used include Purlin Bearing Rib (PBR) metal panel siding, stone veneer along the street frontage, parapet along street frontage, medium finish stucco, shiplap siding, and pre-fab metal canopy. Chain link fencing is proposed to surround the storm drain basin and Parcel 4.

The Project would be built in accordance with all mandatory indoor water use requirements as outlined in the 2022 California Green Building Standards Code, Title 24, Part 11, Section 5.303 – Indoor Water Use and verified through the building permit process. As a nonresidential development that contains plumbing fixtures and fittings, the Project shall comply with water-conserving measures for water closets, urinals, showerheads, faucets, and fountains. The Project would be required to install low flow plumbing fixtures with flow rates that comply with requirements. In addition, as a nonresidential development, the Project would be required to install submeters (separate submeters are required for buildings more than 50,000 sf.) to measure water usage of individual tenants in accordance with the California Plumbing Code.

The Project would also be built in accordance with all mandatory outdoor water use requirements as outlined in the 2022 California Green Building Standards Code, Title 24, Part 11, Section 5.304 – Outdoor Water Use and verified through the building permit process. As a nonresidential development that contains landscaping including trees, shrubs, ground cover/annual plants, and/or lawn, the Project shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process.

Site Circulation and Parking

The Project site would be accessible via two (2) points of ingress/egress on Railroad Avenue, one (1) accessing Parcel 1 and one (1) accessing Parcel 4, and one (1) point of ingress/egress on Hazel Avenue. Parcel 2 and Parcel 3 would be accessible via a 25-foot access easement with an ingress/egress on Railroad Avenue at Parcel 1.

A total of 234 standard parking spaces, 18 compact parking spaces, and 11 accessible parking spaces are proposed throughout the site.

Open Space and Landscaping

Proposed landscaping is depicted in **Figure 2-6**. Landscaping is proposed at the edges of the site and surrounding the parking lot. 52 trees are proposed within the landscaped area of the site. Tree planting shall comply with the California CalGreen Code and City of Atwater Municipal Code Chapter 12.32.

Public Services and Utilities

The Project site is within City limits and thus, would be required to connect to water, wastewater, and stormwater services. Natural gas, electricity, telecommunications, and solid waste services are provided by private companies. In addition, the Project would be subject to fees for the construction, acquisition, and improvements for public services including but not limited to fire protection services, police protection services, and schools. Water, wastewater, and stormwater services are described below.

Domestic water service would be provided to the site through an 8-inch water main along the 25-foot access easement that runs north-south through Parcel 1, Parcel 2, and Parcel 3 and east-west along the south side of Parcel 3. The 8-inch water main would connect to a proposed 8-inch water main along Railroad Avenue, which would connect to the existing water main along Hazel Avenue.

Sanitary sewer service would be provided to the site through an 8" sewer main running north-south through the center of Parcel 1, Parcel 2, and Parcel 3, which would connect the proposed 8-inch sewer main along Railroad Avenue and the existing 8-inch sewer main along Progress Avenue.

A storm drain basin will be constructed on the eastern boundary of Parcel 1, Parcel 2, and Parcel 3. A 12-inch to 18-inch storm drain main would be constructed at the intersection of Railroad Avenue and along Hazel Avenue. The storm drain main will connect to three (3) inlets proposed along the west boundary of the Project site.

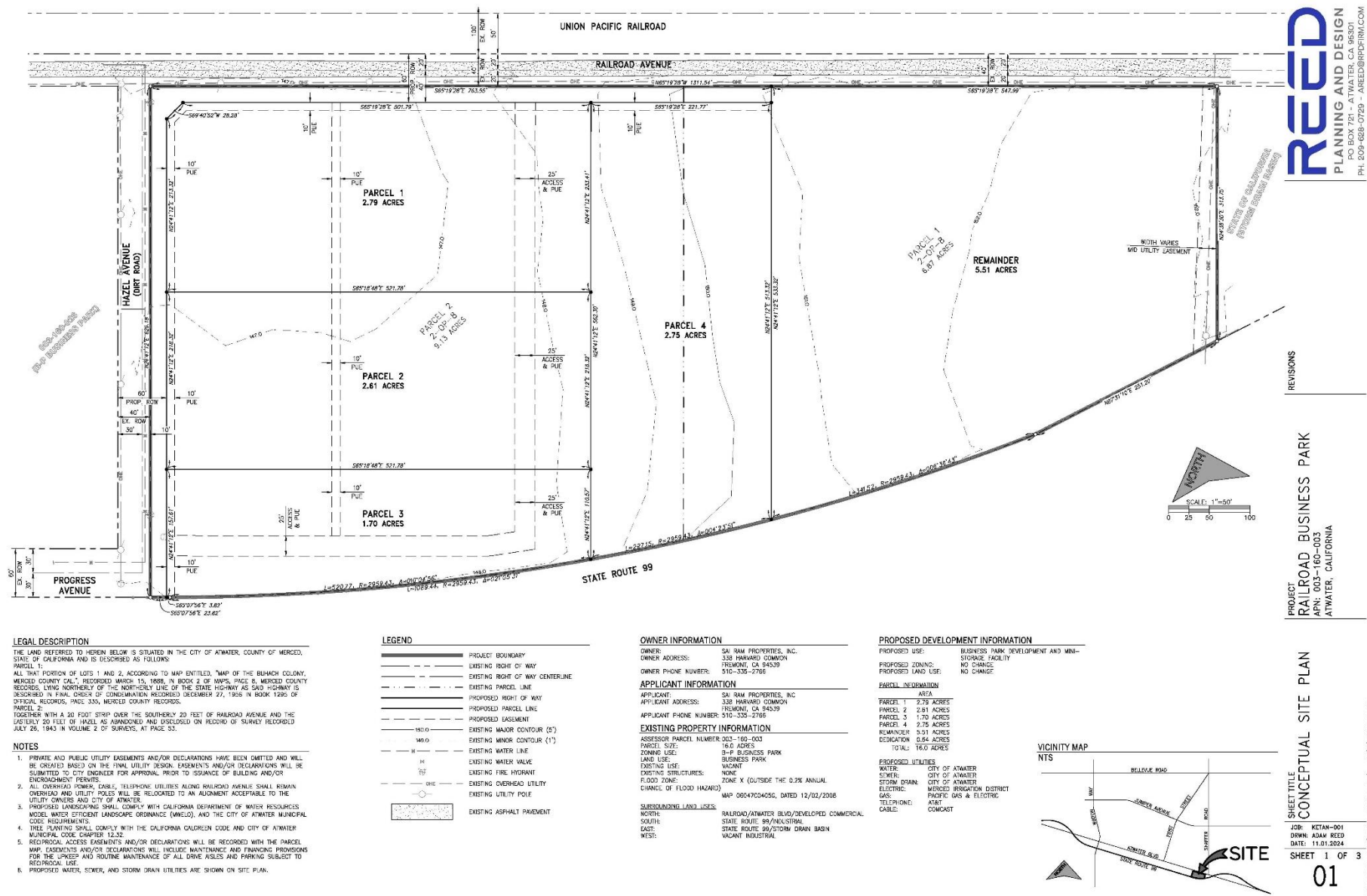
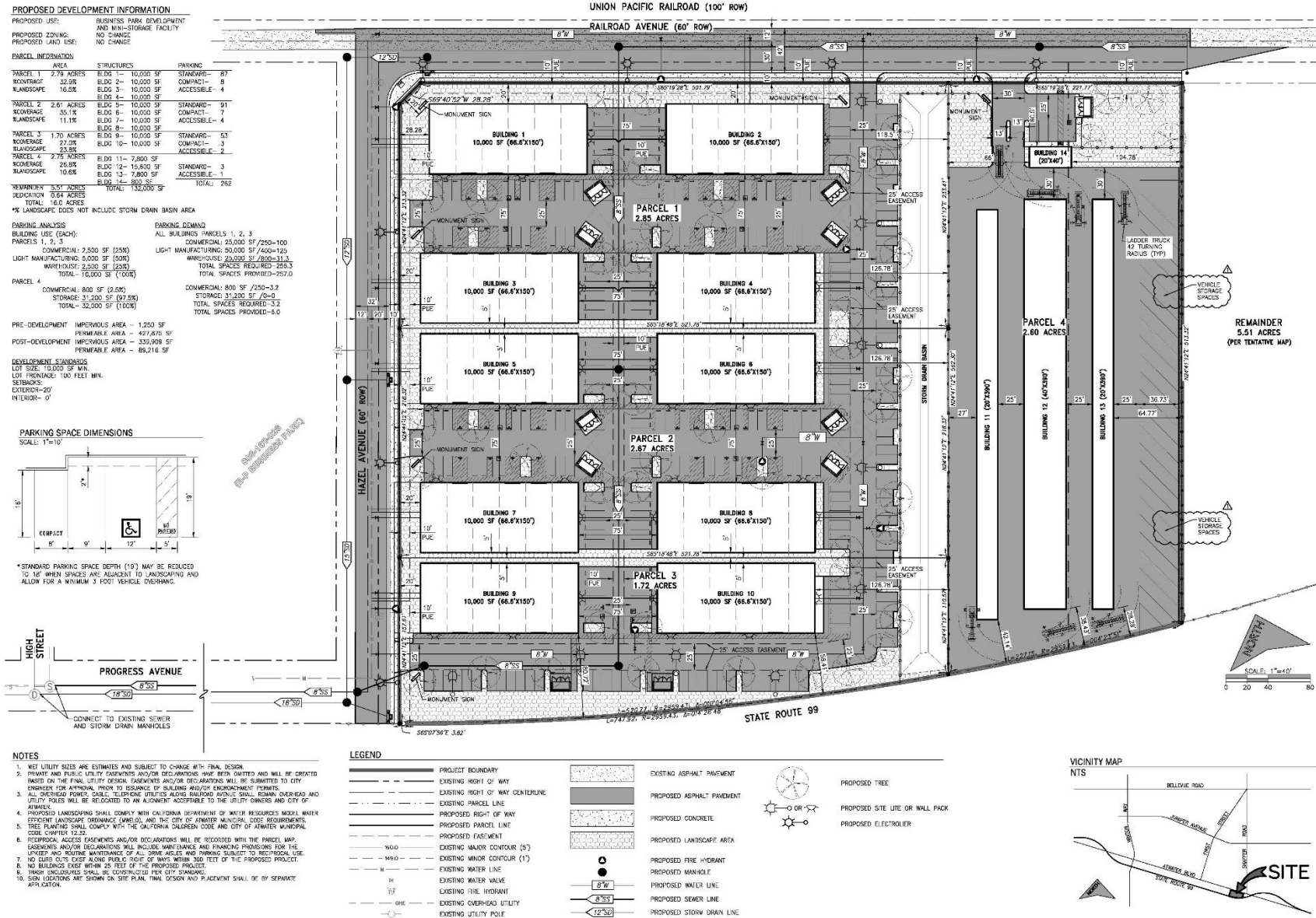


Figure 2-5 Tentative Parcel Map



REED
PLANNING AND DESIGN
PH: 909-608-0728 - AREED@RPARK.COM

01/16/2025

REVISIONS

NO.	DESCRIPTION
1	REVISIONS

PROJECT: RAILROAD BUSINESS PARK
APN: 003-160-003
ATWATER, CALIFORNIA

SHEET TITLE: SITE PLAN
SHEET 2 OF 3

02

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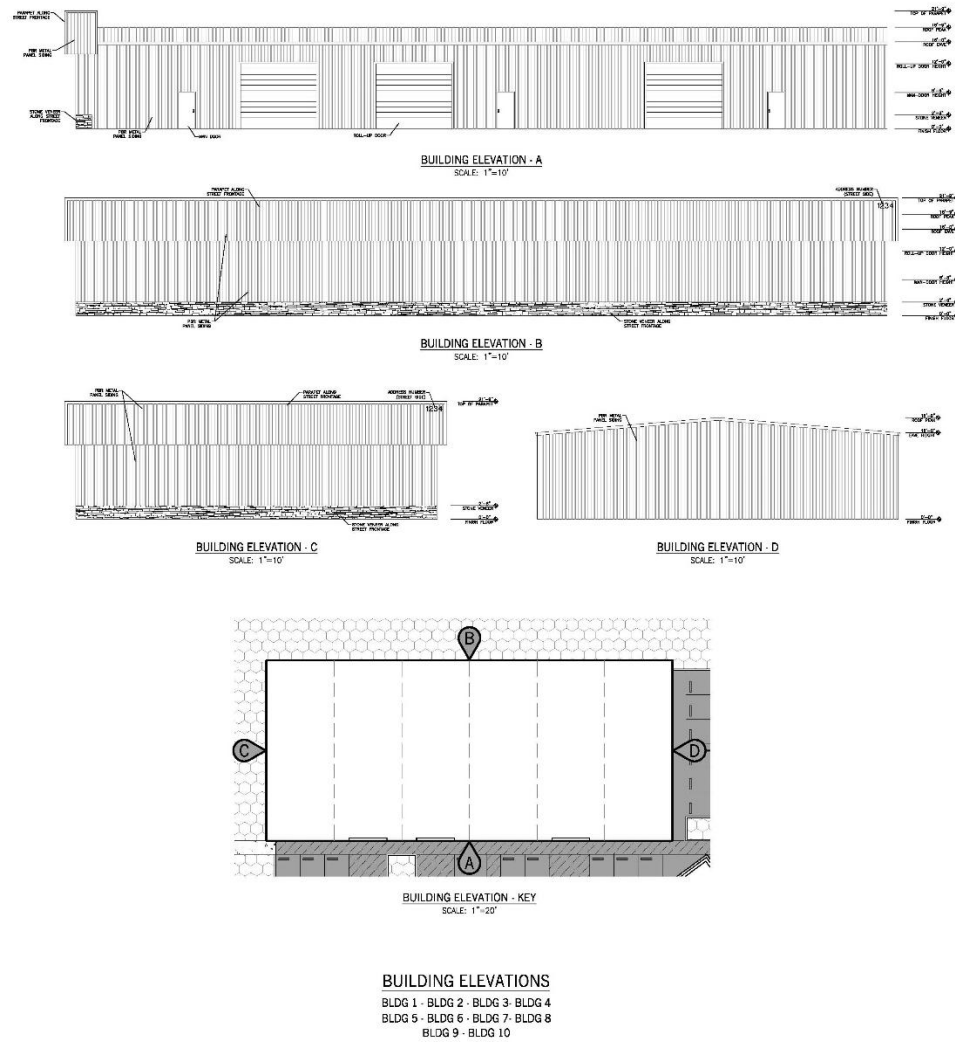


Figure 2-7 Building Elevations – Buildings 1-10, 14

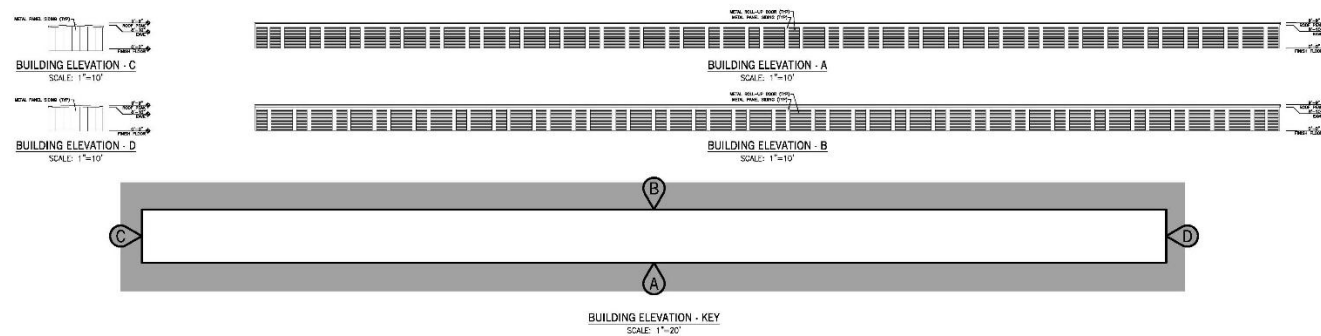
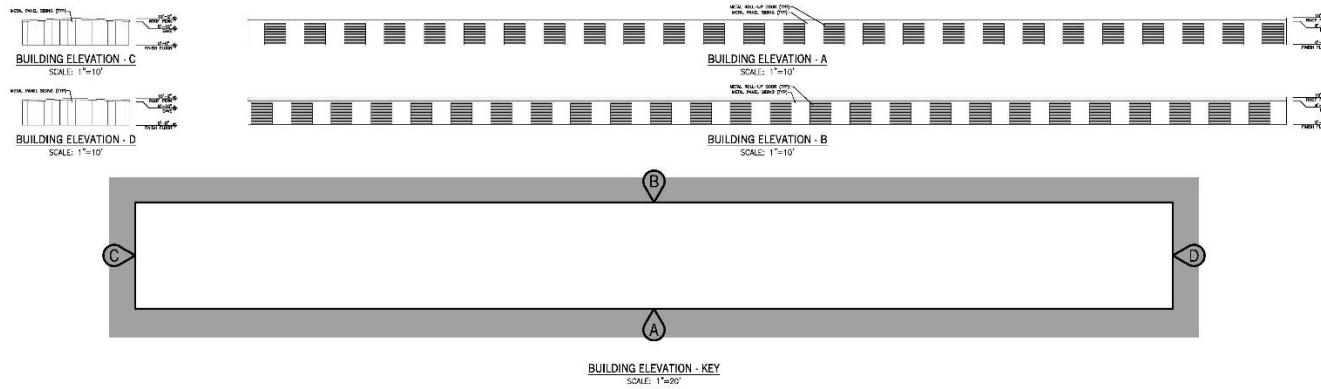
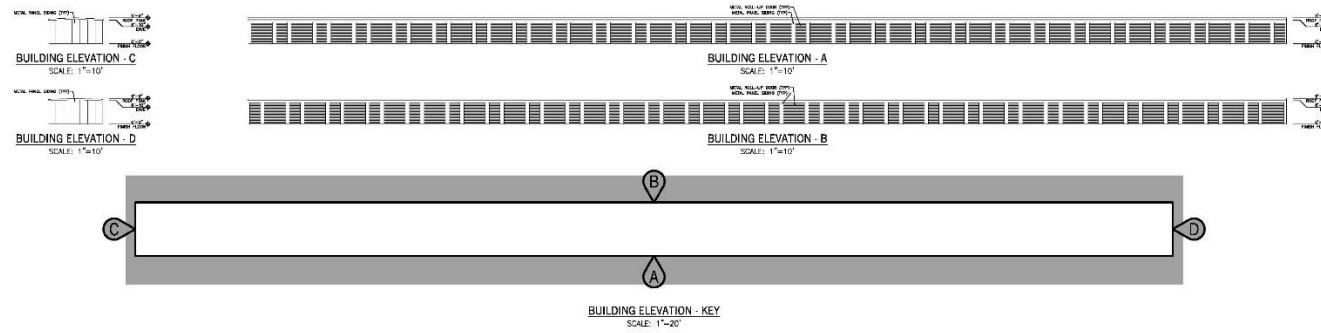
REVISIONS

PROJECT: RAILROAD BUSINESS PARK
APN: 003-160-003
ATWATER, CALIFORNIA

SHEET TITLE: CONCEPTUAL ELEVATIONS

JOB: KETAN-001
DRAWN: ADAM RILEY
DATE: 11.01.2024
SHEET 3 OF 3

03



REVISIONS

PROJECT
RAILROAD BUSINESS PARK
APN: 003-160-003
ATWATER, CALIFORNIA

SHEET TITLE
CONCEPTUAL ELEVATIONS

JOB: KETAN-001
OWNER: ACAM REED
DATE: 04.16.2025
SHEET 4 OF 5

05

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Figure 2-8 Building Elevations – Buildings 11-13

2.14 Required Project Approvals

The Project would require approval by the City of Atwater City Council. The Project will require review, permits, and/or approvals, such as signage, grading, and encroachment permits. Other approvals may be required as identified through the entitlement review and approval process. In addition, other agencies may have the authority to issue permits prior to implementation of the Project including but not limited to: San Joaquin Valley Air Pollution Control District, PG&E, and Regional Water Quality Control Board.

2.15 Consultation with California Native American Tribes

The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the CEQA Guidelines. Pursuant to PRC *Section 21080.3.1(b)*: Prior to the release of a mitigated negative declaration, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC *Section 21074(a)(1-2)*). According to the most recent census data, California is home to 109 currently recognized Indian tribes.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC *Section 21083.3.2*.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC *Section 5097.96* and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC *Section 21082.3(c)* contains provisions specific to confidentiality.

Per AB 52 (Chapter 532, Statutes 2014), A the City of Atwater compiled a list of tribes that have requested, in writing, to be informed by the City of Atwater through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe. The City also requested a list of tribes with traditional lands or cultural places located within Merced County from the California Native American Heritage Commission (NAHC). This list was received on June 10, 2025. The compiled lists of tribes to be informed by the City of Atwater include Amah Mutsun Tribal Band, Northern Valley Yokut / Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative. On June 16, 2025 the City of Atwater submitted written notices to each of the aforementioned tribes inviting them to engage in tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) ,. No responses were received within 30 days of the formal notification.

3 DETERMINATION

3.1 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.

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

For purposes of this Initial Study, the following answers have the corresponding meanings:

"No Impact" means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.

"Less Than Significant Impact" means there is an impact related to the threshold under consideration, but that impact is less than significant.

"Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study "mitigation incorporated into the project" means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant related to the threshold under consideration.

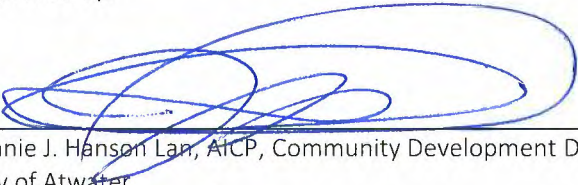
3.2 Determination

On the basis of this initial evaluation (to be completed by the Lead Agency):

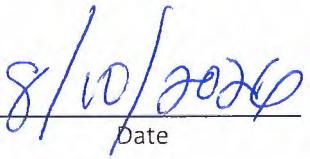
- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions 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 (EIR) is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR 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 required.

Approved By:



Jonnie J. Hanson Lan, AICP, Community Development Director
City of Atwater



Date

4 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality public views of the site and its surroundings? (Public views are those that are experienced from 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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

4.1.1 Environmental Setting

Generally, aesthetics may include scenic vistas and scenic resources (e.g. trees, rock outcroppings, historic buildings, and highways). The City of Atwater's visual features predominately include urbanized and agricultural land uses. The Atwater General Plan (General Plan) recognizes the city's scenic resources to be "open space areas" (i.e., agricultural lands) in addition to several transportation routes or "scenic corridors". The General Plan does not identify or designate "scenic vistas." The identified scenic corridors include Atwater Boulevard, First Street, Bellevue Road, Shaffer Road, Winton Way, Broadway from Winton Way to First Street, Buhach Road, Third Street, Part of Grove Avenue, and all entrances to the city. A scenic corridor is the view from the road that may include a distant panorama and/or the immediate roadside area. A scenic corridor encompasses the outstanding natural features and landscapes that are considered scenic, including man-made or natural environments.

Although there are two (2) state-designated scenic highways in the County of Merced (SR 152 and Interstate 5), these highways are not within city limits and thus, the City does not designate them as scenic resources. Lastly, the General Plan identifies places of contemporary historical significance in the city including the Bloss Manson, Bloss Library, and Castle Air Museum.

The Project site is currently vacant, undeveloped with no existing structures or improvements. The site is generally flat with a gradual slope to the west. The site does not contain any geologic formations. The Project site is generally surrounded by the right-of-way (north, south, and west), commercial use (north), industrial use (south), a storm basin (east), and vacant land (west).

California Scenic Highway Program

The California Scenic Highway Program was established in 1963 with the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site.¹

4.1.2 Impact Assessment

Except as provided in PRC Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project site is vacant and surrounded by urban development. As discussed in the **Environmental Setting**, the Project site is not near state-designated scenic highways and is not within the vicinity of any historic buildings or places of contemporary historical significance according to the General Plan. As a result, the Project would not adversely affect scenic vistas and no impact would occur because of the Project.

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

No Impact. According to the California State Scenic Highway Program, there are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site. As such, the proposed Project would not damage scenic resources, including trees, rock out-croppings, and historic buildings within a state scenic highway and no impact would occur as a result of the Project.

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

Less than Significant Impact. The Project site is in an urbanized area surrounded by urban development, including commercial, industrial and residential uses. Development of the Project site will not have a significantly different character from the surrounding area. In addition, through the entitlement process, development would be subject to compliance with applicable policies and regulations that govern scenic quality including but not limited to the General Plan, Atwater Municipal Code, and California Building Code. Compliance would ensure that development

¹ Caltrans. California State Scenic Highway System Map. Accessed on May 23, 2025
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

of the site would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, a less than significant impact would occur.

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

Less than Significant Impact. Generally, lighting impacts are associated with artificial lighting in evening hours either through interior lighting from windows or exterior lighting (e.g., street lighting, parking lot lighting, landscape lighting, cars, and trucks). Development of the Project site would incrementally increase the amount of light from streetlights, exterior lighting, and vehicular headlights. Such sources could create adverse effects on day or nighttime views in the area.

As mentioned above, the Project would introduce new light sources into the area, including temporary light and glare resulting from construction activities that could adversely affect day or nighttime views. Although construction activities are anticipated to occur primarily during daylight hours, it is possible that some activities could occur during dusk or early evening hours (pursuant to Atwater Municipal Code *Section 8.44.050*, construction activities are allowed between 7:00 AM and 7:00 PM). Construction during these time periods could result in light and glare from construction vehicles or equipment. However, construction would occur primarily during daylight hours. Once construction is completed, any light and glare from these activities would cease to occur.

Regarding operations, the Project includes lighting fixtures to provide interior lighting, lamps, outdoor lighting, etc. Lighting design would be required to comply with the Atwater Municipal Code, which contains specific, enforceable requirements and/or restrictions intended to prevent light and glare impacts (pursuant to Atwater Municipal Code *Section 8.32.030*, the City does not allow lights, lighted signs, or other devices that direct or reflect glare onto public right-of-way or neighboring properties). The lighting design guide covers outdoor spaces including regulations for mounted luminaires (i.e., high efficacy, motion sensor controlled, time clocks, energy management control systems, etc.). As such, conditions imposed on the Project by the City of Atwater, in addition to Title 24 requirements, would reduce light and glare impacts to a less than significant impact.

4.1.3 Mitigation Measures

None required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farm-land), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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 forest land to non-forest use?			X	

4.2.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned and zoned for urbanized uses. The site is generally flat and does not contain any geologic formations. The Project site is surrounded by right-of-way (north, south, and west), commercial use (north), industrial use (south), a storm basin (east), and vacant land (west). The Project site is currently undeveloped with no existing structures or improvements. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to regular disking for fire protection. There is one (1) existing tree along the southern boundary of the site. No shrubs or water features are present on the site. Lastly, the Project site does not contain any agricultural or forestry resources such as agricultural land, forest land, or timberland.

Farmland Monitoring and Mapping Program

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) that provides maps and data for analyzing land use impacts on farmland. The FMMP produces the Important Farmland Finder as a resource map that shows quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status, in addition to many other physical and chemical characteristics. The highest quality land is called “Prime Farmland” which is defined by the FMMP as *“farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.”*² Maps are updated every two years. According to the FMMP, California Important Farmland Finder, the Project site is classified as “Farmland of Local Importance.” Properties surrounding the Project site are classified as “Urban and Built-Up Land” and “Vacant and Disturbed Land.”³

California Land Conservation Act

The California Land Conservation Act of 1965 (i.e., the Williamson Act) allows local governments to enter contracts with private landowners to restrict parcels of land agricultural or open space uses. In return, property tax assessments of the restricted parcels are lower than full market value. The minimum length of a Williamson Act contract is 10 years and automatically renews upon its anniversary date; as such, the contract length is essentially indefinite. The Project site is not subject to the Williamson Act.

4.2.2 Impact Assessment

Would the project:

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

No Impact. According to the FMMP, the Project site is designated as “Farmland of Local Importance.” As such, the Project site is not located on lands designated as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance.” Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

- b) Conflict with existing zoning for agricultural use or a Williamson Act contract?***

No Impact. The Project site is not zoned for agricultural use and is not subject to the Williamson Act. Therefore, the Project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

² California Department of Conservation. Important Farmland Categories. Accessed on June 11, 2025, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

³ California Department of Conservation. (2018). California Important Farmland Finder. Accessed on January 14, 2025, <https://maps.conservation.ca.gov/DLRP/CIFF/>

- 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))?*

No Impact. The Project site does is not planned or zoned for forest land or timberland. Further, the Project site would not cause the rezoning of forest land, timberland, or timberland zoned Timberland Production. As a result, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production and no impact would occur.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The Project site does not contain forest land and is not planned or zoned for forest land or forest uses. Development of the Project site would therefore not result in the loss of forest land or conversion of forest land to non-forest use. As a result, no impact would occur.

- 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 forest land to non-forest use?*

Less than Significant impact. While the Project site is classified as “Farmland of Local Importance” according to the FMMP, the site is planned and zoned for urban uses and does not contain agricultural or forestry uses or resources. In addition, properties in the Project site’s immediate vicinity are not classified as farmland according to the FMMP and do not contain agricultural or forestry uses or resources. As a result, the Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, a less than significant impact would occur because of the Project.

4.2.3 Mitigation Measures

None required.

4.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

4.3.1 Environmental Setting

Atwater lies within the central portion of the San Joaquin Valley Air Basin that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality in eight (8) counties including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The SJVAPCD oversees the SJVAB.

Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NO_x and PM) from construction equipment and other mobile sources, and fugitive dust (PM) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Four main sources of air pollutant emissions in the SJVAB are motor vehicles, industrial plants, agricultural activities, and construction activities. All four (4) of the major pollutant sources affect ambient air quality throughout the SJVAB. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air. Air pollutants can remain in the atmosphere for long periods and can build to unhealthy levels when stagnant conditions that are common in the San Joaquin Valley occur. Pollutants are transported downwind from urban areas with many emission sources which are also recirculated back to the urban areas.

Further, the SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. Air quality standards have been set to protect

public health, particularly the health of vulnerable people. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the project include but are not limited to the following:

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 2201 – New and Modified Stationary Source Review Rule. *The purpose of this rule is to provide for the following:*

The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and

No net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.

Rule 4001 – New Source Performance Standards. *This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).*

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 4102 – Nuisance. *The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.*

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.*

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.*

Regulation VIII – Fugitive PM₁₀ Prohibitions. *The purpose of Regulation VIII (Fugitive PM₁₀ Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.*

Rule 9510 – Indirect Source Review. *The purposes of this rule are to:*

- 1. Fulfill the District’s emission reduction commitments in the PM₁₀ and Ozone Attainment Plans.*
- 2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.*
- 3. Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.*

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). SJVAPCD recommends a three (3)-tiered approach to air quality analysis based on project size to allow quick screening for CEQA impacts:

- 1. Small Project Analysis Level (SPAL):** based on the District’s New Source Review, the District pre-quantified emissions and determined values as thresholds of significance for criteria pollutants. Residential, commercial, retail, industrial, educational, and recreational land uses are eligible to use this for screening. The SPAL was published on November 13, 2020, by the SJVAPCD to determine potential impacts in GAMAQI.⁴ SPAL is based on a CalEEMod version 2016.3.2.
- 2. Cursory Analysis Level (CAL):** CAL is used to determine significance on projects that exceed the SPAL criteria. Analysis includes using CalEEMod to estimate emissions and air pollutants.
- 3. Full Analysis Level (FAL):** this level of analysis is usually required for an EIR. It requires a full air quality report that describes impacts on the public.

GAMAQI also includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact on human health and welfare. The thresholds of significance are summarized, as follows:

⁴ San Joaquin Valley Air Pollution Control District. (2020). “Small Project Analysis Levels (SPAL)”. Accessed on January 14, 2025, <https://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF>

Criteria Air Pollutants

SJVAPCD adopted thresholds of significance for criteria air pollutants, as shown in **Table 4-1**.⁵ The thresholds of significance are based on a calendar year basis. For construction emissions, the annual emissions are evaluated on a rolling 12-month period. The following summarizes these thresholds:

Short-Term Emissions of Particulate Matter (PM₁₀): Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NOX): Construction impacts associated with the proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO_x that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM₁₀): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of PM₁₀ that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and NOX): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of ROG or NOX that exceeds 10 TPY.

Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance

Pollutant	Significance Threshold	
	Construction Emissions (tons/year)	Operational Emission (tons/year)
CO	100	100
NO _x	10	10
ROG	10	10
SO _x	27	27
PM ₁₀	15	15
PM _{2.5}	15	15

Conflict with or Obstruct Implementation of Applicable Air Quality Plan

Air Quality Plans (AQPs) are plans for reaching the attainment of air quality standards. The applicable AQP for the SJVAB is the GAMAQI. Due to the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀, if the Project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed the SJVAPCD's significance thresholds, then the Project would be considered to be conflicting with the AQP. In addition, if the Project would result in a change in land use and corresponding increases in vehicle miles traveled, the Project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans. Vehicle Miles Traveled are analyzed in **Section 4.17**.

⁵ SJVAPCD. (2015). Guidance for Assessing and Mitigating Air Quality Impacts. Accessed on June 11, 2025, <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>

Local Mobile-Source CO Concentrations

Local mobile source impacts associated with the proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Toxic Air Contaminants

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1).

As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two types of land use project that have the potential to cause long-term public health risk impacts. These project types are as follows:

- Type A: Land use projects with toxic emissions that impact receptors, and
- Type B: Land use project that will place receptors in the vicinity of existing toxics sources.

In this Guidance document, Type A projects examples are (project impacts receptors):

- combustion related power plants,
- gasoline dispensing facilities,
- asphalt batch plants,
- warehouse distribution centers,
- quarry operations, and
- other stationary sources that emit toxic substances.

Odor

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The SJVAPCD has identified these common types of facilities that have been known to produce odors in the SJVAB and has prepared screening levels for potential odor sources ranging from one to two miles of distance from the odor-producing facility to sensitive receptors. Odor impacts would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

Ambient Air Quality

The SJVAPCD applies the following guidance in determining whether an ambient air quality analysis should be performed: when assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the SJVAPCD recommends that an ambient air quality analysis be performed.

Small Project Analysis Level

The SPAL identifies pre-quantified emissions and determined values related to project type, size, and number of vehicle trips. According to the SPAL, projects that fit specified descriptions are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.

Methodology

SJVACPD's Guidelines recommend using the CalEEMod software program to calculate project emissions. CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions from land use projects. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model also identifies mitigation measures to reduce criteria pollutant and GHG emissions.

4.3.2 Impact Assessment

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. According to the GAMAQI, projects with emissions below the thresholds of significance for criteria pollutants would be determined to *"not conflict or obstruct implementation of the District's air quality plan."* The following analysis estimates criteria pollutants for buildout under the proposed Project using CalEEMod™ (Version 2022.1.1.29) that was modeled on June 13, 2025. Emissions account for all development, including 25,800 square foot of commercial/office, 50,000 square foot of light manufacturing, and 56,200 square foot of warehouse/mini-storage. Output files are provided in [Appendix A](#).

Construction Emissions

Construction activities associated with the Project would include site preparation, grading, building construction, paving, and architectural coating. [Table 4-2](#) provides the estimated construction criteria pollutant emissions of the Project. As shown, all estimated emissions are below significance thresholds. As a result, it can be anticipated that construction emissions as a result of the implementation of the Project would be less than significant.

Table 4-2 Construction Emissions of Criteria Air Pollutants, Unmitigated

Emissions Source (Tons Per Year)	CO	NO _x	ROG	PM ₁₀	PM _{2.5}
Construction Year 2026	1.96	1.42	0.17	0.28	0.15
Construction Year 2027	0.29	0.19	0.33	0.01	0.01
Maximum Year of Emissions	1.96	1.42	0.33	0.28	0.15
Significance Threshold	100	10	10	15	15
Exceed Threshold?	No	No	No	No	No

Source: CalEEMod, Version 2022.1.1.29, ran on June 13, 2025. See [Appendix A](#).

Operational Emissions

Pollutants of concern include ROG, NO_x, CO, PM₁₀, and PM_{2.5}. [Table 4-3](#) provides the estimated operational criteria pollutant emissions of the Project. As shown, all estimated emissions are below significance thresholds. Therefore, the operational emissions would be less than significant.

Table 4-3 Operational Emissions of Criteria Air Pollutants, Unmitigated

Emissions Source (Tons Per Year)	CO	NO _x	ROG	PM ₁₀	PM _{2.5}
Mobile	1.83	0.36	0.29	0.41	0.11
Area	0.52	<0.005	0.63	<0.005	<0.005
Energy	0.12	0.14	0.01	0.01	0.01
Total Operational Emissions	2.47	0.51	0.93	0.41	0.12
Significance Threshold	100	10	10	15	15
Exceed Threshold?	No	No	No	No	No

Source: CalEEMod, Version 2022.1.1.29, ran on June 13, 2025. See [Appendix A](#).

- 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?*

Less than Significant Impact. The SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. The requirements have been set to protect public health, particularly the health of vulnerable populations. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. As discussed under criterion a), the Project would generate criteria pollutant emissions below thresholds of significance established by the SJVAPCD. Projects that do not exceed these thresholds are not considered to contribute substantially to a cumulative air quality impact. Furthermore, the SJVAPCD does not require quantification of emissions for projects that fall below screening levels, as such projects are presumed to have a less than significant cumulative impact. Therefore, the project's contribution to cumulative criteria pollutant emissions would not be cumulatively considerable, and impacts would be less than significant.

- c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant Impact. Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The nearest sensitive receptors to the Project site are single-family residences approximately 540 feet north of the site (measured from the Project's property line to existing structures of the sensitive receptors).

The SJVAPCD's GAMAQI provides screening criteria for determining the need for detailed localized air quality analyses. According to GAMAQI, projects that do not exceed screening thresholds for criteria pollutants, particularly PM₁₀, PM_{2.5}, NO_x, and CO, are presumed not to result in significant localized air quality impacts. As discussed under criterion a), the Project's estimated emissions fall below these thresholds for both construction and operational phases. As such, pollutant concentrations generated by the Project are not anticipated to approach or exceed ambient air quality standards or levels considered to pose a substantial risk to sensitive receptors.

Project construction would involve the use of diesel-fueled vehicles and equipment that emit diesel particulate matter (DPM), which is considered a TAC. DPM includes exhaust PM₁₀ and PM_{2.5}. Health risks from TACs are a function of both concentration and duration of exposure. Although DPM would be emitted during construction, emissions would last only during construction activities. In addition, construction activities would be required to comply with all rules and regulations administered by the SJVAPCD including but not limited to Rule 9510 (Indirect Source Review), Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641

(Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). As a result, impacts would be less than significant.

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

Less than Significant Impact. Specific uses and operations that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The Project would not consist of such land uses; rather, implementation of the proposed Project would facilitate the development of commercial/office, warehouse/mini-storage, and light manufacturing uses, and thus is unlikely to produce odors that would be considered to adversely affect a substantial number of people. Therefore, a less than significant impact would occur.

4.3.3 Mitigation Measures

None required.

4.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
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?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.				X

4.4.1 Environmental Setting

The Project site is located within the Atwater city limits. The Project site is currently undeveloped with no existing structures or improvements. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to regular disking for fire protection. There is one (1) existing tree along the southern boundary of the site. No shrubs or water features are present on the site.

U.S. Fish and Wildlife – Special-Status Species Database

The U.S. Fish and Wildlife Service (USFWS) operates an “Information for Planning and Consultation” (IPaC) database, which is a project planning tool for the environmental review process that provides general information on the location of special-status species that are “known” or “expected” to occur (note: the database does not provide occurrences; refer to the California Department of Fish and Wildlife – Natural Diversity Database below).⁶ Specifically, the IPaC database identifies ten (10) special-status species that are potentially affected by activities in the Project site including: San Joaquin Kit Fox (endangered), Northwestern Pond Turtle (proposed threatened), California Tiger Salamander (threatened), Western spadefoot (proposed threatened), Monarch Butterfly (proposed threatened), Valley Elderberry Longhorn Beetle (threatened), conservancy fairy shrimp (endangered), vernal pool fairy shrimp (threatened), vernal pool tadpole shrimp (endangered), and Colusa grass (threatened).

U.S. Fish and Wildlife – Critical Habitat Report

Once a species is listed under the federal Endangered Species Act, NOAA Fisheries is required to determine whether there are areas that meet the definition of Critical Habitat. Per NOAA Fisheries, Critical Habitat is defined as:

- Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and
- Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.⁷

The process of Critical Habitat designation is complex and involves the consideration of scientific data, public and peer review, economic, national security, and other relevant impacts.

According to the Critical Habitat for Threatened & Endangered Species Report updated May 15, 2025, the City of Atwater, inclusive of the Project site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat.⁸ No critical habitats are identified within the city limits. The closest federally designated Critical Habitat is located approximately 4.5 miles northeast of the Project site designated for the fleshy owl's-clover (*Castilleja campestris* ssp. *Succulenta*), conservancy fairy shrimp (*Branchinecta conservatio*), Vernal

⁶ U.S. Fish and Wildlife Service. Information and Planning Consultation Online System. Accessed on June 12, 2025, <https://ecos.fws.gov/ipac/>

⁷ National Oceanic and Atmospheric Administration (NOAA). Critical Habitat. Accessed on June 12, 2025, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#definition-of-critical-habitat>

⁸ U.S. Fish & Wildlife. (2025). ECOS Environmental Conservation Online System - USFWS Threatened & Endangered Species Active Critical Habitat Report (updated May 15, 2025). Accessed June 12, 2025, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

pool fairy shrimp (*Branchinecta lynchi*), Greene's tuctoria (*Tuctoria greenei*), San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), and Colusa grass (*Neostapfia colusana*).

U.S. Fish & Wildlife Service – National Wetlands Inventory

The USFWS provides a National Wetlands Inventory (NWI) with detailed information on the abundance, characteristics, and distribution of U.S. wetlands. A search of the NWI shows no federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) on the Project site.⁹ The NWI does not identify any water features within the Project site. The closest water feature is the Water Treatment Plant identified as a 1.12-acre PUBKx freshwater pond habitat, 240 feet southwest of the Project site. PUBKx indicates Palustrine System (P) that has an unconsolidated bottom (UB), is artificially flooded (K), and has been excavated by humans (x) (i.e., treatment pond/basin). Additionally, the Project site is not within or adjacent to a riparian area nor does the site contain water features.

Environmental Protection Agency – WATERS Geoviewer

The U.S. Environmental Protection Agency (EPA) WATERS GeoViewer provides a GeoPlatform based web mapping application of water features by location. According to the WATERS GeoViewer, there are no surface water features (i.e., streams, canals, pipelines, waterbodies, catchments, hydrologic units) within the Project site.¹⁰

California Department of Fish and Wildlife – Natural Diversity Database

The California Department of Fish and Wildlife (CDFW) operates the California Natural Diversity Database (CNDDDB), which is an inventory of the status and locations of rare plants and animals in California in addition to the reported occurrences of such species.¹¹ According to the CDFW CNDDDB, there are 11 special-status species with a total of 24 occurrences that have been observed and reported to the CDFW in or near the Atwater Quad as designated by the United States Geological Survey (USGS). Of the 11 species, there are seven (7) federally or state-listed species: northwestern pond turtle, tricolored blackbird, burrowing owl, vernal pool fairy shrimp, Swainson's hawk, Colusa grass, and San Joaquin kit fox.¹² **Appendix B** lists the CNDDDB-identified animal and plant species within the Atwater Quad, including their habitat and occurrences.

The CNDDDB also provides CNDDDB-known occurrences within a set geographic radius. **Figure 4-1** shows the CNDDDB-identified occurrences of animal and plant species within the five (5)-mile radius of the Project site. **Table 4-4** lists all federally or state-listed special-status species CNDDDB-known occurrences within the five (5)-mile radius of the Project site. As shown, the nearest occurrence is the San Joaquin kit fox occurrence that is in a non-specific area along the irrigation canal, dated 1999. Other species that are not federally or state-listed that are near the Project site include ferruginous hawk, California linderiella, and Northern Hardpan Vernal Pool. The CNDDDB ranks occurrences by the condition of habitat and ability of the species to persist over time. As shown, the occurrences within the five

⁹ U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed June 12, 2025, <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

¹⁰ U.S. Environmental Protection Agency. WATERS GeoViewer. Accessed June 12, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692>

¹¹ California Department of Fish and Wildlife. California Natural Diversity Database. Accessed June 12, 2025, <https://wildlife.ca.gov/Data/CNDDDB>

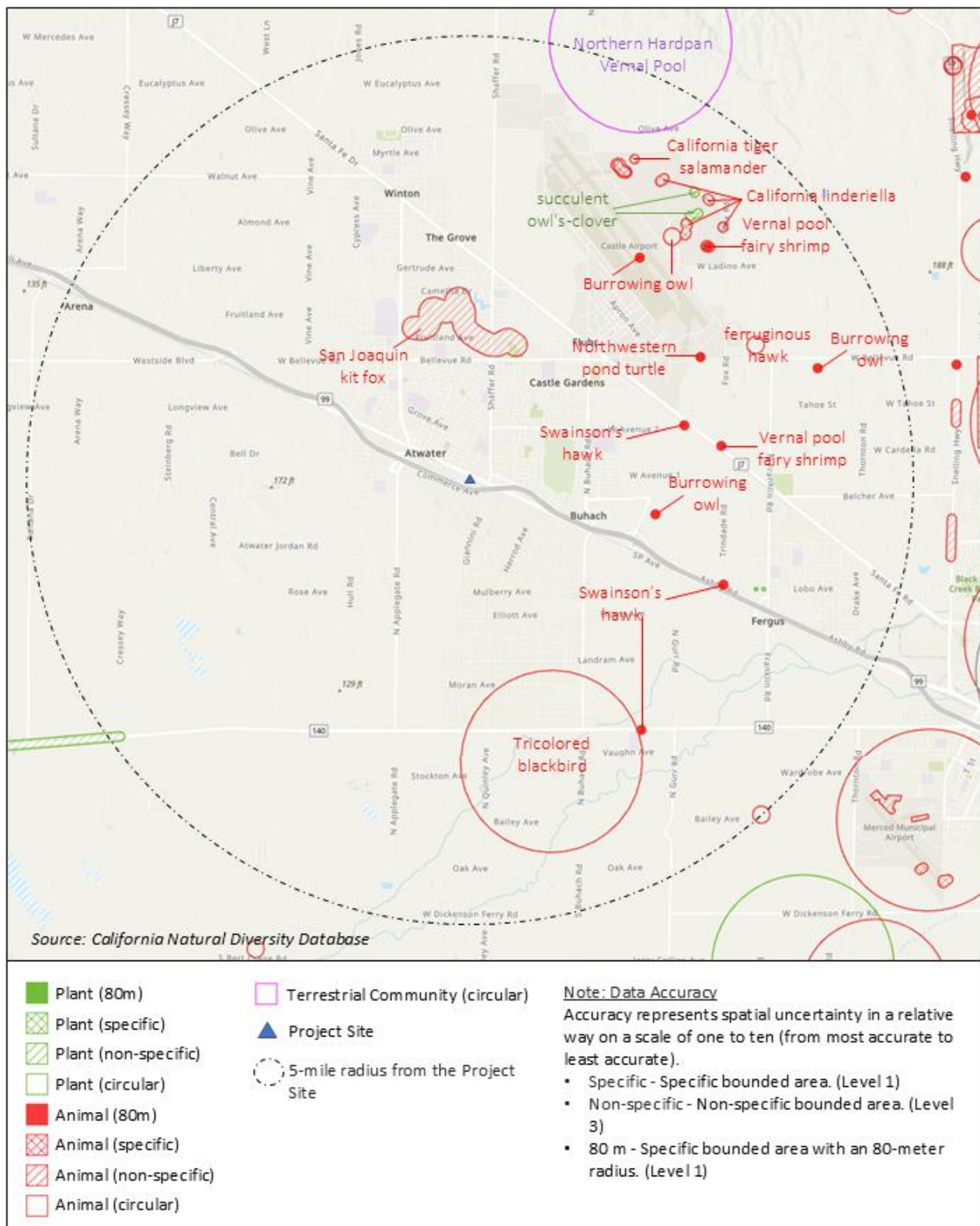
¹² California Department of Fish and Wildlife. Biogeographic Information and Observation System 6. Accessed June 12, 2025, <https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx#>

(5)-mile radius of the Project site are ranked as poor, fair, and good. **Table 4-5** provides an analysis of essential habitats and the potential for the existence of the special-status species to exist on the Project site.

Table 4-4 Special-Status Species Occurrences within 5-mile radius of Project site

Species	Date	Rank	Distance to site
San Joaquin kit fox	1999/08/20	Poor	1.4 miles north (non-specific area)
Succulent owl's-clover	1997/04/19	Poor	3.7 miles northeast (specific area)
California tiger salamander	2016/02/17	Fair	3.9 miles northeast (specific area)
Vernal pool fairy shrimp	2016/02/18	Good	3.6 miles northeast
Swainson's hawk	2007/06/28	Good	2.4 miles northeast
Vernal pool fairy shrimp	1997/02/13	Fair	2.7 miles northeast
northwestern pond turtle	2006/10/13	Fair	2.9 miles northeast
ferruginous hawk	2006/10/04	Fair	3.4 miles northeast
Burrowing owl	2009/12/29	Excellent	3.4 miles northeast
California linderiella	2016/02/18	Good	3.6 miles northeast (specific area)
Burrowing owl	2017/01/26	Fair	3.0 miles northeast
Burrowing owl	2006/10/24	Fair	2.0 miles east
Swainson's hawk	2008/05/14	Fair	3.0 miles southeast
Swainson's hawk	2008/05/14	Fair	3.3 miles southeast
Tricolored blackbird	1971/05/09	Unknown	3.0 miles south

Extirpated or possible extirpated occurrences are not shown on the table.



CITY OF ATWATER – Railroad Business Park

Map Created 6/12/2025

Figure 4-1 CNDDB Species Occurrences

Table 4-5 Essential Habitats and Potential Existence of Special-Status Species on Site

Special-Status Species	General Habitat	Micro Habitat	Assessment
San Joaquin kit fox	Annual grasslands or grassy open stages with scattered shrubby vegetation.	Need loose-textured sandy soils for burrowing, and suitable prey base.	The Project site consists of loamy sand and sand, and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding commercial, industrial, and residential development. As such, the site does not provide suitable habitat.
Succulent owl's-clover	Vernal pools.	Moist places, often in acidic soils. 20-705 m.	The Project site does not contain water features. As such, the site does not provide suitable habitat.
California tiger salamander	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats.	Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	Based on the absence of aquatic breeding habitat and regular disking of the site, California tiger salamander is unlikely to occur on the site.
Vernal pool fairy shrimp	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools.	Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	The Project site does not contain grassland or waterbodies. As such, the site does not provide suitable habitat.
Swainson's hawk	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannas, and agricultural or ranch lands with groves or lines of trees.	Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	While the regularly disked site may provide low-quality foraging habitat, it does not provide suitable nesting habitat. As such, Swainson's hawk is unlikely to occur on the site.
northwestern pond turtle	Aquatic environments, including ponds, lakes, streams, rivers, and marshes.	Requires open, dry land for nesting and protruding logs or rocks for basking.	The Project site does not contain water features. As such, the site does not provide suitable habitat.
ferruginous hawk	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats.	Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles.	The ferruginous hawk may occasionally forage over the site during winter, but the site does not support nesting or consistent use due to ongoing disturbance, lack of prey abundance, and limited cover.
Burrowing owl	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation.	Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Burrowing owls can occupy disturbed sites if ground burrowing mammal burrows are present for nesting. As such, the site could provide suitable habitat.
California linderiella	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	Water in the pools has very low alkalinity, conductivity, and total dissolved solids.	The Project site does not contain unplowed grassland or waterbodies. As such, the site does not provide suitable habitat.

Tricolored blackbird	Highly colonial species, most numerous in central valley and vicinity. Largely endemic to California.	Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The Project site does not contain any open water. As such, the site does not provide suitable habitat.
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California Fish and Game Code

Sections 3503, 3503.5, and 3513 of the California Fish and Game Code specifically protect native birds and raptors. Mitigation for avoidance of impacts to nesting birds is typically necessary to comply with these Sections of the Fish and Game Code in CEQA.¹³

Section 3503: *It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.*

Section 3503.5: *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

Section 3513: *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.*

City of Atwater General Plan (2000)

The Atwater General Plan Open Space and Conservation Element identified 21 special-status species to have the potential to occur and five (5) species have been observed in or near the Atwater Planning Area. It maps the location of special-status species in the city's Planning area, and none are located within or in the immediate vicinity of the Project site. The Atwater General Plan¹⁴ outlined policies related to the conservation of biological resources:

GOAL CO-6. *Minimize impacts of development on wildlife and wildlife habitat, particularly special status species.*

Policy CO-6.1. *Consider opportunities for habitat preservation and enhancement in conjunction with public facility projects, particularly parks and storm drainage facilities.*

Policy CO-6.2. *Encourage the preservation of corridors between natural habitat areas to allow for the movement of wildlife and to prevent the creation of "biological islands."*

Implementation Program CO-6.a. *When new development or redevelopment activities are proposed in locations with the potential for special status species to occur, require the project applicant to submit a report by a qualified biologist addressing the presence or absence of any special status species on the development site. The report shall include recommendations for avoiding or minimizing impacts on any special status species or habitat found to be present.*

¹³ The California Biologist's Handbook. California Fish and Game Code. Accessed on June 12, 2025, <https://biologistshandbook.com/regulations/state-regulations/state-fish-and-game-code/#:~:text=Section%203503,any%20regulation%20made%20pursuant%20thereto.%E2%80%9D>

¹⁴ City of Atwater, California. (2000). City of Atwater 2000 General Plan Open Space and Conservation Element. Accessed on June 12, 2025, https://www.atwater.org/docs/generalplan/CHAPTER_4_OPEN_SPACE_AND_C.PDF

4.4.2 Impact Assessment

Would the project:

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

Less than Significant with Mitigation Incorporated. The Project site is currently vacant and undeveloped, with no existing structures or improvements. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to regular disking for fire protection. There is one (1) existing tree along the southern boundary of the site. No shrubs or water features are present on the site.

As described in **Table 4-5**, the site conditions provide low suitability for habitat for special-status candidates, sensitive, or special-status species that may occur on the Project site or vicinity. However, the Project site could support ground-nesting burrowing, if ground-burrowing mammals are found present. Although the Project site is regularly disked and currently undeveloped, it supports ruderal vegetation and flat, open terrain that may provide a marginally suitable habitat for burrowing owl, particularly for foraging or temporary use. Therefore, to reduce impacts to protected burrowing owls that may occur during site construction and development, the Project shall incorporate **Mitigation Measure BIO-1**.

Mitigation Measure BIO-1: Burrowing Owl Avoidance. *The Project shall implement the following measures to avoid any potential impacts of nesting habitat of the Project in compliance with the federal Migratory Bird Treaty Act and relevant Fish and Game Codes:*

- **Avoidance.** *Initiate grading/ground disturbance from Sept 1 – February 1 during the non-breeding period.*
- **Preconstruction Surveys.** *If construction is initiated during the nesting period (Feb 1 – Aug 30), conduct a preconstruction survey to confirm that no burrowing owl has taken up residence in any parcels with ground burrowing mammals. If burrowing owl occupation is found, consult with the California Department of Fish and Wildlife to determine the appropriate avoidance and minimization measures.*

Although the San Joaquin kit fox has not been observed on the Project site, a documented occurrence was recorded approximately 1.4 miles north of the site in 1999 along the irrigation canal. The Project site is regularly disked, lacks prey base and cover, and is surrounded by urbanized and developed land uses, which makes it unlikely to support regular occupancy or denning. However, the site is within the species' potential dispersal range and may be traversed occasionally. To ensure compliance with the federal Endangered Species Act and to minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the site at any time during construction, the Project shall incorporate **Mitigation Measure BIO-2**.

Mitigation Measure BIO-2: San Joaquin kit fox Avoidance. *To avoid and minimize potential impacts to the federally listed endangered San Joaquin kit fox (*Vulpes macrotis mutica*) during construction activities, the following measures shall be implemented. These measures are based on the U.S. Fish and Wildlife Service's (USFWS) 2011 Standard Recommendations and are intended to reduce the risk of take or injury in the unlikely event a kit fox occurs on or near the Project site.*

- **Pre-Construction Surveys.** A USFWS-qualified biologist shall conduct kit fox surveys no more than 30 days prior to the start of ground-disturbing activities. The survey shall include a search for potential dens, tracks, scat, and other signs of kit fox presence within the Project footprint and a 200-foot buffer. If no dens or signs are observed, a memo documenting methods and results shall be submitted to the lead agency and kept on file. If any potential dens are found:
 - The biologist shall determine whether the den is natal, active, or inactive.
 - The USFWS shall be contacted immediately if a natal or active den is found.
 - The Project shall not proceed within 50 feet of a non-natal den or 150 feet of a natal/pupping den without USFWS and CDFW approval and appropriate buffers or relocation methods in place.
- **Worker Environmental Awareness Training.** Prior to the start of any ground-disturbing activities, a qualified biologist shall conduct a worker training session for all construction personnel. The training shall include: 1) Identification of the San Joaquin kit fox and its habitat, 2) Legal status and protections under the Endangered Species Act, 3) Potential presence near the site (including the known occurrence 1.4 miles north), and 4) Avoidance and minimization measures to be followed during construction. A fact sheet summarizing this information shall be distributed to all personnel and kept on site.
- **Avoidance and Minimization Measures During Construction.** The following measures should be included within the worker education program and in any Project specification and contract.
 1. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction should occur, given the species is primarily nocturnal.
 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.
 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped.
 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
 5. No firearms shall be allowed on the Project site.
 6. No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.
 7. The use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend.

All uses of such compounds should observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.

8. *A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service.*
 9. *Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox.*
 10. *The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a dead or injured animal and any other pertinent information.*
 11. *New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed should also be provided to the Service at the address below.*
- **Site Restoration.** *Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., should be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions.*

Regarding birds and raptors, there is one (1) existing tree along the southern boundary of the Project site that could provide suitable nesting habitat for bird and raptor species protected under *California Fish and Game Code (CFGF) Sections 3503 and 3503.5*. Incorporation of **Mitigation Measure BIO-3** mitigates potential impact on nesting raptors within the Project site. As a result, the Project would not 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 CDFW or USFWS, with mitigation incorporated.

Mitigation Measure BIO-3: Nesting Bird Surveys and Buffers. *If Project activities must occur during the nesting season (February 1 to September 15), pre-activity nesting bird surveys shall be conducted within seven (7) days prior to the start of construction on the construction site and a 500-foot buffer for raptors (other than Swainson's hawk).*

1. *If no active nests are found, no further action is required. However, existing nests may become active, and new nests may be built at any time prior to and throughout the nesting season, including when construction activities are in progress.*
2. *If active nests are found during the survey or at any time during construction of the Project, an avoidance buffer ranging from 50 feet to 500 feet may be required, with the avoidance buffer from any specific nest being determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the adults or the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist, but full-time monitoring may be required. The biologist shall have the ability to stop construction if nesting adults show any sign of distress.*

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

No Impact. According to the Critical Habitat for Threatened & Endangered Species Report, the Project site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat. According to the General Plan and CDFW and USFWS databases, there are no known riparian habitats or other sensitive natural communities identified on the Project site or within the immediate vicinity of the Project. In addition, the site does not contain any water features that would provide habitat for riparian species. For these reasons, it can be determined that the Project site does not provide any riparian or sensitive natural community habitat and thus, no impact would occur because of the Project.

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

No Impact. Based on the search of the NWI, the Project site does not contain any federally protected wetlands. As a result, it can be determined that the Project site would not result in any impact on state or federally protected wetlands and no impact would occur because of the Project.

d) Would the project 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 with Mitigation Incorporated. Wildlife movement corridors are linear habitats that function to connect two (2) or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wildlife from one area of suitable habitat to another, in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

The Project site has been regularly disked for fire prevention and is characterized by ruderal vegetation with minimal habitat value. The site lacks significant vegetation, water features, or other landscape features typically associated with wildlife movement corridors or nursery sites. There are no riparian zones or regionally important connectivity corridors on or adjacent to the site. Therefore, the site is unlikely to function as an important movement corridor for wildlife species or to support wildlife nursery sites.

Although the Project site is disturbed and does not function as a formal wildlife movement corridor or native nursery site, it could provide marginally suitable foraging or temporary stopover habitat for migratory birds, such as Swainson's hawk, and other special-status wildlife species. Additionally, given the presence of ruderal vegetation and flat, open terrain, the site has limited potential to support ground-nesting birds such as burrowing owl, particularly if burrow-using mammals are present. Furthermore, although San Joaquin kit fox have not been observed on-site, a known occurrence within the species' dispersal range was recorded approximately 1.4 miles north of the Project site. To reduce the potential for impacts to these species and ensure protection of migratory birds, nesting raptors, and special-status wildlife, the Project includes implementation of **Mitigation Measures BIO-**

1 (Burrowing Owl Avoidance), BIO-2 (San Joaquin Kit Fox Avoidance), and BIO-3 (Nesting Bird Surveys and Buffers). These measures include avoidance of breeding seasons, pre-construction surveys, and the establishment of protective buffers or consultation with wildlife agencies, as appropriate. With the incorporation of these mitigation measures, the Project would not substantially interfere with the movement of native wildlife species or use of native nursery sites, and impacts would be less than significant.

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

Less than Significant Impact. The Atwater General Plan Open Space and Conservation Element outlined policies related to conservation of biological resources, as listed in the **Environmental Setting** above. In addition, *Chapter 12.32* of the Atwater Municipal Code (AMC) identifies the city's tree policies and *Section 12.32.080* addresses new construction. Planting, maintenance, and removal of existing trees on the Project site would be subject to compliance with these standards and regulations. However, there are no trees on the Project site. As such, the Project would have a less than significant impact.

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

No Impact. The Project site is located within the planning area of the *PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan* (HCP). The HCP applies exclusively to PG&E's routine operations, maintenance, and minor new construction activities associated with its infrastructure and easements. The Project is not a PG&E facility or activity and would not conflict with the provisions of the HCP.

The Project site also falls within the planning area of the *Recovery Plan for Upland Species of the San Joaquin Valley*, which provides conservation guidance for several federally listed species, including the San Joaquin kit fox and burrowing owl, among others. As discussed under criteria a) and d), the site contains disturbed ruderal habitat that may offer marginal foraging or dispersal habitat for burrowing owl or San Joaquin kit fox. **Mitigation Measures BIO-1 (Burrowing Owl Avoidance) and BIO-2 (San Joaquin Kit Fox Avoidance)** have been incorporated to ensure that any potential impacts to these species are avoided or minimized in accordance with state and federal guidelines.

The site does not support high-quality, intact habitat (e.g., alkali scrub, grassland with small mammal colonies, or undisturbed saltbush scrub) typically required by the upland species addressed in the Recovery Plan. Therefore, the Project would not conflict with the goals or implementation of the Recovery Plan.

Other than the plans discussed above, there are no adopted Habitat Conservation Plans or Natural Community Conservation Plans covering the City of Atwater, inclusive of the Project site. For these reasons, the Project would have no impact related to habitat conservation plans.

4.4.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Biological Resources related mitigation measures as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

4.5.1 Environmental Setting

Generally, the term ‘cultural resources’ describes property types such as prehistoric and historical archaeological sites, buildings, bridges, roadways, and tribal cultural resources. As defined by CEQA, cultural resources are considered “historical resources” that meet criteria in *Section 15064.5(a)* of the CEQA Guidelines. If a Lead Agency determines that a project may have a significant effect on a historical resource, then the project is determined to have a significant impact on the environment. No further environmental review is required if a cultural resource is not found to be a historical resource.

California Historical Resource Information System Record Search

The Central California Information Center (CCIC) was requested to conduct a California Historical Resources Information System (CHRIS) Record Search for the Project site and surrounding “Project Area” (0.5-mile radius from perimeter of Project site). Results of the CHRIS Record Search were provided on April 24, 2025 (Record Search File Number 132251). Full results are provided in [Appendix C](#).

The CHRIS Record Searches generally review file information based on results of Class III pedestrian reconnaissance surveys of project sites conducted by qualified individuals or consultant firms which are required to be submitted, along with official state forms properly completed for each identified resource, to the Regional Archaeological Information Center. Guidelines for the format and content of all types of archaeological reports have been developed by the California Office of Historic Preservation, and reports will be reviewed by the regional information centers to determine whether they meet those requirements.

The results of the CCIC CHRIS Record Search indicate:

- (1) There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- (2) The project area is within the overall boundary of the proposed “Merced Irrigation District” (P-24-001909), but there are no contributing water conveyance features formally recorded within the project.

- (3) The 1916 and 1948 editions of the Atwater USGS quadrangle show the Southern Pacific Railroad route, the “State Highway” (old SR 99) alignment, as well as Atwater Boulevard and Giannini Road. The 1960 edition references SR 99 in its current bypass alignment.

Further, the CCIC provided the following comments and recommendations:

- (1) Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.
- (2) If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.
- (3) Mitigate archaeological resources that could potentially be encountered during construction.

California Native American Heritage Commission (NAHC)

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on June 10, 2025. The listed tribes include Amah Mutsun Tribal Band, Northern Valley Yokut/ Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe*, and Wuksachi Indian Tribe/ Eshom Valley Band. **Federally recognized tribe*. The NAHC also conducted a Sacred Lands File (SFL) check which received negative results. Correspondence is provided in **Appendix D**.

AB 52 Tribal Consultation

Per AB 52 (Chapter 532, Statutes 2014), the City of Atwater compiled a list of tribes that have requested, in writing, to be informed by the City of Atwater through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe. The compiled lists of tribes, both AB 52 and NAHC, to be informed by the City of Atwater include Amah Mutsun Tribal Band, Northern Valley Yokut / Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. On June 16, 2025 the City of Atwater submitted written notices to each of the aforementioned tribes inviting them to engage in tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014). No responses were received within 30 days of the formal notification.

4.5.2 Impact Assessment

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*

Less than Significant with Mitigation Incorporated. According to the CHRIS Record Search conducted on April 24, 2025, there are no formally recorded prehistoric or historic archaeological resources, historic buildings, or structures within the Project site or immediate vicinity. While there is no evidence that historical resources exist on the Project site, there is some possibility that hidden and buried resources may exist with no surface evidence that may be impacted by physical development. The CCIC noted that the Project site has not been previously subject to formal cultural resources investigations and that ground-disturbing activities may uncover unknown historical resources, including features over 45 years old that could be considered as historical resources. In the event of the

accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate **Mitigation Measure CUL-1** to assure construction activities do not result in significant impacts to any potential historical resources discovered below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

Mitigation Measure CUL-1: *Discovery of Historical and Tribal Cultural Resources. If any historical or tribal cultural resources, as defined in CEQA Guidelines Section 15064.5 and Public Resources Code section 21074, are discovered during ground-disturbing activities, all work within 50 feet of the discovery shall cease immediately. A qualified historian or historical archaeologist or, as appropriate, a tribal cultural resources expert shall be retained to evaluate the resource and determine whether it is historically significant or is a tribal cultural resource. The City of Atwater shall be notified of the discovery, and the qualified professional shall consult with the City to determine the appropriate course of action.*

If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, or of Public Resources code section 21074, then protection measures to avoid, preserve in place, or document and recover the resource shall be recommended to the City by a qualified historical or tribal cultural resources specialist. Protection measures may include avoidance/preservation in place such as project redesign, culturally sensitive planning, conservation easements/land acquisition, or documentation/recovery such as tribal monitoring, data recovery with tribal participation, reburial, curation, or educational outreach, etc. The protection measures shall be submitted to the City for review and approval prior to resuming any work in the vicinity of the discovery. Historical resources recovered as a result of mitigation shall be provided to an institution or a qualified curation facility approved by the City. The City shall ensure that all recommendations are implemented prior to the resumption of ground-disturbing activities in the affected area.

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

Less than Significant with Mitigation Incorporated. Based on the CHRIS Records Search conducted on April 24, 2025, there are no known archeological resources pursuant to *Section 15064.5* on the Project site or immediate vicinity. While there is no evidence that archeological resources exist on the Project site, there is some possibility that hidden and buried resources may exist with no surface evidence and may be impacted by future physical development of the site. In the event of the accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate **Mitigation Measure CUL-2** to assure construction activities do not result in significant impacts to any potential archeological resources discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

Mitigation Measure CUL-2: *Discovery of Archeological Resources. If archaeological resources are discovered during ground-disturbing activities, all work within 50 feet of the discovery shall be halted, and a qualified archaeologist shall be retained to evaluate the find. If the archaeologist determines that the discovery may be a significant archaeological resource under CEQA Guidelines Section 15064.5, a treatment plan shall be prepared and implemented in consultation with the City of Atwater. The treatment plan shall be a comprehensive document outlining specific actions to address the discovered resources. It will typically include but not be limited to the*

following components: resource evaluation and significance with detailed descriptions of resources and assessment of their significance, proposed treatment approach with avoidance, preservation, and data recovery measures, consultation and coordination procedures, in addition to schedule, budget, and qualifications. All work in the vicinity of the find shall remain halted until the treatment plan has been approved and implemented.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. There is no evidence that human remains exist on the Project site. Nevertheless, there is some possibility that a non-visible buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. If any human remains are discovered during construction, then the Project would be subject to CCR *Section 15064.5(e)*, PRC *Section 5097.98*, and California Health and Safety Code *Section 7050.5*. Regulations contained in these sections address and protect human burial remains. Compliance with these regulations would ensure impacts on human remains, including those interred outside of formal cemeteries, are less than significant. As such, the Project would have a less than significant impact.

4.5.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measures as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.6.1 Environmental Setting

Appendix F – Energy Conservation of the CEQA Guidelines requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy resources (Public Resources Code *Section 21100(b)(3)*). Per Appendix F, a project would be considered inefficient, wasteful, and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirements for additional capacity, had a negative effect on peak and base period demands for electricity and other energy forms, and effected energy resources. Appendix F includes the following criteria to determine whether a threshold of significance is met:

1. *The Project energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.*
2. *The effects of the Project on local and regional energy supplies and on requirements for additional capacity.*
3. *The effects of the Project on peak and base period demands for electricity and other forms of energy.*
4. *The degree to which the Project complies with existing energy standards.*
5. *The effects of the Project on energy resources.*
6. *The Project's Projected transportation energy use requirements and its overall use of efficient transportation alternatives.*

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in an effort to reduce the state's energy consumption. They apply to new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.¹⁵ The California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations, was developed in 2007 to meet the state goals for reducing Greenhouse Gas

¹⁵ California Energy Commission. 2019 Building Energy Efficiency Standards. Accessed on May 23, 2025, <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>

emissions pursuant to AB32. CALGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.¹⁶ The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and programs ensures that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources. Lastly, the Energy Action Plan (EAP) for California was approved in 2003 by the California Public Utilities Commission (PUC). The EAP established goals and next steps to integrate and coordinate energy efficiency demand and response programs and actions.¹⁷

4.6.2 Impact Assessment

Would the project:

- 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. The Project proposes the development of a business park-style layout with a mix of commercial, light manufacturing, and warehouse uses. Energy would be consumed through Project construction and operations. Energy outputs for short-term construction and long-term operations were estimated using CalEEMod (**Appendix A**). Traffic impacts related to vehicle trips were considered through a Vehicle Miles Traveled (VMT) analysis contained in **Section 4.17**. Results are summarized in **Table 4-6**. Based on the data, the energy demand associated with the proposed Project would be less than one (1) percent of Merced County’s total demand (*Criterion 1*).

Table 4-6 Project Energy Consumption

Energy Type ¹	Project Annual Energy Consumption	Merced County Annual Energy Consumption	Project Percentage of County Consumption
Electricity ²	1.46483 GWh	3,185.454578 GWh	0.0460%
Natural Gas ²	2,927.423 MMBTu	13,122,052.000 MMBTu	0.0223%
Notes: 1. Pacific Gas and Electric Company (PG&E) would serve the site for both electricity and natural gas. 2. Energy consumption data for Merced County is provided by the California Energy Commission, “Electricity Consumption by County” accessed on June 12, 2025, http://ecdms.energy.ca.gov/elecbycounty.aspx and “Gas Consumption by County” accessed on June 12, 2025, https://ecdms.energy.ca.gov/gasbycounty.aspx			

Construction

The primary source of energy for construction activities includes fuel consumption from construction vehicles and equipment. The Project would be constructed in two (2) phases. Phase 1 would include the development of Parcels 1 and 4. Phase 2 would include the development of Parcels 2 and 3. For the purposes of this analysis, construction of Phase 1 was assumed to begin in January 2026 with full build out of both phases by 2028. Construction vehicles and equipment would be used during construction activities including typical site preparation, grading, paving, architectural coating, and trenching. Fuel energy consumed during construction would be temporary and would

¹⁶ California Department of General Services. (2020). 2019 California Green Building Standards Code. Accessed on May 23, 2025, <https://codes.iccsafe.org/content/CGBC2019P3>

¹⁷ State of California. (2008). Energy Action Plan 2008 Update. Accessed on May 23, 2025, https://docs.cpuc.ca.gov/word_pdf/REPORT/28715.pdf

not represent a significant demand on energy resources. Energy conservation would occur through compliance with current emissions standards and fuel efficiencies including CARB regulations (Airborne Toxic Control Measure) and CCR Title 13, Motor Vehicles. Regulations limit idling and require efficient combustion systems that reduce unnecessary fuel consumption. Compliance with existing regulations would ensure that the short-term, temporary construction activities would not result in wasteful, inefficient, or unnecessary consumption of energy resources consistent with *Criterion 4*.

Operations

Operations would involve heating, cooling, equipment, and vehicle trips. Energy consumption related to operations would be associated with building energy demand and fuel consumption as described further below.

As new construction, the Project would be required to meet all mandatory requirements for non-residential buildings as outlined in the 2022 Energy Code. Mandatory requirements apply to building envelopes, ventilation and indoor air quality, space conditioning systems, water heating systems, outdoor and indoor lighting, electric power distribution, covered process for pools, solar ready buildings, and electric ready buildings. Compliance would be verified through the building permit process. Therefore, the Project would meet mandatory state building energy codes, which are designed to reduce wasteful, inefficient, or unnecessary consumption of energy sources, consistent with *Criterion 4*.

Energy consumption and peak demand for the state are forecasted in the California Energy Commission (CEC)'s Integrated Energy Policy Report (IEPR) and California Gas Report. Based on the 2024 IEPR, the CEC forecasts a 2.7 percent annual average growth rate for electricity consumption between 2023 and 2030.¹⁸ Based on the 2024 California Gas Report, the CEC forecasts that natural gas demand will decline at an average annual rate of approximately 3.0 percent between 2024 and 2040.¹⁹ As shown in **Table 4-6**, the Project's estimated operational energy consumption would account for approximately 0.460 percent of total electricity use and 0.223 percent of total natural gas use in Merced County. Given these projections, the Project's energy demand is minimal relative to overall regional supply and consistent with the expected trends of increasing electricity and decreasing natural gas use. Therefore, the Project would not require additional energy capacity or supplies in accordance with *Criterion 2*. In addition, as a commercial and industrial development, energy consumption can be expected to peak in the day similar to other commercial and industrial developments. Through compliance with energy conservation requirements under the 2022 Energy Code, the Project would not result in unique or more intensive peak or base period electricity demand in accordance with *Criterion 3*.

Furthermore, PG&E is subject to the state's Renewable Portfolio Standard (RPS) which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable resources to 33 percent of total procurement by 2020 to 60 percent of total procurement by 2030. The increase in reliance of renewable resources further ensures that the Project would not result in wasteful, inefficient, or unnecessary consumption of energy sources, consistent with *Criterion 5*.

¹⁸ California Energy Commission. (2024). 2024 Integrated Energy Policy Report Update. Accessed June 12, 2025, <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report-iepr/2024-integrated-energy-policy-report>

¹⁹ California Energy Commission. (2024). 2024 California Gas Report. Accessed June 12, 2025, https://www.socalgas.com/sites/default/files/2024-08/2024-California-Gas-Report-Final.pdf?utm_source=chatgpt.com

Development of the Project site would also result in fuel consumption through vehicle trips. As summarized in **Table 4-6**, the Project would generate an estimated 1,148,763 annual vehicle miles traveled (VMT) per CalEEMod, which would consume approximately 86,933 gallons of fuel per year (1,148,763 trips divided by 21.3 miles per gallon).²⁰ This is expected to account for less than one (1) percent of diesel and gasoline consumed from vehicle trips in Merced County. Therefore, energy usage associated with vehicle trips for the proposed Project would be minimal in comparison to the gasoline and diesel fuel consumption for the County. In addition, the Project does not propose any unusual features that would result in excessive long-term operational fuel consumption (*Criterion 2*). Further, annual energy use related to vehicles is expected to decrease over time as a result of vehicle fuel efficiency standards. In addition, the Project site would facilitate the redevelopment of a site within an urbanized area that is surrounded by existing urban uses, which has the potential to further reduce vehicle miles traveled due to the proximity to residential (employees), existing commercial and industrial development, and transportation (State Route 99) in accordance with *Criterion 6*.

Therefore, the Project would not cause wasteful, inefficient, and unnecessary consumption of building energy during Project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur.

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

Less than Significant Impact. As discussed under criterion a), the construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations. The Project would be subject to compliance with applicable energy efficiency regulations including CALGreen, Title 24, and CARB. Thus, applicable state and local regulations and programs would be implemented to reduce energy waste from construction and operations. Therefore, through compliance, the Project would not conflict with or obstruct any state or local plan for energy efficiency and a less than significant impact would occur because of the Project.

4.6.3 Mitigation Measures

None required.

²⁰ Fuel consumption accounts for the 21.3 miles per gallon Average Fuel Efficiency of U.S. Light Duty Vehicles as estimated by the U.S. Department of Transportation, Bureau of Transportation Statistics, accessed on June 12, 2025, <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles>

4.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or Indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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.				X
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?				X
iv. Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
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?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

4.7.1 Environmental Setting

Atwater is located within the San Joaquin Valley which is part of the Great Valley Geomorphic Providence that is bounded to the east by the Sierra Nevada Mountain range, to the west by the Coastal Range, and to the south by the Tehachapi mountains. Atwater has infrequent and low historic seismic activity. In addition, the city has no known active earthquake faults (i.e., faults showing activity within the last 11,000 years) and is not in any Alquist-Priolo Special Studies Zones.^{21 22}

The nearest faults are approximately 20 miles to the northeast in the Sierra Nevada Range (i.e., the Bear Mountain Fault) and approximately 30 miles to the southwest in the Diablo/Coastal Range (i.e., the San Joaquin, O'Neill, and Ortigalita Faults). The Ortigalita Fault is the nearest fault within the Alquist-Priolo earthquake fault zone; the fault has not been historically active. Earthquakes from nearby faults would most likely generate ground motion of shaking, but there is no history of this causing damage in the area. Compliance with the California Building Code (CBC) would be sufficient to prevent significant damage during seismic events.

Subsurface Soils

A search of the Web Soil Survey by the USDA Natural Resources Conservation Service indicates that the following soils comprise the Project site:²³

AfA: Atwater loamy sand, 0-3 percent slopes, MLRA 17. The depth to water table is more than 80 inches, with no flooding or ponding. The AfA soils account for 43% of the Project site.

AkA: Atwater loamy sand, imperfectly drained variant, 0-3 percent slopes. The depth to water table is about 0 inches, with no flooding or ponding. The AkA soils account for 34% of the Project site.

AnA: Atwater sand, 0-3 percent slopes. The depth to water table is more than 80 inches, with no flooding or ponding. The AnA soils account for 23% of the Project site.

California Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. About one-third of the text within the California Building Standards Code has been tailored for California earthquake conditions. Construction within the City of Atwater is governed by the seismic safety standards of Chapter 16 of the Code. These standards are applicable to all new buildings and are required to provide the necessary safety from earthquake related effects emanating from fault activity.

²¹ According to the California Department of Conservation, *“An active fault, for the purposes of the Alquist-Priolo Act, is one that has ruptured in the last 11,000 years.”*

²² California Department of Conservation. “CGS Seismic Hazard Program: Alquist-Priolo Fault Hazard Zones.” Accessed on May 23, 2025, [Earthquake Zones of Required Investigation](#)

²³ United States Department of Agriculture Natural Resources Conservation Service. “Web Soil Survey.” Accessed on May 23, 2025, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

4.7.2 Impact Assessment

Would the project:

- 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.*

No Impact. There are no known active earthquake faults in the City of Atwater, inclusive of the Project site, nor is the City of Atwater within an Alquist-Priolo earthquake fault zone as established by the Alquist-Priolo Fault Zoning Act. As such, development of the Project in an area void of earthquake faults would not cause rupture of a known earthquake fault. Therefore, no impact would occur as a result of the Project.

- ii. *Strong seismic ground shaking?*

Less than Significant Impact. The Project site is in an area that is traditionally characterized by relatively low seismic activity. Additionally, development of the Project site would be required to comply with current seismic protection standards in the California Building Code (CBC), which would limit potential damage to structures and thereby reduce potential impacts including the risk of loss, injury, or death. Compliance with the CBC would ensure a less than significant impact.

- iii. *Seismic-related ground failure, including liquefaction?*

No Impact. No liquefaction nor lateral spreading have been observed in Atwater from any historic earthquake. Liquefaction and lateral spreading potential in Atwater are considered very low as due to the nature of the underlying soils, relatively deep-water table, and history of low ground shaking potential. In addition, there are no geologic hazards or unstable soil conditions known to exist on the Project site. The site is generally flat with stable soils and no apparent unique or significant landforms. As CEQA requires an analysis of a Project's impact on the environment rather than the environment's impacts on a Project, no impacts would occur. Therefore, because the Project does not have any aspect that could result in seismic-related ground failure, including liquefaction, the Project would have no impact.

- iv. *Landslides?*

No Impact. Landslides are not expected to affect the Project site as the City of Atwater is not located in a zone where landslides, subsidence, or liquefaction could possibly occur. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

- b) *Result in substantial soil erosion or the loss of topsoil?*

Less than Significant Impact. Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. The Project site is generally flat, which limits the potential for substantial soil erosion. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance

during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Development of the Project would be required to comply with AMC *Chapter 12.22 – Stormwater Management and Discharge Control Ordinance*, which requires that any person performing construction activities in the City shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State, and local laws, ordinances or regulations, including but not limited to, the current California NPDES general permit for storm water discharges associated with construction activity (construction general permit). All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement best management practices (BMPs) for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges. Implementation of the BMPs minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. In addition, the City's Public Works and Building Departments prepare a standard set of conditions for proposed development to the control of dust emissions during grading and other earth moving activities.

The likelihood of erosion would be further reduced through compliance with regulations set by the State Water Resources Control Board (SWRCB). Namely, the SWRCB requires sites larger than one (1) acre to comply with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2009-0009-DWQ). The General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. With these provisions in place, impacts on soil and topsoil by the Project would be considered less than significant.

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

Less than Significant Impact. Ground subsidence is the settling or sinking of surface soil deposits with little or no horizontal motion. Soils with high silt or clay content are subject to subsidence. Subsidence typically occurs in areas with groundwater withdrawal or oil or natural gas extraction. The topography of the site is relatively flat with stable, native soils and no apparent unique or significant landforms. Future development of the Project site would be required to comply with current seismic protection standards in the CBC which would significantly limit potential seismic-related hazards such as landslides, lateral spreading, subsidence, liquefaction, or collapse. Compliance with the CBC would ensure a less than significant impact.

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

No Impact. The Project Area is relatively flat with native soils of sandy loam and sand, which is not expansive. Sandy loam soils are not classified as expansive soil, as defined in Table 18-1-B of the Uniform Building Code and would not create substantial direct or indirect risks to life or property. Thus, no impact would occur because of the Project.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No Impact. The Project site is within Atwater's city limits and thus, would be required to connect to the city's wastewater services. Thus, no permanent septic tanks or alternative wastewater disposal systems would be installed, and no impact would occur.

f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Less than Significant with Mitigation Incorporated. There are no known paleontological resources or unique geological features known to the City of Atwater on this site. Nevertheless, there is some possibility that a non-visible, buried resource site, or feature may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. However, **Mitigation Measure GEO-1** requires that if unknown paleontological resources are discovered during construction activities, work within a 25-foot buffer would cease until a qualified paleontologist determined the appropriate course of action. With implementation of **Mitigation Measure GEO-1**, the Project would have a less than significant impact.

***Mitigation Measure GEO-1: Discovery of Paleontological Resources.** If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.*

If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. Resource-appropriate measures may include but not be limited to salvage and data recovery such as scientific excavation, field documentation, preparation and conservation, analysis and identification, or reporting, paleontological monitoring, screening of excavated soils, data archiving and curation plan, and public outreach/education. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Atwater, Planning Division.

4.7.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Geology and Soils related mitigation measures as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

4.8.1 Environmental Setting

In assessing the significance of impacts from GHG emissions, *Section 15064.4(b)* of the CEQA Guidelines states that a lead agency may consider the following:

- The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;
- 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 greenhouse gas emissions.

The California Air Resources Board (CARB) 2022 Climate Change Scoping Plan, guidance from the SJVAPCD, and City of Atwater General Plan are discussed below and are utilized as thresholds of significance.

2022 Climate Change Scoping Plan

The CARB 2022 Climate Change Scoping Plan is the adopted statewide plan for reduction and mitigation of GHGs to implement Assembly Bill (AB) 1279. AB 1279 was issued on August 12, 2022 to require California to achieve “net zero greenhouse gas emissions” as soon as possible and to further reduce anthropogenic GHG emissions thereafter. It sets a statewide goal to reduce emissions 85% below 1990 levels no later than 2045.

Consequently, the Scoping Plan involves several measures for cost-effective reduction of GHG emissions, including continuing existing programs such as Renewable Portfolio Standard, Advanced Clean Cars, Low Carbon Fuel Standard, etc., and achieving new mandates to decarbonize several sectors. Along with reducing emissions, environmental justice policies are included to address the ongoing air quality disparities.

Appendix D of the 2022 Scoping Plan include recommendations to build momentum for local government actions to align with State goals, including through CEQA review. The Appendix outlines the priority GHG reduction

strategies for local governments, including transportation electrification, VMT reduction, and building decarbonization.²⁴

SJVAPCD CEQA Air Quality Guidelines

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance.^{25,26} These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?

Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). However, the 29% GHG emission reductions compared to BAU threshold are outdated since it is aimed to meet AB 32's 2020 goals, thus this threshold would not be used for analysis.

The City of Atwater does not have an adopted Climate Action Plan or GHG Reduction Plan. Because BPS have not yet been adopted and identified for specific development projects, and because the City of Atwater has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the California Air Resources Board (CARB) 2022 Climate Change Scoping Plan and guidance from the San Joaquin Valley Air Pollution Control District (SJVAPCD) will be used as the threshold of significance.

San Joaquin Valley Air Pollution Control District

SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy *District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency* in 2009. It recognized that project-specific emissions are cumulative and could be considered cumulatively considerable without mitigation. SJVAPCD suggested that the requirement to reduce GHG emissions for all projects is the best method to address this cumulative impact.

²⁴ California Air Resources Board. (2022). 2022 Scoping Plan Appendix D. Accessed on June 12, 2025, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

²⁵ San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed June 12, 2025, <https://www.valleyair.org/media/dnsnicdv/3-ccap-final-lu-guidance-dec-17-2009.pdf>

²⁶ San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed June 12, 2025, https://ww2.valleyair.org/media/k2yhjmur/erg-adopted-august-2000_.pdf

The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required. Although an EIR is not required for the Project, the GHG emissions are quantified below. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (version 2022.1.1.29). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e), based on the global warming potential of the individual pollutants.

City of Atwater General Plan

At the local level, while the City of Atwater General Plan does not meet criteria of the CEQA Guidelines 15064.4(b)(3) for an appropriate GHG emissions reduction plan or program, the General Plan does have goals and policies relevant to climate change and minimizing GHG emissions and other pollutants, with an overall aim to reduce air quality impacts on the environment. These goals and policies are outlined in the Open Space and Conservation Element (CO), “Air Quality”, and Safety Element (SF), “Wind Erosions and Dust Storms”.

GOAL CO-3. *Strive to reduce air emissions and obtain goals set in local and regional air quality attainment plans.*

Policy CO-3.1. *Cooperate with the San Joaquin Valley Unified Air Pollution Control District (APCD) in implementing air quality improvement plans prepared by the District.*

Policy CO-3.2. *Encourage land use development projects that would result in fewer adverse air quality impacts, such as mixed use and pedestrian-oriented projects.*

Policy CO-3.3. *Encourage the use of modes of transportation other than automobiles.*

GOAL SF-7. *Prevent activities that contribute to increased wind erosion.*

Policy SF-7.1. *Require all projects that involve grading or other earth moving activities to implement dust control measures to reduce dust emissions.*

4.8.2 Impact Assessment

Would the project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. The 2025 CEQA Guidelines do not establish a quantitative threshold of significance for GHG impacts, leaving lead agencies the discretion to establish such thresholds for their respective jurisdictions. Since the SJVAPCD does not have established GHG significance emissions thresholds and the City of Atwater does not have an adopted CAP for CEQA tiering purposes, the following utilizes qualitative analysis for greenhouse gas emission impacts. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (version 2022.1.1.29). See **Appendix A** for output files.

Construction Emissions

In regard to construction, the SJVAPCD does not recommend assessing pollution associated with construction, as pollution-related construction will be temporary. These construction GHG emissions are a one-time release. As such, it can be anticipated that these construction emissions would not generate a significant contribution to global climate change over the lifetime of the Project.

Operational Emissions

Regarding the long-term operational related GHG emissions, the estimated operational emissions for buildout of the Project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. For evaluating the significance of GHG emissions, lead agencies often rely on thresholds established by air quality management districts.

- **South Coast Air Quality Management District (SCAQMD):** While SCAQMD adopted a 10,000 MT CO₂e per year threshold for industrial (stationary source) projects, for land development projects such as warehouses, a lower screening threshold is cited at 3,000 MT CO₂e per year for commercial and non-industrial projects, or an efficiency-based metric.
- **Bay Area Air Quality Management District (BAAQMD):** BAAQMD's most recent CEQA Guidelines (2022) for land use projects like warehouses do not primarily rely on a single mass emissions threshold. Instead, BAAQMD generally recommends that land use projects demonstrate compliance with a local Quantified Greenhouse Gas Reduction Strategy or meet specific performance standards, such as being all-electric and achieving reductions in VMT. The 10,000 MTCO₂e per year threshold in BAAQMD's guidelines applies specifically to stationary sources requiring an air permit.

Utilizing the 3,000 MT CO₂e per year as a conservative screening threshold for similar land development projects, annual operational GHG emissions below this level would typically be considered to have a less than significant cumulative impact on GHGs. The annual operational GHG emissions associated with buildout of the Project is 1,021 MT CO₂e based on the CalEEMod run. This is less than the 3,000 MT CO₂e threshold often applied for land development projects in the SCAQMD jurisdiction, and suggests the Project's emissions would likely be considered less than significant when evaluated against appropriate BAAQMD performance standards, given its relatively low total emissions.

Further, the Project would not exceed the thresholds of significance for construction or operational emissions as discussed in [Section 4.3](#). Additionally, as discussed in more detail below, the Project would be generally consistent with the applicable goals and policies related to GHG reduction measures, including CARB's 2022 Scoping Plan and SJVAPCD guidelines, and the City of Atwater General Plan goals and policies that aim to reduce air emissions and improve air quality, which reduces GHG emissions as a result. Cumulatively, these emissions would not generate a significant contribution to global climate change over the lifetime of the proposed Project. As such, it can be determined that the Project would not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions and therefore the impact would be less than significant.

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

Less than Significant Impact. The compatibility of the Project with the 2022 Scoping Plan and MCAP, MCAG RTP/SCS, SJVAPCD CCAP, and applicable goals in the Atwater General Plan.

Consistency with the 2022 Climate Change Scoping Plan

Based on the evaluation shown in **Table 4-7**, the Project is consistent with the reduction measures identified in the 2022 Scoping Plan. The reduction measures are derived from the 2022 Scoping Plan Table 1 – Priority GHG Reduction Strategies, which provides 3 priority areas to assist jurisdictions with developing local climate action plans.

Table 4-7 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis

Priority Areas	Priority GHG Reduction Strategies	Consistency/Applicability Determination
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	Consistent. The Project does not include usage of local government fleets. The Project is required by CalGreen to provide 10% of the total number of parking spaces to provide electric vehicle (EV) charging spaces.
	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
VMT Reduction	Reduce or eliminate minimum parking standards.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.	Consistent. The Project will include the construction of improvements along Railroad Avenue and Hazel Avenue as identified in the City's General Plan Circulation Element. The City's Standard Drawings require all public roads to install curb, gutter, and sidewalks.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	Not Applicable. The Project is approximately 560 feet from the Broadway @ Capitol St bus stop (Stop ID 32). However, the Project does not increase density of development due to the nature of the development.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.	Consistent. The Project proposes pedestrian facilities (i.e., sidewalks) within the site and connecting to adjacent properties. As such, it increases public access to clean mobility options.
	Implement parking pricing or transportation demand management pricing strategies.	Not Applicable. The Project proposes commercial and industrial development; parking spaces would be provided at no cost for employees and visitors.

	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert “greenfield” land to urban uses (e.g., green belts, strategic conservation easements)	Consistent. The Project is proposed on a site surrounded by existing urban development. The site is not greenfield.
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)	Consistent. The Project will be subject to the installation of solar photovoltaic systems on rooftops pursuant California’s 2022 Energy Code.

Consistency with the MCAG RTP/SCS

The Merced CAG’s 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes a series of goals for the region that would reduce GHG emissions based on the land use consistency and the reduction of vehicle trips. Relevant goals and policies include:

Goal 12 Sustainable Communities: Reduce per capita greenhouse gas emissions through compact growth and alternative transportation strategies. Protect and enhance the natural environment. Support vehicle electrification and the provision of electrification infrastructure in public and private parking facilities and structures.

Policy 12.1. Prioritize infill and growth in existing communities.

Most goals and policies are implemented at the regional or city level. Since the proposed Project is an infill development (i.e., within city limits and generally surrounded by urban development) in an urbanized area and will be subject to local regulations, the Project would be consistent with goals and policies identified in the RTP/SCS.

Consistency with the Atwater General Plan

The Project complies with the General Plan goals and policies listed in the Environmental Settings since it is generally compliant with the SJVAPCD air quality attainment plans.

In conclusion, the Project contains features that would reduce GHG emissions in compliance with CARB 2022 Climate Change Scoping Plan, MCAG RTP/SCS, and the General Plan. As such, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and therefore the impact would be less than significant.

4.8.3 Mitigation Measures

None required.

4.9 HAZARDS AND HAZARDOUS MATERIAL

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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 to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

4.9.1 Environmental Setting

For the purposes of this section, the term “hazardous materials” refers to “injurious substances,” which include flammable liquids and gases, poisons, corrosives, explosives, oxidizers, radioactive materials, and medical supplies and waste. These materials are either generated or used in various commercial and industrial activities. Hazardous

wastes are injurious substances that have been or will be disposed of. Potential hazards arise from the transport of hazardous materials, including leakage and accidents involving transporting vehicles. There also are hazards associated with the use and storage of these materials and waste. Hazardous materials are grouped into the following four categories based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

“Hazardous wastes” are defined in California Health and Safety Code *Section 25141(b)* as wastes that: “...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, *Sections 66261.20-24* contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. The release of hazardous materials would be subject to existing federal, state, and local regulations and is similar to the transport, use, and disposal of hazard materials.

Regulatory Setting

The California Environmental Protection Agency (CalEPA) was established in 1991 to protect the environment. CalEPA oversees the Unified Program through Certified Unified Program Agencies (CUPAs), which consolidates six (6) environmental programs to ensure the handling of hazardous waste and materials in California. The local CUPA in Merced County, Department of Public Health, Division of Environmental Health (MCDEH), is responsible for administering the following six (6) CUPA programs:

- Hazardous Materials Business Plan (HMBP)
- California Accidental Release Program (CalARP)
- Underground Storage Tank Program (UST)
- Aboveground Storage Tank Program (APSA)
- Hazardous Waste Generator Program
- Tiered Permitting Program

The Department of Toxic Substances Control (DTSC) is another agency in California that regulates hazardous waste, conducts inspections, provide emergency response for hazardous materials-related emergencies, protect water resources from contamination, removing wastes, etc. DTSC acts under the authority of Resource Conservation and Recovery Act (RCRA) and California Health and Safety Code. The DTSC implements the California Code of Regulations (CCR) Title 22 Division 4.5 to manage hazardous waste. Government Code *Section 65962.5* requires that DTSC shall compile and update at least annually a list of:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC").*
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.*
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land.*
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.*
- (5) All sites included in the Abandoned Site Assessment Program.*

This list of hazardous waste sites in California, referred to as the Cortese List, is then distributed to each city and county. According to the CCR Title 22, soil excavated from a site containing hazardous materials is considered hazardous waste, and remediation actions should be performed accordingly. Cleanup requirements are determined case-by-case by the jurisdiction.

Record Search

The United States Environmental Protection Agency (EPA) Superfund National Priorities List (NPL)²⁷, California Department of Toxic Substance Control's EnviroStor database²⁸, and the State Water Resources Control Board's GeoTracker database²⁹ include hazardous release and contamination sites. A search of each database was conducted on May 23, 2025. The searches revealed no sites are present or adjacent to the Project site.

4.9.2 Impact Assessment

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant Impact. The Project would consist of the development of a business park and mini storage facility. Potential impacts related to hazardous materials could arise from either construction or operations, both of which are discussed below. Based on this analysis, the Project would have a less than significant impact.

²⁷ United States Environmental Protection Agency. Superfund National Priorities List. Accessed May 23, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1>

²⁸ California Department of Toxic Substances Control. Envirostor. Accessed May 23, 2025, <https://www.envirostor.dtsc.ca.gov/public/>

²⁹ California State Water Resources Control Board. GeoTracker. Accessed May 23, 2025, <https://geotracker.waterboards.ca.gov/>

Construction

Construction activities for the Project site would include typical site preparation, grading, paving, trenching and architectural coating, all of which would require the transportation of building materials and equipment. Demolition would not be required because there are no existing structures. Generally, hazardous materials associated with construction include, motor oil, gasoline, diesel, dust palliative, and solvents, acids, pressure impregnated wood, pesticides, herbicides, fugitive dust and stormwater runoff.

Because the Project site is vacant and undeveloped, potential hazardous materials associated with construction could result from the use of fuels and lubricants for construction equipment (i.e., motor oil, gasoline and diesel), in addition to grading and drainage activities (i.e., fugitive dust and stormwater runoff). The Project is subject to a SJVAPCD Authority to Construct Permit, in addition to SJVAPCD Regulation VIII (Fugitive PM₁₀ Prohibitions), which requires the approval of a Dust Control Plan prior to construction. In addition, the Project's grading and drainage plans are subject to City approval and would determine the limits of grading and disturbance. Compliance with these regulations would limit visible dust and ensure that disturbed surfaces or soils remain stable.

Workers would be trained to properly identify and handle all hazardous materials, and hazardous waste would either be recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped off-site for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location.

During construction, nonhazardous construction debris would be generated and disposed of in local landfills pursuant to applicable laws and regulations. Sanitary waste would be managed using portable toilets located at a reasonably accessible on-site location. Compliance with applicable laws and regulations would ensure that construction of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Overall, the relatively limited use and small quantities of typical hazardous materials, and subsequent transport and disposal of such materials, during construction would be controlled through compliance with applicable laws and regulations pursuant to a comprehensive regulatory framework administered by the DTSC and other relevant public agencies.

Operations

The Project proposes the development of a mini-storage and future light manufacturing uses unknown at this time on portions of the site. It is assumed that the future use of the Project site would be industrial such as warehouses and accompanying office uses, light manufacturing, and distribution centers as permitted in the B-P district.

The California Environmental Protection Agency (CalEPA) oversees the Statewide implementation of the Hazardous Materials Business Plan (HMBP), which aims to prevent or minimize harm to public health and safety, and the environment from the release or threatened release of hazardous material. The minimum reporting quantities for hazardous materials is 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compress gas. If a business handles hazardous materials at or in excess of the minimum thresholds, a HMBP is required to be prepared and approved by the State and local jurisdictions. The project tenants/operator will be required to submit information to the California Environmental Reporting System (CERS), Madera County Department of Public Health, and the City regarding the use and storage of hazardous materials.

Based on known operations, it is not expected that the Project would involve the routine transport, use, or disposal of hazardous materials. Nevertheless, if future uses would involve transport, use, or disposal of hazardous materials, then the Madera County Department of Public Health would require that the Project and future uses on the site submit a HMBP in order to provide for safe storage and use of chemicals. Therefore, if the facility does handle hazardous materials and/or hazardous waste, compliance with the HMBP as approved by the County would reduce any impacts to less than significant.

Some appliances and electronics used or stored within buildings may contain hazardous components (e.g., refrigerants, oils, etc.); however, these hazardous components are regulated by the EPA under the Toxic Substances Control Act and Clean Air Act and transport of such components are regulated by the U.S. Department of Transportation, Office of Hazardous Materials Safety as implemented in California by CCR Title 13, California Building Code, and Uniform Fire Code, as adopted by the City. Through compliance with regulations, appliances and electronics associated with the Project are not expected to create significant hazard to the public or the environment.

In addition, stormwater runoff resulting from the anticipated buildout of the Project would be managed by the City in compliance with the regulatory requirements pursuant to NPDES General Permit Requirements (See [Section 4.7](#)). This includes runoff consisting of any hazardous materials, including fuels and lubricants used for construction equipment. In addition, the quality of stormwater runoff would be maintained by design components specific to the Project including but not limited to 1) the proposed onsite stormwater retention basin, 2) the required preparation of a SWPPP, and 3) the City's approval of the Project's grading and drainage plans. Together, compliance with the aforementioned plans, policies, and regulatory requirements in addition to Project design components, would reduce potential impacts related to stormwater quality.

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?

Less than Significant Impact. As described under criterion a), it is not anticipated that the Project itself would involve any operations that would require routine transport, use, or disposal of hazardous materials and therefore is not anticipated to create a significant hazard to the public or the environment through release of hazardous materials, including any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. While potential impacts would occur through construction-related transport and disposal of hazardous materials, such impacts would be short-term and temporary and would be reduced to less than significant levels through compliance with local, state, and federal regulations in addition to standard equipment operating practices as described under criterion a). Therefore, the Project would have a less than significant impact.

c) 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. There are no existing or proposed schools within one-quarter mile of the Project site. Additionally, as described under criteria a) and b) above, the Project is not anticipated to emit hazard emissions or handle hazardous materials, substances, or water that would pose a risk or threat to the school or surrounding area. Therefore, no impact would occur.

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 to the public or the environment?

No Impact. According to NPL, EnviroStor, and GeoTracker, the Project site does not include a hazardous material release site. Since there are no active hazardous material release sites on the Project site pursuant to Government Code *Section 65962.5*, the Project would not create a significant hazard to the public of the environment and there would be no impact.

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

No Impact. The nearest public airport or public use airport is Castle Airport located approximately 3 miles northeast of the Project site. According to the Merced County Airport Land Use Compatibility Plan, the Project site is not within an Airport Influence Area (AIA).³⁰ The Project would not be subject to any related land use restrictions or policies, and there would be no potential for aircraft-related safety hazards affecting people working in the project area. As such, there would not be a safety hazard for people residing or working on the site and no impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would not involve any new or altered infrastructure associated with evacuation, emergency response, and emergency access routes within the City of Atwater or County of Merced. Construction may require lane closure; however, these activities would be short-term and access through East Railroad Avenue would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Furthermore, the Project would be subject to compliance with applicable standards for on-site emergency access including turn radii and fire access. Therefore, through compliance, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less than Significant Impact. The Project site is located in an urbanized area surrounded by urban uses. In addition, the site is not identified by Cal Fire to be in a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ). The Project does propose development of commercial, light manufacturing, and warehouse uses. However, the Project would be required to comply with applicable fire safety regulations that would be reviewed and conditioned by the City for compliance with all applicable standards, specifications, and codes. Compliance with such regulations would ensure that the Project meets standards to help prevent loss, injury, or death involving wildland fires. For these reasons, the Project would have a less than significant impact.

4.9.3 Mitigation Measures

None required.

³⁰ County of Merced. (2012). Merced County Airport Land Use Compatibility Plan. Accessed May 23, 2025, https://web2.co.merced.ca.us/pdfs/planning/aluc/alucp_july2012/2012_mer_alucp_entire_document.pdf

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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 a substantial erosion or siltation on- or off-site;			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site:			X	
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			X	
iv. Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

4.10.1 Environmental Setting

The Project site is within city limits and would be connected to the city's water and stormwater services. The city's water and stormwater services are described as follows.

Water

The City provides water service for residences, commercial establishments, manufacturing plants, institutional facilities, and parks within the city limits. The City operates nine (9) wells to provide water to its customers. All wells are located within the City except for Well #21, which is located at the northeast corner of the Castle Airport facility adjacent to the U.S. Federal prison.³¹ In 2016, the City produced an average of eight million gallons per day (mgd). The system has a capacity to pump 15,388 gallons per minute (gpm) and two (2) million gallons of storage. As of 2016, the system serves approximately 6,800 residential connections, 520 commercial connections, six (6) industrial connections, and 45 irrigation connections.³² The water is distributed through a grid system of pipelines ranging from four (4) to 14 inches in diameter. The system supplies the City with drinking water and provides water for fire protection through fire hydrants.

The City has an overall Supervisory Control and Data Acquisition (SCADA) system that allows for remote monitoring and control of the water system via radio control. This system enhances quick response times to problem situations and gathers real-time, accurate data. The system can accurately determine water production quantities. To protect groundwater resources and minimize the future need to import water from other sources, the City and MID are engaged in efforts to reduce water consumption. New Atwater connections are metered, and per State law, unmetered connections will be metered in 2025.³³

The city's water supply is obtained from the Merced Subbasin, which is part of the larger San Joaquin River Groundwater Basin and is regulated under the Sustainable Groundwater Management Act by the Merced Irrigation-Urban Groundwater Sustainability Agency (GSA). The Merced Groundwater Subbasin Groundwater Sustainability Plan (GSP), adopted in December 2019, was developed to address the subbasin's critical overdraft and bring it into balance by 2040. The Subbasin is heavily reliant on groundwater. Of note, the City and MID are working to reduce water consumption. The City has met Assembly Bill No. 2572 requirements for water meter installation in all residences built in/after 1992; such requirements seek to reduce consumption. Implementation of the Merced Groundwater Subbasin GSP will ensure that groundwater supply is sustainability managed.

In an effort to ensure future growth on the eastern side of the City, in 2016 the City negotiated a settlement with the private Meadowbrook Water Company to relocate their "service area" from the area east of Buhach Road, north of State Highway 99 located within the City Sphere of Influence, to an area north of Santa Fe Drive and south of Cardella Road further to the northeast (the Meadowbrook Water Company was sold to Cal American Water Company in late 2016).

³¹ City of Atwater. (2018). Drinking Water Quality Report. Accessed June 12, 2025, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>

³² City of Atwater; EMC Planning Group, Inc. (2017). 2014-2043 5th Cycle Housing Element Update. Accessed June 12, 2025, <https://www.atwater.org/city-of-atwater-2014-2023-5th-cycle-housing-element/>

³³ City of Atwater. (July 2018). Drinking Water Quality Report. Accessed June 12, 2025, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>

Atwater General Plan established goals and policies related to groundwater use that would potentially influence implementation of the GSP, as listed below. The GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein.

GOAL CO-1. *Support efforts to monitor and remediate existing groundwater contamination within the planning area.*

Policy CO-1.1. *Encourage responsible agencies to continue monitoring and remediation of contamination of the aquifer underneath the CAADC site.*

Policy CO-1.2. *Encourage the County of Merced to pursue remediation of groundwater contamination in the unincorporated portions of the Planning Area.*

GOAL CO-2. *Prevent the creation of new groundwater contamination or the spread of existing contamination.*

Policy CO-2.1. *Work with the Regional Water Quality Control Board (RWQCB) to protect, improve, and enhance groundwater quality in the region.*

Policy CO-2.2. *Educate the public on the proper handling and disposal of hazardous materials and household hazardous waste.*

According to the Atwater General Plan, most of the city of Atwater lies outside the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). The Seismic and Public Safety Element addresses flood hazards and dam inundation areas through several goals and policies, as listed below.

GOAL SF-4. *Avoid damage to persons and property resulting from flooding.*

Policy SF-4.1. *Restrict development within the 100-year floodplain in a manner that effectively prevents damage to persons and property.*

GOAL SF-5. *Reduce potential flood impacts resulting from dam failures.*

Policy SF-5.1. *Ensure that the City's Emergency Plan is updated to include dam failure inundation as a potential emergency and procedures for the efficient and orderly notification and evacuation of potential dam inundation areas.*

Policy SF-5.2. *Request that the U.S. Army Corps of Engineers provide information relative to the potential dam inundation area associated with Castle Reservoir.*

Stormwater

The City of Atwater fulfill the requirements set forth by the RWQCB General Permit. The City's storm drainage system generally consists of retention basins with a discharge to a natural drain or MID canal. There are 13 detention basins and 16 storm water lift stations in the city, with pumping capacities ranging from 75 gpm to 8,000 gpm. The City has an agreement with MID for storm water discharge that includes a fee for maintenance of the canal system. MID sets a maximum rate of discharge for each development. In some situations, where service is not available, the City requires private basins to be constructed on Project sites.

4.10.2 Impact Assessment

Would the project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less than Significant Impact. Because the Project site is greater than one (1) acre in size, the developer is required to prepare a SWPPP (Section 4.7) in compliance with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2012-0006-DWQ). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. These provisions minimize the potential for the Project to violate any waste discharge requirements or otherwise substantially degrade surface or ground water quality. Further, runoff resulting from the Project would be managed in compliance with the approved grading and drainage plans. Thus, compliance with existing regulations including the General Construction Permit, BMPs, and AMC in addition to approved plans would reduce potential impacts related to water quality and waste discharge to less than significant levels.

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less than Significant Impact. The City's long-term water resource planning for existing and future demand is addressed in the City's 2020 Urban Water Management Plan (UWMP).³⁴ This plan is intended to serve as a tool for planning and phasing the construction of future domestic water supply infrastructure for the projected buildout of the City of Atwater, in accordance with the General Plan.

According to the UWMP, the City uses groundwater wells as the sole source of supply; the City does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. The Merced Subbasin Groundwater Sustainability Plan (GSP), adopted in 2019 and revised in 2022, has a goal to achieve sustainable groundwater management on a long-term average basis by increasing recharge and/or reducing groundwater pumping, while avoiding undesirable results.³⁵ The implementation of the GSP is expected to improve the long-term water supply reliability for the City. Along with the adoption of the UWMP and GSP, the City adopted its Water Shortage Contingency Plan, which consists of four (4) stages to allow the City to reduce its water demand in addition to several restrictions and prohibitions on end users.

Projected water use for each sector is included in Table 4-8. Commercial water use account for approximately 25% of potable water used citywide. Other use types, including industrial use, account for approximately 17% of potable water used citywide.

³⁴ City of Atwater (2022). 2020 Urban Water Management Plan. Accessed June 12, 2025, <https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf>

³⁵ Merced SGMA. (2022). Resources. Accessed June 12, 2025, <https://mercedsgma.org/resources#documents>

Table 4-8 Projected Potable Water Demand by Sector, 2025 – 2040

Use Type	Water Use by Volume (AF)			
	2025	2030	2035	2040
Single-Family	4,582	4,907	5,254	5,626
Multi-Family	951	1,018	1,090	1,167
Commercial	2,449	2,622	2,808	3,007
Other	1,660	1,777	1,903	2,038
Total	9,642	10,324	11,056	11,838

Source: City of Atwater, 2020 Urban Water Management Plan, 2022

According to the UWMP, the Project site is located within the City’s current service area. The Project has been reviewed by the City and is required to connect to the available water facilities and install water meter box(es) for service. A Water Connection Fee, including Service Connection Fee, Water Capacity Fees, and Water Meter Fee, would be charged for the installation of new water services and meters to serve the property. Water services would be read and billed monthly on a volume-of use basis.

The UWMP addresses the sufficiency of the groundwater supplies for existing and planned future uses. The UWMP uses the General Plan land use designations to analyze future water demand. According to the UWMP, the projected water demand for the City, based on a population of 41,611 and a per capita water demand of 254 gpcd, would be 11,838 AF in 2040. The 2020 UWMP anticipates, assuming groundwater remains the sole supply source, a total water supply of approximately 9,642 AF in 2025 and 11,838 AF in 2040.³⁶ As such, it is expected that there would be sufficient groundwater supplies throughout 2040. The Project would not result in changes to the General Plan land use designations and development resulting from Project implementation would be like that included in the General Plan. Therefore, impacts on groundwater supplies would not be beyond those analyzed in the General Plan EIR.

Furthermore, adherence to connection requirements and recommendations pursuant to the City’s water conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the Project would be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 4.304 – Outdoor Water Use and verified through the permitting process. As a park development that would contain landscaping, the Project shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the permitting process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

In addition, development of the Project site would increase impervious surfaces that could increase stormwater runoff and reduce groundwater recharge. However, the Project proposes the construction of one (1) stormwater basin to collect and retain storm water runoff and aid in groundwater recharge. Therefore, the potential for the Project to interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin is limited and impacts would be less than significant.

³⁶ According to the UWMP, “Because groundwater is the sole source of water supply, projected water supply is equal to the projected water use.”

Overall, the proposed Project would not generate greater water demand than would otherwise occur with the original planned land use (i.e., commercial). As a result, it can be presumed that the existing and planned water distribution system and supplies should be adequate to serve the Project, and the Project would thereby not decrease groundwater supplies, interfere substantially with groundwater recharge, or impede sustainable groundwater management of the basin. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City's water provision. For these reasons, a less than significant impact would occur as a result of the Project.

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?

Less than Significant Impact. Erosion is a natural process in which soil is moved from place to place by wind or from flowing water. The effects of erosion within the Project site can be accelerated by ground-disturbing activities associated with development. Siltation is the settling of sediment to the bed of a stream or lake which increases the turbidity of water. Turbid water can have harmful effects to aquatic life by clogging fish gills, reducing spawning habitat, and suppressing aquatic vegetation growth.

Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. Bare soils, common within agricultural land, are more susceptible to erosion than an already developed urban land, thus it is not expected that erosion could occur on-site. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Future development of the Project site would be required to comply with the Project's SWPPP, construction-related erosion controls and BMPs would be implemented to reduce potential impacts related to erosion and siltation. These BMPs would include, but are not limited to, covering and/or binding soil surfaces to prevent soil from being detached and transported by water or wind, and the use of barriers such as straw bales and sandbags to control sediment. Together, the controls and BMPs are intended to limit soil transportation and erosion. As such, the likelihood of erosion would be further reduced through compliance with regulations including the General Construction Permit, BMPs, and approved grading and drainage plans as described under criterion a). With these provisions in place, the impact on soil and topsoil by the Project would be considered less than significant.

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

Less than Significant Impact. Development of the site would result in an increase in the amount of impervious surface, which could increase the volume of runoff. Impervious areas post-construction is estimated to be 339,909 square foot compared to 1,250 square foot of impervious surface pre-construction. The Project proposes one (1) stormwater basin to manage surface runoff to prevent flooding; the basin has been adequately sized to accommodate the level of runoff expected. As previously discussed, development of the site would require

compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control and direct runoff. Compliance would ensure that construction impacts related to the alteration of the site's natural hydrology and the potential increase in runoff that would result in flooding on- or off-site would be less than significant.

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. Development of the site would disturb the site's vegetation and soil and temporarily alter the natural hydrology of the site. However, compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control, and direct runoff would reduce construction impacts related to alteration of the site's natural hydrology and the potential increase in runoff or polluted runoff in excess of existing or planned stormwater drainage systems. Therefore, construction would not result in the creation or contribution of additional sources of runoff or polluted runoff in exceedance of the existing or planned stormwater drainage systems and impacts would be less than significant.

Regarding operational impacts, development of the site would result in an increase in the impervious surface area which would increase runoff from the site. However, compliance with the approved grading and drainage plans would reduce the potential for the Project to cause substantial additional polluted runoff or runoff in excess of existing or planned stormwater drainage systems. A less than significant impact would occur.

iv. Impede or redirect flood flows?

Less than Significant Impact. Although the construction of the proposed Project would increase impervious surfaces, the Project would be required to maintain the site's drainage pattern through grading and drainage plans that would be reviewed and approved by the City prior to the issuance of building permits. Through compliance, the potential for the Project to impede or redirect flood flows would be minimized or eliminated and a less than significant impact would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project site is designated as Zone X on the most recent Flood Insurance Rate Map (FIRM) No. 06047C0405G, dated December 2, 2008.³⁷ Zone X is a flood hazard area with a 0.2 percent annual chance of flood hazard and one (1) percent annual chance flood with average depth less than one foot or with drainage areas of less than one (1) square mile. In addition, the City, inclusive of the Project site, has historically been subject to low to moderate ground shaking and has a relatively low probability of shaking. Seiches are unlikely to form due to the low seismic energy produced in the area. Therefore, as a low-risk area, the Project would have a less than significant impact as it relates to the risk release of pollutants due to project inundations.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is located within the jurisdiction of the Merced Irrigation-Urban GSA and is therefore subject to the Merced Groundwater Subbasin GSP adopted in 2019 and revised in 2022. As

³⁷FEMA. FEMA Flood Map Service Center: Search by Address. Accessed June 12, 2025, <https://msc.fema.gov/portal/home>

described under criterion b) above, the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge. In addition, the GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein. Therefore, based on compliance with such plans, it can be determined that the Project would not conflict with or obstruct implementation of water quality control plans or sustainable groundwater management plans. For these reasons, a less than significant impact would occur because of the Project.

4.10.3 Mitigation Measures

None required.

4.11 LAND USE PLANNING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?			X	
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?			X	

4.11.1 Environmental Setting

The Project proposes Tentative Parcel Map (TPM 24-34-0300), Site Plan (SP 24-34-0100), and Architectural Review (AR 24-34-0200) pertaining to one (1) parcel totaling 16.0 acres. Tentative Parcel Map (TPM 24-34-0300) would facilitate the subdivision of the Project site into four (4) parcels and one (1) remainder parcel: Parcel 1 (2.79 acres), Parcel 2 (2.61 acres), Parcel 3 (1.70 acres), Parcel 4 (2.75 acres), and a remainder parcel (5.51 acres). Site Plan (SP 24-34-0100) and Architectural Review (AR 24-34-0200) would facilitate the development of the site into a business park style development, with a mix of commercial, light manufacturing, and warehouse uses. Parcels 1 and 2 would contain four (4), 10,000 square foot buildings each, Parcel 3 would contain two (2) 10,000 square foot buildings, and Parcel 4 would contain four (4) buildings that total 32,000 square feet total, with improvements to drive aisles, parking spaces, trash enclosures, underground utilities, signage, pavement, and landscaping, in addition to a storm drain basin.

4.11.2 Impact Assessment

Would the project:

a) Physically divide an established community?

Less than Significant Impact. Typically, physical division of an established community would occur if a Project introduced new incompatible uses inconsistent with the planned or existing land uses or created a physical barrier that impeded access within the community. Typical examples of physical barriers include the introduction of new, intersecting roadways, roadway closures, and construction of new major utility infrastructure (e.g., transmission lines, storm channels, etc.).

Surrounding Land Uses

The Project site is generally surrounded by the right-of-way, commercial use, industrial use, storm basin, and vacant land. Properties to the east and west are zoned and planned for Business Park, properties to the north are planned for downtown residential and zoned Residential Transition, properties to the south are planned for manufacturing/industrial and zoned for Heavy Industrial. The Project site is currently vacant with no existing structures or improvements. Proposed site improvements are regulated by development standards and zoning regulations, including landscaping, improvements, and parking, etc. As such, the Project would be consistent and therefore compatible with the existing commercial and industrial use surrounding the Project site. Therefore,

implementation of the Project would be generally consistent with the existing and planned land uses within the Project vicinity.

Circulation System

The Project site would be accessible via two (2) points of ingress/egress on Railroad Avenue, one (1) accessing Parcel 1 and one (1) accessing Parcel 4 , and one (1) point of ingress/egress on Hazel Avenue. Parcel 2 and Parcel 3 would be accessible via a 25-foot access easement with an ingress/egress on Railroad Avenue at Parcel 1. New 10-foot public sidewalks are proposed along the north boundary of the site along Railroad Avenue and west boundary of the site along Hazel Avenue. Internal circulation of the site would include a 25-foot drive aisle for automobiles. As such the Project would be served by the existing circulation system and related infrastructure. Therefore, implementation of the Project would not include the introduction of new, intersecting roadways.

Utility Infrastructure

The Project site would be required to connect to the City’s water, wastewater, solid waste, and stormwater services. Natural gas, electricity, and telecommunications are provided by private companies. Utility systems are described and analyzed in **Section 4.10** and **Section 4.15**. Based on the analysis, implementation of the Project would not result in the construction of new, major utility infrastructure.

As such, the Project does not represent a significant change in the surrounding area as it would develop a vacant and undeveloped site with commercial, light manufacturing, and warehouse uses that are consistent and compatible with existing uses surrounding the Project site. In addition, the Project does not propose new roadways and does not include major utility infrastructure. For these reasons, the Project would not result in the physical division of an established community and would thereby have a less than significant impact.

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?

Less than Significant Impact. The Project proposes the development of a business park with a mix of commercial, light manufacturing, and warehouse uses, consistent with the existing Business Park land use designation for the site. Generally, policy conflicts are environmental impacts when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this document under specific topical sections, such as Biological Resources, Cultural Resources, and Tribal Cultural Resources. A discussion of land use policies that are applicable to the Project are included in **Table 4-9**. As discussed below, the Project is generally consistent with the proposed Business Park land use designation. Impacts would be less than significant.

Table 4-9 Discussion on Land Use Policies in the General Plan for Business Park Development

General Plan Policy	Project Consistency
<i>Policy LU-2.1. Develop guidelines for commercial, industrial and business park development that present an attractive public view and are integrated with the surrounding area.</i>	Consistent. Through the entitlement process, the Project would be required to comply with all relevant design guidelines. As such, the Project will be appropriately designed to present an attractive public view and integration with the surrounding area.

4.11.3 Mitigation Measures

None required.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

4.12.1 Environmental Setting

For the purposes of CEQA, mineral resources are land areas or deposits deemed significant by the California Department of Conservation (DOC). Mineral resources include oil, natural gas, and metallic and nonmetallic deposits, including aggregate resources. The California Geological Survey (CGS) classifies and designates areas within California that contain or potentially contain significant mineral resources. Lands are classified into Aggregate and Mineral Resource Zones (MRZs), which identify known or inferred significant mineral resources. According to the California Department of Conservation, CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the Project site is not within an aggregate resource area (ARA) nor are there aggregate mines in the City of Atwater, inclusive of the Project site.³⁸ In addition, the City of Atwater, inclusive of the Project site, is not within a CalGEM-recognized oilfield and there are no oil and gas wells on-site.³⁹

4.12.2 Impact Assessment

Would the project:

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

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project site. Therefore, the Project would not 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. Therefore, no impact would occur.

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

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project site. As a result, the Project would not result in the loss of availability of a known mineral resource that would be of value

³⁸ California Department of Conservation. (2025). Mineral Lands Classification. Accessed on June 2, 2025, <https://maps.conservation.ca.gov/cgs/minerals/?page=Mineral-Land-Classification>

³⁹ California Department of Conservation. Well Finder. Accessed on June 2, 2025, <https://maps.conservation.ca.gov/doggr/wellfinder/>

to the region and the residents of the state. Further, the site is not delineated in the General Plan, a Specific Plan, or other land use plan as a locally important mineral resource recovery site, thus it would not result in the loss of availability of a locally important mineral resource. Therefore, no impact would occur.

4.12.3 Mitigation Measures

None required.

4.13 NOISE

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sounds. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Two (2) noise generating activities of the Project would include construction (short-term, temporary) and operational (long-term) noise.

Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space/recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residences approximately 540 feet north of the site (measured from the Project's property line to existing structures of the sensitive receptors).

Existing Ambient Noise Environment

The Project site's existing noise environment is impacted by various noise sources. As previously discussed, the Project site is generally surrounded by the right-of-way (north, south, and west), commercial use (north), industrial use (south), a storm basin (east), and vacant land (west). Associated noise from commercial uses includes vehicles, including delivery trucks, customer vehicles, drive-throughs, and typical human-generated noise (i.e., talking, music, etc.). Associated noise from industrial uses includes delivery and loading/unloading trucks, forklifts and other material-handling equipment, HVAC systems, mechanical ventilation, backup generators, industrial machinery operation, and general employee activity (e.g., voices, movement, and tool use). Other sources of noise include the

vehicular traffic on Railroad Avenue (north boundary), Hazel Avenue (west boundary), and State Route 99 (south boundary). The Project site is not located within the Airport Influence Area (AIA) of Castle Airport, nor is it within the Airport's CNEL noise contour.

Construction Noise Exposure

The Atwater General Plan Noise Element and Atwater Municipal Code Chapter 8 – Health and Safety outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable. Construction phases would include site preparation, grading, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise. Short-term construction noises also include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. Ambient noise from construction activities would cease upon completion of construction.

City of Atwater Noise Level Standards

For transportation noise sources (e.g., traffic and railway noise), the City General Plan Noise Element establishes noise level criteria in terms Community Noise Equivalent Level (CNEL) metric. The CNEL is the time-weighted energy average noise level for a 24-hour day, with a 3 dB penalty added to noise levels occurring during the evening hours (7:00 p.m.-10:00 p.m.) and a 10 dB penalty added to noise levels occurring during the nighttime hours (10:00 p.m.-7:00 a.m.). The CNEL represents cumulative exposure to noise over an extended period of time and is therefore calculated based upon annual average conditions.

The Atwater General Plan Noise Element implements the following policies intended to protect residents and other noise-sensitive uses from excessive or disruptive noises:

Policy NO-2.1: Periodically update existing and projected noise contours for all transportation noise sources

Policy NO-2.2: Utilize Table 6-5 (**Table 4-10** below) as a general guide when considering the feasibility of new development with respect to existing and future transportation noise levels. Noise levels should be measured from the outdoor activity area of each specified use.

Policy NO-2.3: Prevent new development of noise-sensitive land uses in areas exposed to existing or projected levels of noise from transportation sources which exceed the levels specified in Table 6-6, unless the project design includes effective mitigation measures to reduce interior and exterior volumes to the levels specified in that table.

Policy NO-2.4: Mitigate noise created by new transportation noise sources consistent with the levels specified in Table 6-6 in outdoor activity areas or interior spaces of existing noise-sensitive land uses.

Policy NO-2.5: Consider the significance of noise level increases associated with major roadway improvement projects prior to construction. In instances where mitigation will not reduce noise volumes to the levels recommended in Table 6-6 (**Table 4-11** below), the following criteria should be used as a test of significance for roadway improvement projects:

- a. Where existing traffic noise levels are less than 60 dB Ldn, in the outdoor activity areas of noise-sensitive uses, roadway improvement projects which increase noise levels to 60 dB Ldn will not be considered significant.

b. Where existing traffic noise levels range between 60 and 65 dB Ldn in the outdoor activity areas of noise-sensitive land uses, a +3 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant.

c. Where existing traffic noise levels are greater than 65 dB Ldn in the outdoor activity areas on noise-sensitive uses, a +1.5 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant.

Policy NO-2.6: Prevent the introduction of new incompatible land uses in areas impacted by existing and projected operations at Castle Airport.

Policy NO-2.7: Require an acoustical analysis when noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-6 (**Table 4-11** below) so that noise mitigation may be included in the project design

Table 4-10 Land Use Compatibility Guidelines for Development

Land Use	Community Noise Exposure (L _{dn} or CNEL, dB)		
	Generally Acceptable	Conditionally Acceptable	Generally Unacceptable
Residential, Theaters, Meeting Halls, Churches, Auditoriums	< 60	60 – 70	70-80
Transient Lodging, Motels, Hotels	< 60	60 – 75	75 – 80
Schools, Libraries, Hospitals, Childcare, Museums	< 60	60 – 75	75 – 80
Playgrounds, Neighborhood Parks, Amphitheaters	< 70	70 – 75	75 – 80
Office Buildings, Businesses, Commercial and Professional	< 65	65 – 75	75 – 80
Industrial, Utilities, Manufacturing, Agriculture	< 75	70 – 80	-
Golf Courses, Riding Stables, Outdoor Spectator Sports	< 70	70 – 80	> 80

Generally Acceptable = No noise mitigation measures are required.

Conditionally Acceptable = Uses should be permitted only after careful study and inclusion of mitigation measures as needed to satisfy the policies of the Noise Element.

Generally Unacceptable = Development is usually not acceptable.

Table 4-11 Maximum Allowable Noise Exposure / Transportation Noise Sources

Land Use	Outdoor Activity Areas ¹ (L _{dn} or CNEL, dB)	Interior Spaces	
		L _{dn} /CNEL, dBA	L _{eq} , dBA ²
Residential	60 ³	45	-
Transient Lodging	60 ³	45	-
Hospitals, Nursing Homes	60 ³	45	-
Theaters, Auditoriums, Music Halls	-	-	35
Churches, Meeting Halls	60 ³	-	40
Office Buildings	-	-	45
Schools, Libraries, Museums	60 ³	-	45
Playgrounds, Neighborhood Parks	70	-	-

¹The exterior noise-level standard shall be applied to the outdoor activity area of the receiving land use. Outdoor activity areas are normally located near or adjacent to the main structure and often occupied by porches, patios, balconies, etc.

² As determined for a typical worst-case hour during periods of use.

³ Where it is not possible to reduce the noise in outdoor activity areas to 60 dBA, Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dBA, Ldn/CNEL may be allowed, provided that practical exterior noise level reduction measures have been implemented and that interior noise levels are in compliance with this table.

Vibration Level Standards

The City of Atwater does not have regulations that define acceptable levels of vibration. One of the most recent references suggesting vibration guidelines is the California Department of Transportation (Caltrans) *Transportation and Construction Vibration Guidance Manual*.⁴⁰ The Manual provides guidance for determining annoyance potential criteria and damage potential threshold criteria. These criteria are provided below in **Table 4-12** and **Table 4-13**, and are presented in terms of peak particle velocity (PPV) in inches per second (in/sec).

Table 4-12 Guideline Vibration Annoyance Potential Criteria

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible	0.9	0.1
Severe	2.0	0.4

Source: Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual*.

Table 4-13 Guideline Vibration Damage Potential Threshold Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile, historic buildings, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual*.

⁴⁰ California Department of Transportation. (2020). *Transportation and Construction Vibration Guidance Manual*. Accessed June 13, 2025, <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>

4.13.2 Impact Assessment

Would the project:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?*

Less than Significant Impact. Noise generating activities of the Project would include traffic noise and stationery-source noise, such as operations and construction as described below. It is not anticipated that the Project would generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, given the type of development proposed (i.e., commercial, light manufacturing, warehouse).

Traffic Noise Exposure

Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space-recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residences approximately 540 feet north of the site (measured from the Project's property line to existing structures of the sensitive receptors).

According to the General Plan Noise Element, the Project site is within the 60 dB L_{dn} contour under existing conditions and the projected future conditions due to proximity to State Route 99 and the railroad. Traffic noise depends primarily on traffic volume, traffic speed, and truck traffic percentage. Train related noise is intermittent, including sounds of the engine, wheels-on-rail noise, and warning horn blasts and signal sounds near crossings.

The primary source of exterior, on-going noise from the proposed park Project will be from vehicles traveling to and from the site. Build-out of the Project site would generate an increase in traffic on roadways in the Project vicinity. However, the new trips associated with full build-out of the Project site are not likely to increase the ambient noise levels by a significant amount as the area is active with vehicles. Such levels (60 dB L_{dn}) are below the City's applicable 65 dB L_{dn} exterior noise level standard for office and commercial uses and 70 dB L_{dn} exterior noise level standard for industrial and manufacturing uses. As such, it is expected that the traffic noise levels will increase minimally and will not have a significant impact.

Operational Noise Exposure

The proposed commercial and industrial use is expected to generate typical noise including mechanical equipment, talking, car doors shutting, etc. These noises are expected to be minimal due to the type of noise and intervening trees and landscaping and will not introduce a new significant source of noise that isn't already occurring in the area. In addition, mechanical equipment sounds (e.g., HVAC systems, generators, etc.) will be confined within the interior of the buildings. Noise exposures within industrial facilities are controlled by California Division of Occupational Safety and Health (Cal / OSHA) and United States Occupational Safety and Health Administration (OSHA), respectively. As such, it is expected that the operational noise generated by the Project will be minimal and most likely not cause significant impact to existing uses.

Construction Noise Exposure

Construction noise would result from construction activities through the use of construction equipment for grading the site and building the proposed structures. Construction phases would include site preparation, grading, building construction, and paving, as well as architectural coating. Of all construction phases, it is anticipated that grading would produce the loudest noise.

Construction noise was estimated using the FHWA Roadway Construction Noise Model (RCNM) Version 1.0.⁴¹ For the purpose of this noise assessment, general construction equipment, including mixers, graders, pavers, paving equipment, rollers, dozers, and tractors, are included in the construction noise modeling. The nearest sensitive land uses are single-family residential subdivisions north of the Project site. The single-family residences are approximately 540 feet from the Project site. According to existing land use within and around the Project site, the baseline and receptors that are analyzed in the RCNM are shown in **Table 4-14**.

Table 4-14 Receptors and Baseline Analyzed in the RCNM		
Location	Land Use	Total dB Leq *
540 feet to the north	Residential	66.7

** This number estimates noise when all equipment is used at the same time.*

Short-term construction noises include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. According to modeling of the FHWA RCNM Version 1.0, construction noise generated from the offroad equipment is estimated to be 66.7 dB Leq at 540 feet if all equipment were used at the same time. Ambient noise from construction activities would cease upon completion of construction. Since the City of Atwater does not have a threshold for construction noise, the construction noise assessment is done for informational purposes.

Although the nearby residential uses would experience elevated noise levels from construction, these activities would be temporary and would generally take place in accordance with AMC *Section 8.44.050* which regulates permissible hours of construction between the hours of 7:00 am and 7:00 pm, Monday through Friday, and 9:00 am and 5:00 pm, Saturdays and Sundays.

Overall, Project construction is not expected to result in a significant impact because the noise would be regulated by the AMC. Noise would thereby be generated during daylight hours and not during evening or more noise-sensitive time periods; and the increase in noise would cease upon completion of the Project. For these reasons, a less than significant impact would occur.

Although the Project would result in increased ambient noise level at the Project site, compliance with the General Plan policies and AMC requirements would result in the Project’s compliance with applicable standards. Overall, the Project would result in a less than significant impact in regard to noise.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Ground borne vibration may result from operations and/or construction, depending on the use of equipment (e.g., pile drivers, bulldozers, jackhammers, etc.), distance to affected structures, and soil

⁴¹ U.S. Department of Transportation. (2017). Federal Highway Administration Roadway Construction Noise Model Version 1.0. Accessed June 13, 2025, https://www.fhwa.dot.gov/ENVIRONMENT/noise/construction_noise/rcnm/rcnmcover.cfm

type. Depending on the method, equipment-generated vibrations could spread through the ground and affect nearby buildings. The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these activities are anticipated to occur with construction or operation of the proposed Project. Typical vibration levels at distances of 100 feet and 300 feet are summarized by **Table 4-15**. These levels would not be expected to exceed any significant threshold levels for annoyance or damage, as provided above in **Table 4-12** and **Table 4-13**.

Table 4-15 Typical Vibration Levels During Construction

Equipment	PPV (in/sec)	
	At 100 feet	At 300 feet
Bulldozer (Large)	0.011	0.006
Bulldozer (Small)	0.0004	0.00019
Loaded Truck	0.01	0.005
Jackhammer	0.005	0.002
Vibratory Roller	0.03	0.013
Caisson Drilling	0.01	0.006

Source: Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual*.

Once the Project site is fully developed, it is not expected that ongoing operational activities would result in any vibration impacts at nearby sensitive uses. As such, the Project would have a less than significant impact.

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

No Impact. The nearest public airport to the Project site is Castle Airport which is approximately two (2) miles northeast of the site. According to the Merced County Airport Land Use Compatibility Plan (2012) and the Castle Airport Master Plan (2011), the Project site is located outside of the airport's Airport Influence Area (AIA) and noise contours and is therefore not subject to land use compatibility policies.^{42 43} Therefore, the Project would have no impact.

4.13.3 Mitigation Measures

None required.

⁴² County of Merced. (2012). Merced County Airport Land Use Compatibility Plan. Accessed on June 12, 2025, <https://www.co.merced.ca.us/406/Airport-Land-Use-Commission>

⁴³ County of Merced. (2011). Castle Airport Master Plan. Accessed on June 12, 2025, http://web2.co.merced.ca.us/pdfs/env_docs/castle/CAED/Castle AMP full.pdf

4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

4.14.1 Environmental Setting

CEQA Guidelines *Section 15126.2(d)* requires that a CEQA document discusses the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines provide an example of a major expansion of a wastewater treatment plant that may allow for more construction within the service area. The CEQA Guidelines also note that the evaluation of growth inducement should consider the characteristics of a project that may encourage or facilitate other activities that could significantly affect the environment. Direct and Indirect Growth Inducement consists of activities that directly facilitate population growth, such as construction of new dwelling units. A key consideration in evaluating growth inducement is whether the activity in question constitutes “planned growth.”

City of Atwater General Plan

The City of Atwater General Plan estimates the capacity of existing residential uses to hold a total of 64,172 people and non-residential land uses to hold a total of 44,956 employees at full buildout of the city’s Planning Area.

U.S. Census Bureau

According to the U.S. Census Bureau, the population of Atwater is 32,248 in 2024 with an average household size of 3.09 in 2023.⁴⁴

⁴⁴ U.S. Census Bureau. (2024). QuickFacts: Atwater city, California. Accessed on June 2, 2025, <https://www.census.gov/quickfacts/fact/table/atwatercitycalifornia/PST120222>

4.14.2 Impact Assessment

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Less than Significant Impact. The Project proposes the development of a business park with a mix of commercial, light manufacturing, and warehouse uses. No residential development is proposed that would induce population growth. The Project may introduce new employment opportunities; however, the Project is consistent with the Business Park land use designation and zoning under the General Plan. Any indirect population growth resulting from the Project is expected to be limited and aligned with the expected growth under the General Plan. The Project does not would not require extension of roads or utilities beyond the site, except for roadway improvements along the site's frontage (i.e., curb, gutter, and sidewalk) and utility connections to existing pipelines. Therefore, the Project would not induce substantial unplanned population growth and a less than significant impact would occur.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The Project site does not contain any existing residents as the site is currently vacant with no structures. Therefore, the Project would not result in the physical displacement of existing people or housing and would not necessitate the construction of replacement housing. No impact would occur because of the Project.

4.14.3 Mitigation Measures

None required.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?				X
iv. Parks?				X
v. Other public facilities?				X

4.15.1 Environmental Setting

The Project is located within Atwater city limits and thus, would receive public services provided by the City of Atwater and will be subject to fees to provide such services, as applicable. Services provided are described as follows.

Fire Protection Services

Fire protection services in the city are provided by Cal Fire; the City also has a mutual aid agreement with the City of Merced that was established in 1993. The City of Atwater operates two (2) fire stations: Station 41 at 699 Broadway Avenue and Station 42 at 2006 Avenue Two. In 2017, the City updated the Municipal Service Review and cited a response time of less than seven (7) minutes for 90 percent of responses. The Project would be reviewed by Cal Fire and is subject to regulations and standards such as the California Uniform Fire Code (UFC), which includes regulations on construction, maintenance, and building use.

Police Protection Services

Police protection services within the city are provided by the Atwater Police Department. The Police Department currently operates from the main police station located at Bellevue Road. The Police Department divides the city into four (4) sectors. The Police Department reviews all projects to ensure that building and site designs consider utilization of crime prevention features and techniques.

Schools

Educational services within the Project site are primarily served by Atwater Elementary School District and the Merced Union High School District. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code *Section 65995 et. Seq.*, which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Parks and Recreation

Park and Recreational facilities are overseen by the Public Works Department. According to the Atwater General Plan, the City’s park standard is a minimum of 3.0 park acres per 1,000 population. To mitigate any impacts on park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

The Atwater General Plan Land Use, Public Facilities and Community Infrastructure Element includes the following objectives and policies related to park and recreational facilities and services:

GOAL LU-23. *Develop a comprehensive strategy for parkland acquisition, construction, and maintenance which meets the community’s adopted standards for recreation facilities.*

Policy LU-23.1. *Strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.*

Policy LU-23.2. *Ensure that park and recreation facilities are distributed equitably throughout the community.*

Policy LU-23.3. *Identify areas of the City that are deficient in park and recreational facilities and assign top priority for future park construction to these areas.*

Policy LU-23.4. *Incorporate park and recreation facilities within the CAADC into the City’s park system, as appropriate.*

Policy LU-23.5. *Encourage private ownership and operation of park and recreation facilities located within the CAADC that are not incorporated into the City’s system.*

4.15.2 Impact Assessment

Would the project:

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*
 - i. *Fire protection?*

Less than Significant Impact. The Project will be served by Cal Fire. Atwater Fire Station 41 is approximately 0.3 miles northeast of the Project site. The Project’s proximity to the existing fire station would support adequate service ratios, response times, and other performance objectives for fire protection services. In addition, the Project must comply with Cal Fire requirements related to water supply, fire hydrants, and fire apparatus access to the

structures proposed on site, . For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

ii. Police protection?

Less than Significant Impact. The Project will be served by the Atwater Police Department. The Project site is approximately 1.3 miles north of the city's Police Department. As such,, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur. Further, the Project is subject to the Police Facilities Fee for construction and acquisition costs for improvements to police protection services and facilities.

iii. Schools?

No Impact. The Project is not a residential development that would induce growth to the area that would impact schools. Therefore, the Project would not result in the need for new expanded school facilities and as a result, there would be no impact.

iv. Parks?

No Impact. Park and recreational facilities are typically impacted by an increase in use from proposed residential development. The Project proposes commercial, light manufacturing, and warehouse uses, which would not result in a net increase in the area population. Thus, because of the nature of the Project and the characteristics of the area (i.e., commercial and industrial), there would be no increased demand for existing neighborhood and regional parks, or other associated with the Project and the Project would thereby not result in adverse physical impacts or the need for altered or new facilities. Therefore, no impact would occur as a result of the Project.

v. Other public facilities?

No Impact. As previously discussed, the Project would not result in an increase in residents that would require other public services such as libraries or post offices. Thus, the Project would not result in the need for new or altered facilities to provide other public services and no impact would occur as a result of the Project.

4.15.3 Mitigation Measures

None required.

4.16 RECREATION

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?				X
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?				X

4.16.1 Environmental Setting

See [Section 4.15](#).

4.16.2 Impact Assessment

Would the project:

a) 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. Park and recreational facilities are typically impacted by an increase in use from proposed residential development. The Project proposes a business park and would not result in a net increase in the area population. Thus, because of the nature of the Project and the characteristics of the area (i.e., commercial and industrial), there would be no increased demand for existing neighborhood and regional parks, or other recreational facilities associated with the Project and the Project would thereby not result in physical deterioration of recreational facilities. Therefore, the Project would have no impact.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No Impact. The Project proposes industrial use that does not include recreational facilities or require the construction of or expansion of recreational facilities. Therefore, no impact would occur as a result of the Project.

4.16.3 Mitigation Measures

None required.

4.17 TRANSPORTATION

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

4.17.1 Environmental Setting

The Project site is currently vacant and undeveloped, with no existing structures or improvements. Railroad Avenue, a two (2)-lane, east-west arterial road forms the northern site boundary. Hazel Avenue, a two (2)-lane, north-east local road forms the western site boundary. State Route 99 forms the southern site boundary.

CEQA Guidelines

Under Senate Bill 743 (SB743), traffic impacts are related to Vehicle Miles Traveled (VMT). The VMT metric became mandatory on July 1, 2020. 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 automobile travel (additional miles driven) a proposed Project would create on California roads. If the project adds excessive automobile travel onto roads, then the project may cause a significant transportation impact. Therefore, LOS measures of impacts on traffic facilities are no longer relevant CEQA criteria for transportation impacts.

To implement SB 743, the CEQA Guidelines were amended by adding *Section 15064.3*. According to *Section 15064.3*, VMT measures the automobile travel generated from a proposed project (i.e., the additional miles driven). Here, ‘automobile’ refers to on-road passenger vehicles such as cars and light-duty trucks. If a proposed project adds excessive automobile travel on California roads thereby exceeding an applicable threshold of significance, then the project may cause a significant transportation impact.

Among its provisions, *Section 15064.3(b)* establishes criteria for analyzing transportation impacts. Specifically, *Section 15064.3(b) (1)* establishes a less than significant presumption for certain land use projects that are proposed within ½-mile of an existing major transit stop or along a high-quality transit corridor. If this presumption does not apply to a land use project, then the VMT can be qualitatively or quantitatively analyzed.

In the case that quantitative models or methods are not available to the lead agency to estimate the VMT for the project being considered, provisions of CEQA Guidelines *Section 15064.3(b)(3)* permits the lead agency to conduct a qualitative analysis. The qualitative analysis may evaluate factors including but not limited to the availability of transit, proximity to other destinations, and construction traffic.

Lastly, *Section 15064.3(b)(4)* of the CEQA Guidelines states that “[a] lead agency has discretion to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in *Section 15151* shall apply to the analysis described in this section.”

SB 743 Technical Advisory

In April 2018, the Governor’s Office of Planning and Research (OPR) issued the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (revised December 2018) to provide technical recommendations regarding VMT, thresholds of significance, and mitigation measures for a variety of land use project types.

The Technical Advisory includes screening thresholds for agencies to use in order to identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.

- *Screening Thresholds for Small Project.* Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. This threshold is based on a CEQA categorical exemption for existing facilities, including additions to existing structures of up to 10,00 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area.
- *Map-Based Screening Threshold for Residential and Office Projects.* Residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.
- *Presumption of Less Than Significant Impact Near Transit Thresholds.* Proposed CEQA Guideline *Section 15064.3, subdivision (b)(1)*, states that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.
- *Presumption of Less Than Significant Impact for Affordable Residential Development.* Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and

reducing VMT. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

According to the Technical Advisory, lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types.

MCAG VMT Thresholds and Guidelines

In 2022, Merced County Association of Governments (MCAG) adopted VMT Thresholds and Implementation Guidelines for the seven (7) jurisdictions: City of Atwater, City of Dos Palos, City of Gustine, City of Livingston, City of Los Banos, City of Merced, and the County of Merced. The Guidelines include project screening criteria, methodologies for estimating project specific VMT, regional and local thresholds, and VMT mitigation strategies.⁴⁵ The project screening criteria listed in the Guidelines are similar to those identified in the TA, including:

- Project is within a Transit Priority Area/High Quality Transit Corridor: within 0.5 miles of a transit stop, consistent with RTP/SCS, FAR >0.75, limited parking, does not reduce the number of affordable housing units.
- Project is a Local-Serving Retail less than 50,000 sf.
- Project is a Low Trip Generator: less than 1,000 ADT for projects consistent with the General Plan and less than 500 ADT for projects inconsistent with the General Plan.
- Project is 100% Affordable Housing Units.
- Project is Institutional or Government and Public Service Uses.
- Project is located in Low VMT Zones.

If the project does not meet any of the screening criteria listed above, the project is subject to further analysis using the MCAG Travel Demand Model (TDM).

Atwater General Plan

The General Plan identifies the following goals and policies applicable to the project.

GOAL CIRC-1. *Maintain adopted Level of Service (LOS) for City streets and intersections.*

Policy CIRC-1.1 *Establish and maintain a minimum LOS of D for all arterial and collector streets within the City.*

Policy CIRC-1.2. *Establish intersection LOS standards when more specific intersection traffic data becomes available.*

Policy CIRC-1.3. *Design roadway improvements and evaluate development projects using established LOS standards.*

Policy CIRC-1.4. *Develop the City's roadway system in conformance with the planned roadway system shown on the Circulation Plan and the City's adopted cross section standards.*

⁴⁵ Merced County Association of Governments. (2022). VMT Thresholds and Implementation Guidelines. Accessed January 15, 2025, https://www.mcagov.org/DocumentCenter/View/3872/MCAG-SB-743-VMT-Thresholds-and-Implementation-Guidelines_11-10-2022?bidId=

***Policy CIRC-1.5.** Access for land uses adjacent to Castle Parkway will be provided by frontage roads which parallel the Parkway. Direct access to the Parkway will be limited to the primary east-west corridors in the area.*

GOAL CIRC-5 Provide sufficient parking for all commercial, industrial, residential, and other uses, either off-street or on-street as appropriate.

***Policy CIRC-5.1** Require that all new development provides sufficient on- or off-street parking to meet the standards of the City's Zoning Code or any other applicable planning document (such as the Downtown Specific Plan).*

GOAL CIRC-8 Provide a safe and efficient pedestrian circulation system which connects residential areas, schools, and commercial areas with parking lots and public transportation.

***Policy CIRC-8.1** Require new public and private development and infrastructure projects to include sidewalks or on-site pedestrian features.*

Traffic Study and VMT Analysis

A Traffic Study and VMT Analysis was prepared for the Project by Advanced Mobility Group, dated May 24, 2025. The VMT Analysis portion of the report is provided in **Appendix E** and results are incorporated in the impact assessment below.

4.17.2 Impact Assessment

Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less Than Significant Impact. The proposed Project would be required to comply with all project-level requirements implemented by a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would be reviewed by the City to ensure compliance with the General Plan, AMC, and other policies regarding traffic. In addition, the proposed Project would not affect the current roadway system through the construction of two (2) new access drive off of Railroad Avenue and one (1) new access drive off of Hazel Avenue. Given that the Project does not re-configure the city's circulation system, the Project would not conflict with any applicable plan (including the RTP), ordinance, or policies establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

- b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Less than Significant Impact. The passage of Senate Bill (SB) 743 requires jurisdictions to transition from using Level of Service (LOS) to Vehicle Miles Traveled (VMT) as the metric for evaluating transportation impacts under CEQA. To assess potential VMT impacts associated with the proposed Project, the Merced County Association of Governments (MCAG) VMT Estimation Tool, developed as part of MCAG's SB 743 VMT Thresholds and Implementation Guidelines, was utilized.

According to the VMT Estimation Tool, the regional average VMT per employee for Merced County is 10.22. The tool estimates an average VMT per employee of 8.10 for the parcel in which the Project is located. Additionally, the

parcel is categorized as a "Low VMT Generator" for non-residential land uses. Based on these results, the Project is in a low VMT area.

In accordance with MCAG's VMT Threshold and Implementation Guidelines, projects located within low VMT areas are presumed to have a less-than-significant transportation impact under CEQA. As such, projects that are consistent with the General Plan and located in areas identified as low VMT (as determined using the MCAG VMT Screening Tool and appropriate thresholds) may be screened out from the need for a detailed VMT analysis. Since the Project is in a low VMT area, it would not conflict with CEQA Guidelines *Section 15064.3(b)* and impacts would be less than significant.

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

Less than Significant Impact. The Project design does not contain any geometric design features that would create hazards. Implementation of the Project would not require the improvement and expansion of the roadway network serving the Project site. The Project site would be accessible via two (2) points of ingress/egress on Railroad Avenue, one (1) and one (1) point of ingress/egress on Hazel Avenue. The Project would be required to submit Improvement Plans through the Building Permit process for review and approval by the City to ensure offsite improvements (i.e., driveway approach) would be consistent with adopted City of Atwater standards. Compliance with such standards, specifications, and plans would ensure that any traffic hazards are minimized. In addition, the Project proposes the development of a business park. Therefore, the Project does not propose an incompatible use because it is consistent with the existing development in the area and is similar in nature to the surrounding uses. As a result, implementation of the Project would result in a less than significant impact related to hazards due to roadway design features or incompatible uses.

d) Result in inadequate emergency access?

Less than Significant Impact. The Project does not involve a change to any emergency response plan. In addition, the Project site is subject to review by the City to ensure adequate site access including emergency access. In the case that Project construction requires lane closures, access through existing roadways would be maintained through standard traffic control and therefore, potential lane closures would not affect emergency evacuation plans. Thus, a less than significant impact would occur because of the Project.

4.17.3 Mitigation Measures

None required.

4.18 TRIBAL CULTURAL RESOURCES

Would the project: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k), or,		X		
b) 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 PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

4.18.1 Environmental Setting

See [Section 4.5](#).

4.18.2 Impact Assessment

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:

- a) *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*

Less than Significant with Mitigation Incorporated. According to the CHRIS Record Search conducted on April 24, 2025, there are no formally recorded prehistoric or historic archaeological resources, historic buildings, or structures within the Project site or immediate vicinity. While there is no evidence that tribal cultural resources exist on the Project site, there is some possibility that hidden and buried tribal cultural resources may exist with no surface evidence that may be impacted by physical development. The CCIC noted that the Project site has not been previously subject to formal cultural resources investigations and that ground-disturbing activities may uncover unknown historical resources, including features over 45 years old that could be considered as historical resources. In the event of the accidental discovery and recognition of previously unknown tribal cultural resources before or

during construction activities, the Project shall incorporate **Mitigation Measure CUL-1** to assure construction activities do not result in significant impacts to any potential tribal cultural resources discovered below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

- b) 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.*

Less than Significant with Mitigation Incorporated. The Project site and its resources have not been determined by the City to be significant pursuant to *Section 5024.1*. However, as discussed in **Section 4.5**, there is some possibility that a non-visible, buried tribal cultural resources may exist and may be uncovered during ground disturbing construction activities which could constitute a significant impact. Therefore, the Project shall incorporate **Mitigation Measure CUL-1** to assure construction activities do not result in significant impacts to any potential resources of significance to a California Native American tribe discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

4.18.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measure as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effect?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

4.19.1 Environmental Setting

The Project is within the City of Atwater limits and thus, will be connected to water, sewer, stormwater, wastewater, and solid waste services provided by the City of Atwater and may be subject to fees to be provided such services. The Project would be served by private companies for the provision of electricity and natural gas, as needed. Each utility system is described below.

Water

Water supply, usage, and services are described in [Section 4.10](#).

Wastewater

The City provides sewage disposal and treatment using a pipeline system, pump stations, and a wastewater treatment plant (WWTP) facility. The new WWTP, constructed in 2012, is located west of State Route 99 on Bert

Crane Road and can handle an average flow up to six (6) million gallons per day (MGD). The wastewater treatment plant (WWTP) is owned by the City but operated by a private contractor, Veolia Water North America, West. The 2020 average daily flow was 3.3 mgd, which is approximately 54% of the current average daily permitted flow. The WWTP receives and treats wastewater from the City as well as the United States Penitentiary of Atwater, Winton Water and Sanitary District (WWSD) and Castle Airport.⁴⁶

Solid Waste

Solid waste in the city is collected by a private contractor, Mid Valley Disposal, and then transported and disposed in one (1) of two (2) Merced County Landfills. The Merced County Association of Governments (MCAG) is responsible for managing and implementing regional solid waste disposal services, known as the Merced County Regional Waste Management Authority (RWA). The RWA owns and operates the two (2) regional landfills within Merced County and administers integrated waste management contracts and grants on behalf of member jurisdictions.

Stormwater

Stormwater services are described in **Section 4.10**.

Natural Gas and Electricity

Major electrical transmission lines run through the northern and southern portions of the city. Electrical and natural gas service is largely provided by MID, primarily from fossil fuel and hydroelectric sources. State Route 99 contains a major natural gas main and crude oil pipeline. The gas main pipeline has an offshoot line running directly north through down, beginning approximately at Atwater Boulevard and First Street.

4.19.2 Impact Assessment

Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less than Significant Impact. The Project site would be developed within City limits and thus, the Project would be required to connect to water and wastewater services and utilize solid waste collection services. The City has reviewed the Project to determine adequate capacity in these systems and ensure compliance with applicable connection requirements. In addition to connections to water, solid waste, and wastewater services, the Project would be served by PG&E for natural gas and electricity and by the appropriate telecommunications provider for the Project site. Regarding stormwater, the Project includes an on-site retention basin to capture stormwater runoff from the site; this basin is analyzed herein and has been reviewed by the City Engineer to ensure proper drainage and compliance with all applicable policies and regulations. In addition, the City has reviewed the Project to ensure compliance with applicable requirements and regulations in addition to determining adequate capacity in these systems to accommodate development within the Project site. Further, while the Project would introduce new uses

⁴⁶ City of Atwater (2022). 2020 Urban Water Management Plan. Accessed January 16, 2025, <https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf>

to an undeveloped site, the type and intensity of development is consistent with the land use designation for which it was previously planned. For these reasons, the Project would not cause significant environmental effects and therefore would have a less than significant impact.

b) 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. As discussed in detail in [Section 4.10](#), the City's long-term water resource planning is addressed in the City's 2020 UWMP. According to these plans, the city uses groundwater wells as the sole source of supply; the city does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. As concluded in [Section 4.10](#), it can be presumed that existing groundwater water supplies should be adequate to serve the Project's anticipated demand.

The UWMP projects normal water year, single dry water year, and five-year consecutive drought period supplies based on historic water allocations, sustainable yields, and utilization of recycled water. Based on these projections, the UWMP found that groundwater supplies remain reliable in all hydrologic conditions. The projections also show that the City will have greater than 10,000 AF available supply in normal years after meeting demands. In a single dry year and five-year consecutive drought periods, groundwater supplies will be reduced but the City would still be able to meet all potable demands. Based on these projections, it can be inferred that future development, such as the proposed Project, will not negatively impact the City's ability to provide water assuming adherence to requirements and recommendations from the City's water resources planning efforts.

As further discussed in [Section 4.10](#), adherence to connection requirements and recommendations pursuant to the City's conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the proposed Project would be required to be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 5.304 – Outdoor Water Use and verified through the building permit process. As a business park development that would contain landscaping pursuant to Atwater Municipal Code regulations, future development shall comply with the updated MWELO (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

Overall, based on the information collected from the UWMP, the Project would not generate significantly greater water demand as to substantially decrease groundwater supplies. Additionally, adherence to connection requirements and recommendations pursuant to water conservation efforts as well as compliance with applicable California Green Building Standards Code and MWELO would reduce water demand and reduce the potential for the Project to substantially decrease water supply available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. For these reasons, the Project would have a less than significant impact.

- 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?*

Less than Significant Impact. Sanitary sewer service for the Project would be provided by the City of Atwater. The Project proposes to construct a new 8-inch sewer main running north–south through the center of Parcel 1, Parcel 2, and Parcel 3, which would connect the proposed 8-inch sewer main along Railroad Avenue to the existing 8-inch sewer main along Progress Avenue.

The City's long-term wastewater planning is addressed in the City's 2010 Sewer Master Plan (Master Plan). Land use types are important to determine projected demand and adequate sizing and capacity for pipes and facilities to maintain effective sanitary sewer system facilities. The land use assumptions in the Master Plan were based on the General Plan and projected future development within the City's proposed growth boundary. The Master Plan estimates the future quantity of wastewater generated at build out of the collections system. Wastewater flows associated with build out are projected to be approximately 0.082 millions of gallons per day (mgd), per CalEEMod (Appendix A). The City of Atwater's Wastewater Treatment Plant (WWTP) has a permitted capacity of 6.0 mgd and currently treats an average of approximately 3.3 mgd, leaving sufficient available capacity to accommodate the Project's incremental increase in demand.

Given the available capacity of the City's WWTP and the relatively modest wastewater generation of the proposed Project, the City would have adequate capacity to serve the Project in addition to existing and anticipated future commitments. Therefore, impacts related to wastewater treatment capacity would be less than significant.

- 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?*

Less than Significant Impact. Solid waste collection services provided within the City of Atwater are in compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires each jurisdiction in California to divert at least 50% of its waste stream away from landfills either through waste reduction, recycling, or other means. In addition, Mid Valley Disposal complies with SB 1383, which requires a reduction of organic waste disposal by 75% by 2025.⁴⁷

Construction

CALGreen mandates locally permitted new construction and demolition to recycle and/or salvage for reuse a minimum 65% of the nonhazardous construction and demolition debris generated during the Project. Further, the recycling of construction and demolition materials is required for any City-issued building or demolition permit that generates at least eight (8) cubic yards of material by volume. Therefore, the Project would be required to implement techniques to reduce and recycle waste during construction activities in accordance with mandatory requirements under CALGreen as implemented through the building permit process. Compliance would be ensured through the building permit process. Therefore, through compliance, solid waste generated through construction activities is not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of

⁴⁷ Mid Valley Disposal. Compliance Regulation. Accessed June 14, 2025, <https://www.midvalleydisposal.com/sustainability/compliance-and-regulation/>

the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

Operations

The Project is anticipated to generate 138.8 tons of solid waste per year as estimated using CalEEMod (**Appendix A**). According to the review of the Project by the City of Atwater Engineering Department, the Project shall construct refuse and recycling enclosures consistent with City Policies, City of Atwater Improvement Plans and Specifications, and the requirements of the current contracted refuse service provider. As such, Project operations are not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project would be required to comply with state and local law which include management and reduction statutes and regulations to ensure that solid waste is handled, transported, and disposed of accordingly. Through compliance with local and state law, it can be determined that future development would also comply with federal, state, and local management and reduction statutes and regulations related to solid waste. As a result, a less than significant impact would occur because of the Project.

4.19.3 Mitigation Measures

None required.

4.20 WILDFIRE

If located in or near state responsibility or lands classified as very high fire hazard severity zones, Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
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?				X
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?				X
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?				X

4.20.1 Environmental Setting

The Project site is located on a relatively flat property within the city limits and is in an area planned for urban uses, including residential development. According to the Atwater General Plan, grass and brush lands are the most likely places for wildlands in Merced County; however, Atwater lies outside of these areas and as a result, the risk of wildland fire is low.⁴⁸ Further, the Project site is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Atwater as a Fire Hazard Severity Zone (FHSZ); rather, the site is within an “area of local responsibility” as defined by Cal Fire and is considered an area of low fire risk.⁴⁹ Lastly, the Project would be required to be developed and operated in compliance with all regulations of the current California Fire Code.

⁴⁸ City of Atwater. (2000). City of Atwater 2000 General Plan. Accessed June 13, 2025, <https://atwater.generalplan.org/documents-maps>

⁴⁹ California Department of Forestry and Fire Protection. Fire Hazard Severity Zone Viewer. Accessed on June 2, 2025, <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>

4.20.2 Impact Assessment

If located in or near state responsibility 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 would not impair access to the existing roadway network. Construction may require lane closure; however, these activities would be short-term and access through Railroad Avenue would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Safe and convenient vehicular and pedestrian circulation would be provided in addition to adequate access for emergency vehicles. To determine and ensure adequate vehicular and pedestrian circulation and emergency vehicle access, the Project has been reviewed and conditioned by the City of Atwater Police Department and Fire Department for compliance with applicable code and regulations including applicable emergency response and evacuation plans. Therefore, the Project would not substantially impair any emergency response plan or emergency evacuation plan, and no impact would occur.

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?

No Impact. The Project site is located on a relatively flat property with minimal slope and is not in an area that is subject to strong prevailing winds or other factors that would exacerbate wildfire risks. The site is highly disturbed and is not located within a wildland (i.e., wild, uncultivated, and uninhabited land), which precludes the risk of wildfire. Further, the Project site is within an “area of local responsibility” and is not identified by Cal Fire to be in a FHSZ. For these reasons, no impact would occur as a result of this Project.

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 located within city limits in an area with existing infrastructure such as roads and utilities that are maintained accordingly. As previously discussed, all proposed project components (including utilities, roadway, buildings, walls, and landscaping) would be located within the boundaries of the Project site and have been reviewed and/or conditioned by the City of Atwater for compliance with applicable codes and regulations. Through compliance, such infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and no impact would occur.

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?

No Impact. The Project site is not located in or near state responsibility or lands classified as fire hazard severity zones. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

4.20.3 Mitigation Measures

None required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
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)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

4.21.1 Impact Assessment

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

Less than Significant with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all

potentially significant impacts to less than significant, including *Mitigation Measures BIO-1, BIO-2 and BIO-3*. Therefore, the Project would have a less than significant impact with mitigation 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 with Mitigation Incorporated. CEQA Guidelines *Section 15064(i)* 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. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measures BIO-1, BIO-2, BIO-3, CUL-1, CUL-2, and GEO-1*. The Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). The Project is generally compliant with the AMC and General Plan, which indicates that the anticipated impacts from the Project are, to an extent, compliant and previously analyzed within the General Plan. As such, Project impacts are not considered to be cumulatively considerable given the insignificance of project induced impacts. The impact is therefore less than significant with mitigation incorporated.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measures BIO-1, BIO-2, BIO-3, CUL-1, CUL-2, and GEO-1*. Therefore, the Project would have a less than significant impact with mitigation incorporated.

4.21.2 Mitigation Measures

The Project shall implement and incorporate, as applicable, mitigation measures as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM FOR RAILROAD BUSINESS PARK
(Tentative Parcel Map (TPM) No. 24-34-0300, Site Plan (SP) No. 24-34-0100, and Architectural Review (AR) No. 24-34-0200)
July 2025

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Atwater is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initials
Biological Resources					
BOI-1: Burrowing Owl Avoidance. The Project shall implement the following measures to avoid any potential impacts of nesting habitat of the Project in compliance with the federal Migratory Bird Treaty Act and relevant Fish and Game Codes: Avoidance. Initiate grading/ground disturbance from Sept 1 – February 1 during the non-breeding period. Preconstruction Surveys. If construction is initiated during the nesting period (Feb 1 – Aug 30), conduct a preconstruction survey to confirm that no burrowing owl has taken up residence in any parcels with ground burrowing mammals. If burrowing owl occupation is found, consult with the California Department of Fish and Wildlife to determine the appropriate avoidance and minimization measures.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		
BOI-2: San Joaquin kit fox Avoidance. To avoid and minimize potential impacts to the federally listed endangered San Joaquin kit fox (Vulpes	Submittal of Documentation	During Project Construction	City of Atwater		

macrotis mutica) during construction activities, the following measures shall be implemented. These measures are based on the U.S. Fish and Wildlife Service's (USFWS) 2011 Standard Recommendations and are intended to reduce the risk of take or injury in the unlikely event a kit fox occurs on or near the Project site. • Pre-Construction Surveys. A USFWS-qualified biologist shall conduct kit fox surveys no more than 30 days prior to the start of ground-disturbing activities. The survey shall include a search for potential dens, tracks, scat, and other signs of kit fox presence within the Project footprint and a 200-foot buffer. If no dens or signs are observed, a memo documenting methods and results shall be submitted to the lead agency and kept on file. If any potential dens are found: ○ The biologist shall determine whether the den is natal, active, or inactive. ○ The USFWS shall be contacted immediately if a natal or active den is found. ○ The Project shall not proceed within 50 feet of a non-natal den or 150 feet of a natal/pupping den without USFWS and CDFW approval and appropriate buffers or relocation methods in place. • Worker Environmental Awareness Training. Prior to the start of any ground-disturbing activities, a qualified biologist shall conduct a worker training session for all construction personnel. The training shall include: 1) Identification of the San Joaquin kit fox and its habitat, 2) Legal status and protections under the Endangered Species Act, 3) Potential presence near the site (including the known occurrence 1.4 miles north), and 4) Avoidance and minimization measures to be followed during	and/or Onsite Verification				
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construction. A fact sheet summarizing this information shall be distributed to all personnel and kept on site. • Avoidance and Minimization Measures During Construction. The following measures should be included within the worker education program and in any Project specification and contract. 1. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction should occur, given the species is primarily nocturnal. 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before					
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the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped. 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site. 5. No firearms shall be allowed on the Project site. 6. No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens. 7. The use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 8. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit					
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fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service. 9. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox. 10. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a dead or injured animal and any other pertinent information. 11. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed should also be provided to the Service at the address below. • Site Restoration. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., should be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions.					
BOI-3: Nesting Bird Surveys and Buffers. If Project activities must occur during the nesting season (February 1 to September 15), pre-activity nesting bird surveys shall be conducted within seven (7) days prior to	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		

the start of construction on the construction site and a 500-foot buffer for raptors (other than Swainson's hawk). 1. If no active nests are found, no further action is required. However, existing nests may become active, and new nests may be built at any time prior to and throughout the nesting season, including when construction activities are in progress. 2. If active nests are found during the survey or at any time during construction of the Project, an avoidance buffer ranging from 50 feet to 500 feet may be required, with the avoidance buffer from any specific nest being determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the adults or the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist, but full-time monitoring may be required. The biologist shall have the ability to stop construction if nesting adults show any sign of distress.					
Cultural Resources					
CUL-1: Discovery of Historical and Tribal Cultural Resources. If any historical or tribal cultural resources, as defined in CEQA Guidelines Section 15064.5 and Public Resources Code section 21074, are discovered during ground-disturbing activities, all work within 50 feet of the discovery shall cease immediately. A qualified historian or historical archaeologist or, as appropriate, a tribal cultural resources expert shall be retained to evaluate the resource and determine whether it is historically significant or is a tribal cultural resource. The City of Atwater shall be notified of the discovery, and the qualified professional shall consult with the City to determine the appropriate course of action. If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, or of Public Resources code section 21074, then protection	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		

measures to avoid, preserve in place, or document and recover the resource shall be recommended to the City by a qualified historical or tribal cultural resources specialist. Protection measures may include avoidance/preservation in place such as project redesign, culturally sensitive planning, conservation easements/land acquisition, or documentation/recovery such as tribal monitoring, data recovery with tribal participation, reburial, curation, or educational outreach, etc. The protection measures shall be submitted to the City for review and approval prior to resuming any work in the vicinity of the discovery. Historical resources recovered as a result of mitigation shall be provided to an institution or a qualified curation facility approved by the City. The City shall ensure that all recommendations are implemented prior to the resumption of ground-disturbing activities in the affected area.					
CUL-2: <i>Discovery of Archeological Resources. If archaeological resources are discovered during ground-disturbing activities, all work within 50 feet of the discovery shall be halted, and a qualified archaeologist shall be retained to evaluate the find. If the archaeologist determines that the discovery may be a significant archaeological resource under CEQA Guidelines Section 15064.5, a treatment plan shall be prepared and implemented in consultation with the City of Atwater. The treatment plan shall be a comprehensive document outlining specific actions to address the discovered resources. It will typically include but not be limited to the following components: resource evaluation and significance with detailed descriptions of resources and assessment of their significance, proposed treatment approach with avoidance, preservation, and data recovery measures, consultation and coordination procedures, in addition to schedule, budget, and qualifications. All work in the vicinity of the find shall remain halted until the treatment plan has been approved and implemented.</i>					

Geology and Soils					
GEO-1: Discovery of Paleontological Resources. If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. Resource-appropriate measures may include but not be limited to salvage and data recovery such as scientific excavation, field documentation, preparation and conservation, analysis and identification, or reporting, paleontological monitoring, screening of excavated soils, data archiving and curation plan, and public outreach/education. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Atwater, Planning Division.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		

Tribal Cultural Resources					
See Cultural Resources					

6 REPORT PREPARATION

Names of persons who prepared or participated in the Initial Study:

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7 APPENDICES

7.1 Appendix A: CalEEMod Results

Prepared by Precision Civil Engineering, Inc., on June 13, 2025.

7.2 Appendix B: CNDDDB Occurrence Report

Downloaded from the California Natural Diversity Database dated June 11, 2025.

7.3 Appendix C: CHRIS Search Record

Prepared by Central California Information Center dated April 24, 2025.

7.4 Appendix D: NAHC SLF Results Letter

Prepared by California Native American Heritage Commission dated June 10, 2025.

7.5 Appendix E: VMT Analysis

Prepared by Advanced Mobility Group dated May 24, 2025.