City of Los Banos
At the Crossroads of California

NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC MEETING

Annexation and PreZone 2013-01 and Pre-Annexation Development Agreement – AMG Industrial Annexation

Notice is hereby given that the City of Los Banos has prepared an Initial Study (IS) of environmental effects and intends to adopt a Mitigated Negative Declaration (MND), for the AMG Industrial Annexation and Prezone 2013-01 and Pre-Annexation Development Agreement.

The IS/MND has analyzed the potential environmental effects of the project in the range of environmental subject areas specified in the California Environmental Quality Act (CEQA) and the CEQA Guidelines. On the basis of this analysis, the IS/MND finds that the project will not involve any significant environmental effects, provided that the mitigation measures described in the IS/MND are implemented. The City will consider the adoption of the Mitigated Negative Declaration, and proposed mitigation measures in a Mitigation Monitoring and Reporting Plan before approval of the proposed improvement project.

In accordance with Sections 15072 and 15073 of the CEQA Guidelines, the IS/MND was released for a 30-day public reviewed from October 16, 2020 to November 16, 2020. Based comments received during the public review period, revisions were made to the IS/MND, and it is being recirculated in accordance with Section 15073.5 of the CEQA Guidelines. Copies of the IS/MND are available for public review at the City of Los Banos City Hall at 520 J Street, Los Banos, California 93635.

The City of Los Banos will accept public and agency comments on the IS/MND during a 30-day review period that will begin on October 16, 2020 and end on November 16, 2020 at 5:00pm. Comments may be sent to the City of Los Banos, 520 J Street, Los Banos, CA 93635, Attn: Stacy Souza Elms, Community and Economic Development Director or via email at stacy.elms@losbanos.org.

In addition, notice is hereby given that the Los Banos Planning Commission will consider adoption of the IS/MND and a Mitigation Monitoring and Reporting Plan for the project at a public meeting scheduled for December 9, 2020 at 5:30 PM virtually using GoToMeeting, the link will be made available on the City's website at www.losbanos.org.

October 16, 2020

Stacy Souza Elms
Community and Economic Development Director

City of Los Banos
At the Crossroads of California

Public Review Draft Subsequent Initial Study / Mitigated Negative Declaration

AMG Industrial Annexation
File No. Annexation and Pre-Zone 2013-01, and Pre-Annexation Development Agreement

prepared by
City of Los Banos
Community and Economic Development Department
520 J Street
Los Banos, CA 93635

prepared with the assistance of
J.B. Anderson Land Use Planning
139 S. Stockton Avenue
Ripon, California 95366

October 16, 2020

J.B. ANDERSON
LAND USE PLANNING

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TABLE OF CONTENTS

		Page
1.0	**INTRODUCTION**	**1**
2.0	**INITIAL STUDY**	**2**
	1. Project Title	2
	2. Lead Agency Name and Address	2
	3. Contact Person and Phone Number	2
	4. Project Location	2
	5. Project Sponsor's Name and Address	3
	6. Existing Setting	3
	7. Existing General Plan Designation	7
	8. Existing Zoning	8
	9. Surrounding Land Uses and Setting	8
	10. Description of the Project	8
	11. Required Approvals	9
	12. Other Public Agencies Whose Approval is Required	9
	13. California Native American Tribes Consultation	9
	14. Environmental Factors Potentially Affected	10
	15. Lead Agency Determination	11
3.0	**INITIAL STUDY CHECKLIST**	**14**
	1. Aesthetics	14
	2. Agriculture and Forestry Resources	17
	3. Air Quality	20
	4. Biological Resources	26
	5. Cultural Resources	29
	6. Energy	31
	7. Geology and Soils	33
	8. Greenhouse Gas Emissions	37
	9. Hazards and Hazardous Materials	42
	10. Hydrology and Water Quality	46
	11. Land Use and Planning	50
	12. Mineral Resources	51
	13. Noise	52
	14. Population and Housing	53
	15. Public Services	56
	16. Recreation	59
	17. Transportation/Traffic	61
	18. Tribal Cultural Resources	63
	19. Utilities and Service Systems	65
	20. Wildfire	68
	21. Mandatory Findings of Significance	70
REFERENCES		**73**

FIGURES **3**

1. Site Photos 6
2. Location Map 8
3. Existing General Plan Land Use Designation 7

APPENDICES **74**

Appendix A 74

1.0 INTRODUCTION

This document is a Subsequent Initial Study, which concludes that a Subsequent Mitigated Negative Declaration is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA). This Subsequent Mitigated Negative Declaration has been prepared in accordance with CEQA, specifically, Public Resources Code Section 21000 et seq., and the CEQA Guidelines.

On December 3, 2014, the Los Banos City Council certified an Initial Study/Mitigated Negative Declaration (SCH No. 2014091056) for the annexation and prezone of the Subject Property being evaluated in this Subsequent Initial Study. This document is available as (Reference in this Initial Study as Appendix A. It can also be reviewed at City Hall, 520 J Street, Los Banos, California 93635.

In accordance with Section 15162 of the CEQA Guidelines, when a negative declaration has been adopted for a project, subsequent activities involving the project must be examined in light of the Initial Study/Mitigated Negative Declaration (IS/MND). This Subsequent IS/MND consists of an update of what was previously adopted by the City Council on December 3, 2014. It is important to note that the "Project" as defined in Section 2.0 of this IS/MND is the same "Project" evaluated in 2014. As such, this IS/MND identifies whether there are any new or substantially more severe impacts, as well as whether the adopted mitigation measures will ensure that impacts are less than significant or revisions to the adopted mitigation measures or new mitigation measures are required.

2.0 INITIAL STUDY

1. PROJECT TITLE

AMG Industrial - Annexation and Pre-Zone No. 2013-01, and Pre-Annexation Development Agreement

2. LEAD AGENCY NAME AND ADDRESS

City of Los Banos
Community and Economic Development Department
520 J Street
Los Banos, California 93635

3. CONTACT PERSON AND PHONE NUMBER

Ms. Stacy Souza Elms
Community and Economic Development Director
(209) 827-7000
Stacy.souza@losbanos.org

4. PROJECT LOCATION

The Proposed Project is located immediately adjacent to the City of Los Banos city limits, within the jurisdiction of Merced County. The Project Site is located on the southeast corner of Overland Avenue and Johnson Road, adjacent to the northwestern boundary of the City of Los Banos in Merced County. The 28.5-acre Project Site is bound by Overland Avenue to the north, Johnson Road to the west, and industrial uses to the south.

The Proposed Project's surrounding land uses are as follows:

North: Agricultural land and rural residences located in Merced County

South: Willmott Self Storage, industrial uses, and vacant land located within Los Banos city limits

East: Single-family residences located within Los Banos city limits

West: Kagome Industrial Facility within Los Banos city limits

Figure 2 - Location Map, provides an illustration of the Proposed Project's location.

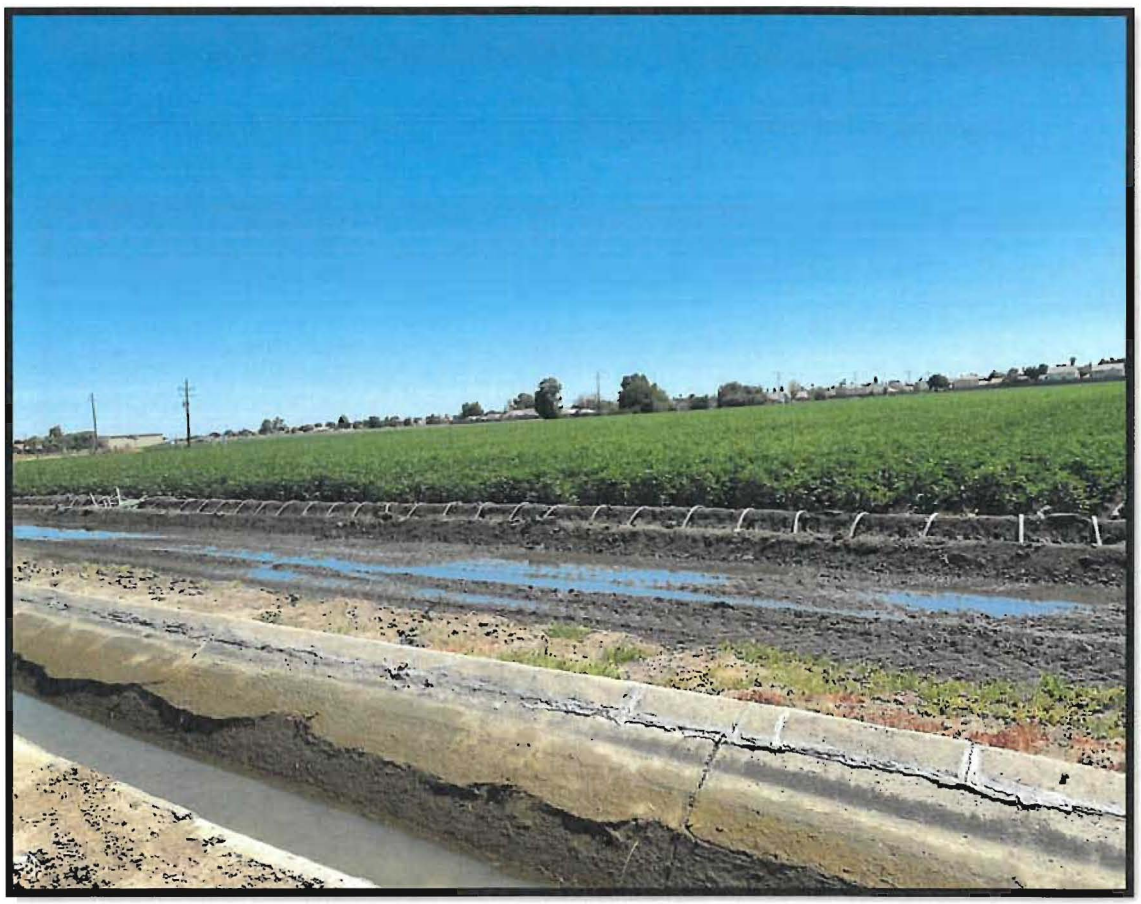
5. PROJECT SPONSOR'S NAME AND ADDRESS

AMG and Associates
P.O. Box 260770
Encino, CA 91436

6. EXISTING SETTING

The Proposed Project Site has been historically utilized for agricultural purposes and is actively farmed with row crops. There are no existing structures within the Proposed Project Area. Urban development (single-family and industrial development) has occurred on the south, east, and west sides of the Project Site, along with associated street and utility improvements. Topography of the site is relatively flat. There are no tress located within the Project Area. There is an existing agricultural ditch along the northern portion of the Project area. Figure 1, Site Photos, provides photographic representation of the Project Site and surrounding uses.

Figure 1 – Site Photos



Standing on the western edge of the Proposed Project Site looking east.

Figure 1 – Site Photos



Standing on the western edge of the Proposed Project Site looking south.



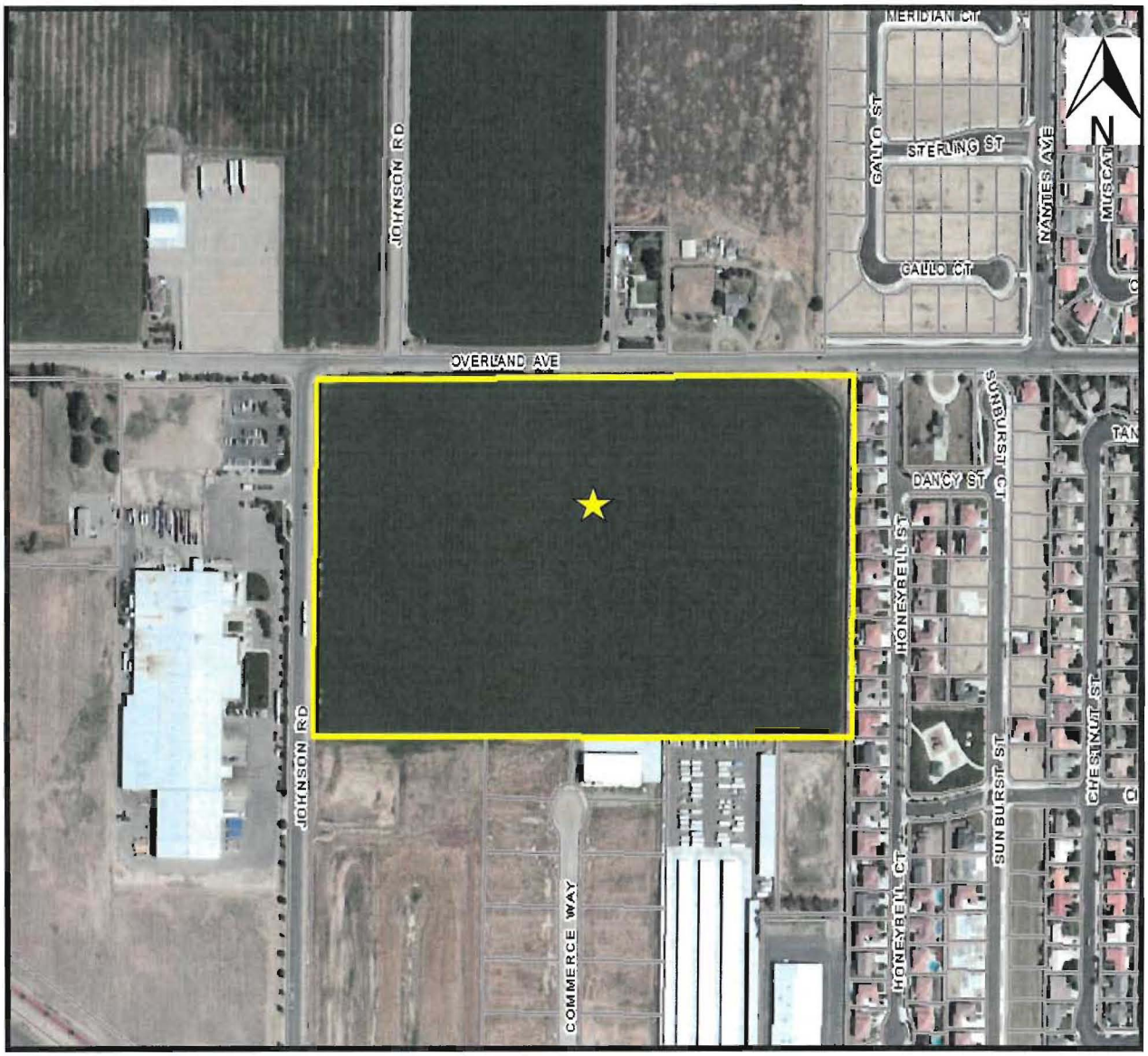
Standing on the western edge of the Proposed Project Site looking north.

Figure 1 – Site Photos



Standing on the western edge of the Proposed Project Site looking west.

Figure 2 –Location Map

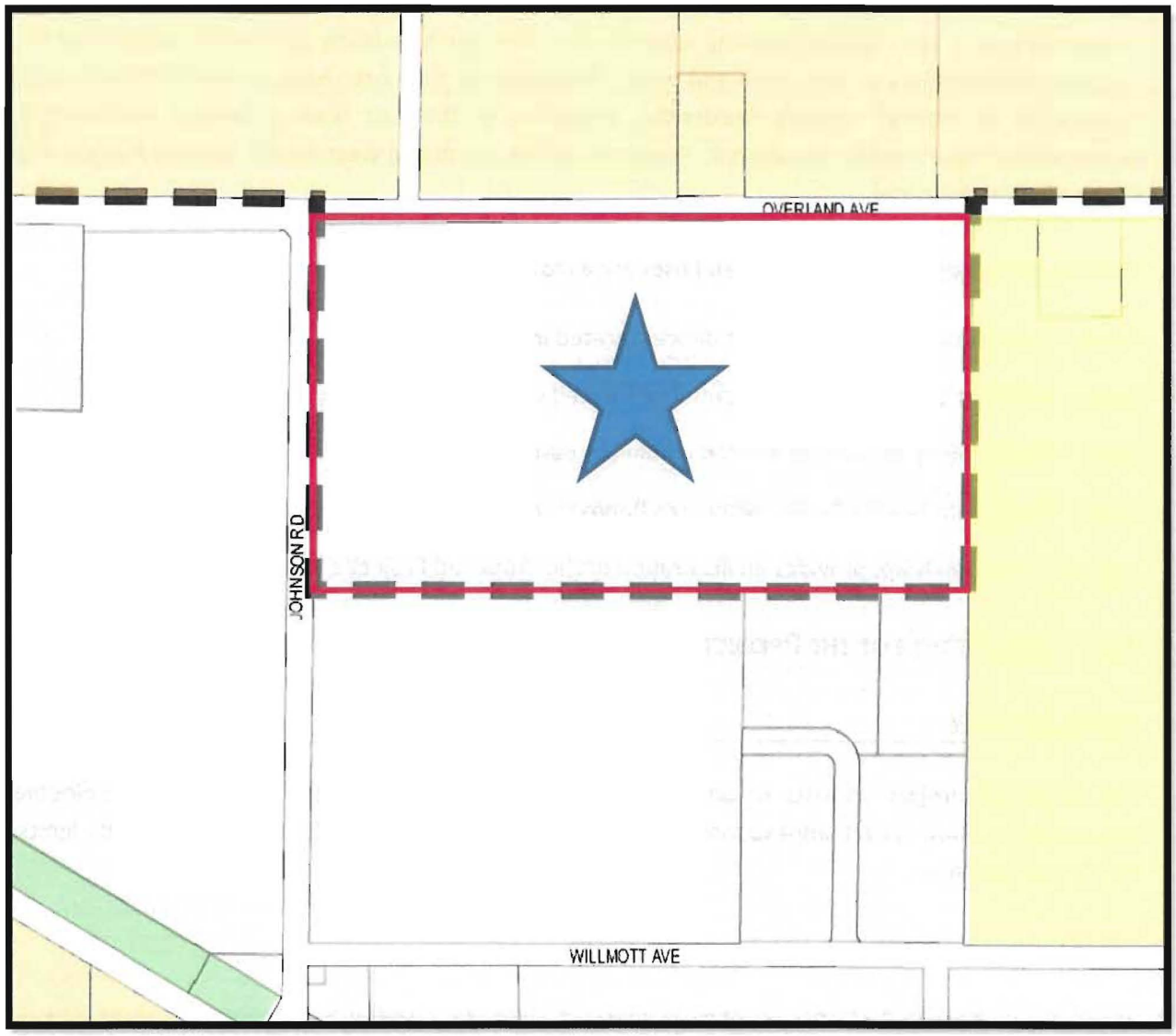


☆ = **Project Location**

7. EXISTING GENERAL PLAN DESIGNATION

The City of Los Banos' 2030 General Plan land use designation for the 28.5± acre site is Industrial. Figure 2, below, illustrates the Proposed Project Site's existing General Plan land use designation.

Figure 3 – Existing General Plan Land Use Designations



★ = Project Location

8. EXISTING ZONING

The County of Merced currently has the Project Site designated as "Industrial (I)" in its General Plan. The County's zoning designation is listed as Agriculture (AG).

9. SURROUNDING LAND USES AND SETTING

Surrounding land uses include existing agriculture to the north, existing residential uses to the east, existing industrial uses to the south and west. Properties to the north have a General Plan Land Use Designation of Medium Density Residential, properties to the east have a General Plan Land Use Designation of Low Density Residential. Properties to the south and west have a General Plan Land Use Designation of Industrial.

The Proposed Project's surrounding land uses are as follows:

North: Agricultural land and rural residences located in Merced County

South: Willmott Self Storage and vacant land located within Los Banos city limits

East: Single-family residences located within Los Banos city limits

West: Kagome Industrial Facility within Los Banos city limits

Figure 2 - Location Map, provides an illustration of the Proposed Project's location.

10. DESCRIPTION OF THE PROJECT

Project Summary

The Proposed Project consists of an Annexation and Pre-zone, and Pre-Annexation Development Agreement to allow for the annexation of the 28.5-acre parcel (APN: 081-110-007) into the city limits of the City of Los Banos.

Annexation and Pre-zone

As previously discussed, the Proposed Project Site is bounded by existing city limits to the south and east. The Proposed Project includes the Annexation of the Proposed Project Site into the City of Los Banos. The annexation will include a Pre-Zoning of the Proposed Project Site to Industrial, which is consistent with the Los Banos General Plan Land Use Designation for the Proposed Project Site. The Proposed Project does not include any specific development. At this time, the Proposed Project consists only of an Annexation and Pre-Zone request, in addition to the Pre-Annexation Development Agreement described below.

Pre-Annexation Development Agreement

The Proposed Project also includes a Pre-Annexation Development Agreement. The Pre-Annexation Development Agreement will clarify future improvements, development fees, and City expectations for the future development of the Proposed Project Site.

11. Required Approvals

The following approvals are required from the City of Los Banos:

- Pre-Zone
- Annexation (authorization to submit an annexation application with Merced LAFCo)

12. Other Public Agencies Whose Approval is Required

The following approvals are required from other Public Agencies:

- Merced County Local Agency Formation Commission (LAFCo) – Approval of Annexation

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

In accordance with Public Resources Code Section 21080.3.1, the City has not received any requests for consultation. However, in compliance with Assembly Bill 52 (AB 52), the City requested a list from the Native American Heritage Commission of potentially interested tribes and sent out consultation requests presenting the Proposed Project and asking for consultation. To date, the City has not received any requests for consultation.

14. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

15. LEAD AGENCY DETERMINATION:

On the basis of this Initial Study evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project Proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have 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.

Ms. Stacy Souza Elms, Community and Economic Development Director	**October 16, 2020**

SECTION 3.0 EVALUATION INSTRUCTIONS:

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

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

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

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

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

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant With Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
   d) Pursuant to Section 15063(c)(3)(D) of the CEQA Guidelines, this Initial Study is tiered from the City's 2030 General Plan Environmental Impact Report (SCH No. 2006121055) and the

City's Subsequent Environmental Impact Report prepared for the General Plan Land Use Resource Amendment (SCH No. 2016051033).

In addition, and as described above in Section 1.0, This document is a Subsequent Initial Study, which concludes that a Subsequent Mitigated Negative Declaration is the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA). This Subsequent Mitigated Negative Declaration has been prepared in accordance with CEQA, specifically, Public Resources Code Section 21000 et seq., and the CEQA Guidelines.

On December 3, 2014, the Los Banos City Council certified an Initial Study/Mitigated Negative Declaration (SCH No. 2014091056) for the annexation and prezone of the Subject Property being evaluated in this Subsequent Initial Study. This document is available as (Reference in this Initial Study as Appendix A. It can also be reviewed at City Hall, 520 J Street, Los Banos, California 93635.

Both documents are available for review at the City of Los Banos Community and Economic Development Department, 520 J Street, Los Banos, CA 93635 or on the City of Los Banos website: http://www.losbanos.org/.

6) Lead agencies are encouraged to incorporate into the checklist (References to information sources for potential impacts (e.g., general plans, zoning ordinances). (Reference to a previously prepared or outside document should, where appropriate, include a (Reference to the page or pages where the statement is substantiated.

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

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

1. AESTHETICS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 (Attachment A of this Initial Study) determined that impacts to aesthetics were primarily less than significant. Impacts to scenic resources and the existing visual character or quality of the site were determined to have no impact. (Refer to Page 9 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. Would the project have a substantial adverse effect on a scenic vista?

b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a State scenic highway?*

According to the City of Los Banos 2030 General Plan and Environmental Impact Report (EIR), the Proposed Project area is not considered a scenic vista. The Project Site consists of open land and scattered single-family residences. The public views from the site to the east and south are of urban uses. To the west is a mixture of urban uses and open ground in the City, and to the north is open ground within the County. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

The Proposed Project is located near the city limits of the City of Los Banos and is not located on a state designated highway. Based on a review of the California Department of Transportation website (http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm), the nearest state scenic highway is Interstate 5, between the Merced County line and San Joaquin County line. Mercey Springs Road (SR 165) is not designated as a state scenic highway. The Proposed Project is not located on or adjacent to Interstate 5, and therefore will have no impact to a state scenic highway. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

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

The Proposed Project is comprised of 28.5±-acres in Merced County, adjacent to the City of Los Banos and is currently surrounded by urban development that is within the City. The existing visual character of the Proposed Project is agricultural lands. In addition, the City of Los Banos, through its General Plan, has designated the Proposed Project Site for urban development consistent with industrial land uses. The Proposed Project consists of the Annexation into the City of Los Banos and Pre-Zoning of the Project Site to Industrial land uses. The Proposed Project is not expected to degrade the scenic quality of the area, once developed. The Project Site is surrounded by existing urban development, including residential, and industrial land uses. The Proposed Project is consistent with the visual character of the surrounding urbanized area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

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

The Proposed Project does not result in any specific development that will create a new source of substantial light or glare. However, as the City receives development applications for projects within the Proposed Project area, said projects may result in new sources of light or glare. As a standard Condition of Approval for any projects within the Proposed Project area, all exterior lighting installed as a part of any future development of the site will be required to be designed in such a way as to minimize glare and light spill in order to preserve existing daytime/night-time views. Furthermore, compliance with General Plan Policy and the City's Zoning Ordinance will be required. Most notable, any Applicant and/or Project

Proponent for any project within the Proposed Project area will be required to submit for approval a lighting plan, and this lighting plan shall be prepared in accordance with City standards and policies. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

Mitigation is not required for this topic.

2. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may (Refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may (Refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:				
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?			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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to agricultural resources were primarily less than significant. Impacts to potential conflicts with an existing Williamson Act Contract were determined to have no impact. (Refer to Page 10 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a):

a. *Would the project convert Prime Farmland, Unique Farmland, 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?*

In 2017, the City Council certified a Subsequent Environmental Impact Report (SEIR) (SCH #2016051033) and adopted a General Plan Amendment (as (Referenced above) to amend the General Plan's Land Resources Element to clarify the information as it relates to the City's inventory of agricultural resources. Specifically, the General Plan, adopted in 2009, erroneously illustrated portions of the planning area within the Urban Growth Boundary as Urban and Built-up Land when these areas were identified as farmland, including the Proposed Project Site. The update corrected the acreage of farmland conversion of Important Farmland. The clarified farmland mapping indicated an additional increase of farmland conversion of approximately 3,343 acres in lost important farmland. The updated build-out of the General Plan area would result in a farmland conversion of approximately 5,896 acres of Prime Farmland, 943 acres of Farmland of Statewide Importance, and 1,106 acres of Unique Farmland. The total loss of Important Farmland would be 7,945 acres. The Proposed Project is located within the area evaluated by the SEIR.

According to the City's General Plan Land Resources Amendment and specifically, Figure 3-3 – Revised Farmland Map, the Proposed Project is located on land classified as Prime Farmland (P). The Project Site is currently utilized for agricultural purposes (row crops). Surrounding land uses include Agriculture and rural residences to the north, single-family residences to the east, Wilmott Self Storage and other industrial uses to the south, and Kagome Industrial Facility to the west. The existing agricultural uses are active and will continue until such time as future development occurs. The Plan Area is currently zoned A-1 (Agricultural) per the Merced County Zoning Map.

The Proposed Project includes annexation of less than fifty (50) acres of Prime Farmland into the City of Los Banos for the purposes of urban development. The Developer and/or Project Proponent is not required to adhere to Mitigation Measure AG-1 as identified above as it is less than 50 acres in size.

In addition, the Proposed Project is required to adhere to the Policies of the 2030 General Plan. Ultimately, the agricultural impacts associated with the 2030 General Plan and 2017 General Plan Amendment to the Land Resources Element were determined to be significant and unavoidable, and as such and as discussed above, a Findings of Fact and Statement of Overriding Consideration was adopted by the City.

As noted above, the Proposed Project is located within the City's adopted Urban Growth Boundary as defined in the General Plan. As such, the loss of Important Farmland, including Prime Farmland, is considered to be significant and unavoidable, consistent with the certified SEIR and the associated Statement of Overriding Considerations adopted as part of the General Plan Land Resources Element. The

Proposed Project implements the City's General Plan, which will result in the loss of lands identified as Important Farmland. However, this loss of Important Farmland has been previously evaluated in the SEIR and as noted above, the impact is considered to be significant and unavoidable. For the purposes of this Initial Study, the impacts to the loss of Important Farmland is considered to be **Less Than Significant.**

The following discussion is an analysis for criteria (b), (c), (d) and (e):

b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*
c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)?*
d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*
e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

According to the Merced County Geographical Information Systems (GIS), the parcel located within the Proposed Project Site does not have an active Williamson Act Contract.

The Proposed Project is located on existing agricultural land and is bounded by primarily industrial, agricultural, and residential uses. The Project Site located within Merced County is zoned for agricultural uses. The Proposed Project includes an Annexation and Pre-Zoning into the City of Los Banos. The zoning district being proposed as a part of the Proposed Project's Pre-Zoning is Industrial (I) and future development within the Proposed Project area will be consistent with the City's I zoning district. Therefore, the Proposed Project will have **No Impact.**

The Proposed Project is not located near forest land as defined in *Public Resources Code Section 12220(g),* and has a land use designation for urban uses in the City of Los Banos General Plan; therefore, it will not conflict with any forest land uses, nor result in the loss of forest land or conversion of forest land to non-forest use. The Proposed Project will have **No Impact**.

The Proposed Project area has a land use designation for Urban Uses as denoted in the City of Los Banos 2030 General Plan. The Proposed Project is within the Sphere of Influence of the City of Los Banos; and therefore, has been planned for eventual annexation into the City of Los Banos with transition from Agricultural Uses to Urban Uses. The Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

No Mitigation Measures will be implemented as part of this section.

3. AIR QUALITY -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to air quality were less than significant. (Refer to Page 11 of Attachment A).

SETTING

The Proposed Project is located in west Merced County, which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the federal and state Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The federal and state governments have adopted Ambient Air Quality Standards (AAQS) for the primary air pollutants of concern, known as "criteria" air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect the public health; secondary standards are established to protect the public welfare. The attainment status of the SJVAB for Merced County with respect to the applicable AAQS are shown in the following table.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon

monoxide, but select areas, not including the City of Los Banos, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

Regulation VIII (Fugitive Dust Rules)
Rule 4101 (Visible Emissions)
Rule 9510 (Indirect Source Review)

SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards[a]	State Standards
Ozone, 1-hour	No federal standard[f]	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme[e]	Nonattainment
PM10	Attainment[c]	Nonattainment
PM2.5	Nonattainment[d]	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation	Attainment
Hydrogen Sulfide	No federal standard	Unclassified
Sulfates	No federal standard	Attainment
Visibility-Reducing Particles	No federal standard	Unclassified
Vinyl Chloride	No federal standard	Attainment

[a]See 40 CFR Part 81

[b]See CCR Title 17 Sections 60200-60210

[c]On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

[d]The SJV is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the SJV as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

[e]Though the SJV was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the SJV to extreme nonattainment in the Federal Register on May, 2010 (effective June 4, 2010.

[f]Effective June 15, 2005, the EPA revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

ROG	10 tons/year
NOx	10 tons/year
PM10	15 tons/year

For a typical development project, the need to perform an ambient air quality analysis is determined on a case-by-case basis, depending on the project size, unless exempt under the District's limit of 25,000 square feet of industrial space. Potentially significant emissions related to the construction and operation of land development projects are subject to regulation under SJVAPCD Rule 9510 Indirect Sources. Development associated with the Proposed Project will exceed the thresholds triggering the requirements of Rule 9510. Therefore, the Project Proponent will be required to comply with Rule 9510 and conduct an Indirect Source Review (ISR) process with SJVAPCD.

The Proposed Project construction will be subject to SJVAPCD rules related to control of construction emission, including the various rules comprising Regulation VIII. The application of these rules to the Proposed Project will further limit the potential air quality effects of the Proposed Project. The Proposed Project will generate small amounts of new on-road traffic and associated ROG, NOx and PM emissions during project operation.

The SJVAPCD regulations that are potentially applicable to the Proposed Project are summarized below.

Regulation VIII (Fugitive Dust PM_{10} Prohibitions)
Rules 8011-8081 are designed to reduce PM_{10} emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc.

Rule 4101 (Visible Emissions)
This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants.

Rule 4601 (Architectural Coating)
This rule sets limits on the volatile organic compounds, a component of ROG, allowed in various paints and other coatings.

Rule 9410 (Employer Based Trip Generation)
Rule 9410 was adopted in 2009. The purpose of Rule 9410 is to reduce vehicle miles traveled (VMT) from private vehicles used by employees to commute to and from their worksites, which

in turn would reduce emissions of NOx, volatile organic compounds (a component of ozone), and particulate matter. Employers are required to implement an Employer Trip Reduction Implementation Plan (ETRIP) for each worksite with 100 or more eligible employees to meet applicable targets specified in the rule. An ETRIP for each worksite must be submitted to the SJVAPCD, and the ETRIP must be updated annually. Annual reporting includes the results of the commute verification for the previous calendar year along with the measures implemented as outlined in the ETRIP and, if necessary, any updates to the ETRIP.

Rule 9510 (Indirect Source Review)

Rule 9510, also known as Indirect Source Review, was adopted in 2005. This rule is intended to reduce or mitigate construction and operational emissions of NO_x and PM_{10} generated by new development, either directly and/or by payment of off-site mitigation fees. Construction emissions of NO_x and PM_{10} must be reduced by 20% and 45%, respectfully. Operational emissions of NO_x and PM_{10} must be reduced by 33.3% and 50%, respectfully. Rule 9510 applies to single-family residential, multi-family residential and commercial projects over a certain unit or square footage threshold.

IMPACT ANALYSIS

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The City of Los Banos is located within the San Joaquin Valley Air Basin. The air quality impacts for the Proposed Project have been analyzed within the General Plan EIR. General Plan Policy "POSR-I-48" requires the implementation of Best Management Practices to reduce air pollutant emissions due to construction work and/or operation of equipment. Because implementation of the Proposed Project has the potential to exceed emissions thresholds, implementation of the Proposed Project may result in the generation of air quality impacts. As such, a mitigation measure has been incorporated to require the Project Proponent to conduct an Indirect Source Review (ISR) with the SJVAPCD in accordance with Rule 9510. No mitigation measures would be required over and above what is included as part of the ISR Application in compliance with SJAPCD Rule 9510. As such, the impact is considered to be **Less Than Significant With Mitigation Incorporated.**

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

The Proposed Project is subject to the Air District's Rule 9510. District Rule 9510 (Indirect Source Review) is intended to reduce a project's impact on air quality through project design elements or mitigation by payments of applicable off-site mitigation fees. Compliance with Rule 9510 will reduce construction exhaust NOx and PM10 by 20 percent and 45 percent, respectfully. The Proposed Project exceeds the ISR threshold of 25,000 square feet of industrial space; and therefore, a mitigation measure to comply with the Air District's Rule 9510 has been added, respectfully (Mitigation Measure AQ-1). Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

As stated in the City's 2030 General Plan Draft Environmental Impact Report (EIR), some receptors are considered more sensitive than others to air pollutants. The reason for greater than average sensitivity includes pre-existing health problems, proximity to emissions source, or duration of exposure to air pollutants. Land uses such as schools, children's day care centers, hospitals, and convalescent homes are considered to be more sensitive than the general public to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress and other air quality-related health problems. Residential areas are considered more sensitive to air quality conditions than commercial and industrial areas because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions.

The Proposed Project will result in short-term air quality impacts resulting from construction activities and will not involve long-term operation of any stationary diesel engine or other major on-site stationary source of Toxic Air Contaminants (TAC). The Proposed Project will include industrial uses that may include stationary diesel engine or other stationary source of TACs. However, if proposed, these uses will be required to adhere to the Air District's Rules and Regulations as well as be consistent with the California Environmental Quality Act (CEQA).

Construction activities have the potential to generate emissions related to the number and types of equipment typically associated with construction. Off-road heavy-duty diesel equipment used for site grading, paving, and other construction activities result in the generation of TACs. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the Proposed Project. Because health risks associated with exposure to any TACs are correlated with high concentrations over a long period of exposure (e.g., over a 70-year lifetime), the temporary, intermittent construction-related TAC emissions would not be expected to cause any health risks to nearby sensitive receptors. The future development of the Proposed Project is required to adhere to the City's General Plan Policies and Implementation Actions, including Implementing Action POSR-I-38 which requires Best Management Practices to be included in the construction of the Proposed Project. Furthermore, the Developer will be required to adhere to the SJVAPCD's Rules and Regulations as it relates to construction related emissions, dust control, heavy equipment emissions, etc.

Implementing Action POSR-I-38
Requires Developers to implement Best Management Practices to reduce air pollutant emissions due to construction work and operation of equipment.

- During clearing, grading, earth-moving or excavation operations, fugitive dust emissions shall be controlled by regular watering, paving of construction roads, or other dust-preventive measures;
- All materials excavated or graded shall be either sufficiently watered or covered by canvas or plastic sheeting to prevent excessive amounts of dust;
- All materials transported off-site shall be either sufficiently watered or covered by canvas sheeting to prevent excessive amounts of dust;

- All motorized vehicles shall have their tires watered before exiting a construction site;
- The area disturbed by demolition, clearing, grading, earth-moving, or excavation shall be minimized at all times; and
- All construction-related equipment shall be maintained in good working order to reduce exhaust from this equipment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The Proposed Project will result in short-term air quality impacts resulting from construction activity when the Proposed Project develops. However, prior to development, General Policy POSR-I-50 requires the City to use the SJVAPCD Guidelines in the review of development proposals.

The Proposed Project does not involve any features that will generate odors. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

The following mitigation measures shall be incorporated into the Proposed Project:

Mitigation Measure AQ-1:

The Applicant and/or Project Proponent shall comply with Rule 9510, as adopted by the San Joaquin Valley Air Pollution Control District. Evidence of Rule 9510 compliance shall be submitted to the City's Community and Economic Development Department prior to the Proposed Project's final discretionary approval. For the purposes of the Proposed Project and this Mitigation Measure, the "final discretionary approval" shall constitute approval of any specific development project within the Proposed Project area.

4. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish 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 U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			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 the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to biological resources were primarily less than significant. Impacts to any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation by the California Department of Wildlife or U.S.

Fish and Wildlife Service were determined to have no impact. (Refer to Pages 12 and 13 of Attachment A).

IMPACT ANALYSIS

a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status 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?*

As noted previously, the Proposed Project is located on active farmland, and is surrounded by urban development on the west, south and east. Based on a review of the City's 2030 General Plan/EIR, and most notably, Figure 3.8-1 of the EIR, the Proposed Project is not located within an area known for the potential of containing any species identified as a candidate, sensitive, or special status species by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. As such, the Proposed Project will have a **Less Than Significant Impact**.

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

Based on a review of the City's 2030 General Plan and EIR, the Proposed Project is not located within an area known to contain riparian habitat. Most, if not all, of the riparian habitat located within the City is located along the Los Banos Creek corridor. The Proposed Project is not located within, or adjacent to, Los Banos Creek. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

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

Based on a review of the City's 2030 General Plan and EIR, there are no identified wetlands within the Project Site. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Based on a review of the City's 2030 General Plan and EIR, significant impacts to wildlife corridors, as a result of the buildout of the General Plan Planning Area, occur with construction of the Highway 152 bypass. It is also noted that new development would cause an increase in both vehicular traffic levels and nighttime light levels, which would serve to deter wildlife movement. However, the Proposed Project is not located within the Highway 152 bypass area. Additionally, the Proposed Project is surrounded by existing City development on the west, south and east. Therefore, new development created as a result

of the Proposed Project would have minimal impacts to wildlife corridors as surrounding urban development already exists. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

As noted previously, the Proposed Project is consistent with the City's 2030 General Plan and Zoning Ordinance. Additionally, no trees are located within the Proposed Project Site. Therefore, the Proposed Project will have **No Impact**.

f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

As evaluated and noted in the City's 2030 General Plan and EIR, the City of Los Banos, including the Proposed Project Site, is not located within an adopted Habitat Conservation Plan or Natural Community Plan. Therefore, the Proposed Project will have **No Impact.**

MITIGATION MEASURES:

Mitigation is not required for this topic.

5. CULTURAL RESOURCES -- Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource pursuant to '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to cultural resources were primarily less than significant. Impacts to historical resources and paleontological resources were determined to have no impact. (Refer to Page 14 of Attachment A).

IMPACT ANALYSIS

a. *Would the project cause a substantial cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Based on a review of the City's 2030 General Plan EIR, there are thirteen (13) historic resource sites within the City's Planning Area, primarily in the downtown area. These sites were not identified to include the Proposed Project. As such, there are no historic resources or sites as defined by Section 15064.5 of the Government Code within the Proposed Project area. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

b. *Would the project cause a substantial adverse chance in the significance of an archaeological resource as defined in §15064.5?*

Based on a review of the City's 2030 General Plan and EIR, *"there are seventeen recorded prehistoric archaeological sites and two historic archaeological sites within the Planning Area. Features of the prehistoric archaeological sites include prehistoric villages, occupational sites containing tools and milling equipment, burial grounds, and human skull fragments. The General Plan identifies the Los Banos Creek area as a highly sensitive area for potential archaeological sites."* The Proposed Project is not located within the Los Banos Creek area, and therefore, potential impacts to archaeological resources are considered to be minimal. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

c. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

It is not anticipated that the Proposed Project will disturb any human remains, as the Proposed Project does not consist of any physical construction. Upon approval of the Proposed Project, any future specific development projects proposed within the Project Site shall be independently evaluated in accordance with CEQA Statutes and Guidelines. At this time, the City will analyze any potential impacts to cultural resources as a result of said proposed specific development project. Therefore, at this time, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation Measures are not required for this topic.

6. ENERGY -- Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			X	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 did not consider Energy impacts associated with the Proposed Project, as Energy was not a topic identified in Appendix G of the CEQA Guidelines in 2014.

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
b. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three (3) years, and the 2016 Title 24 went into effect on January 1, 2017. The City has adopted the 2019 versions of both the California Energy Code and CALGreen.

The California Green Buildings Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce Greenhouse Gas (GHG) emission from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to environmental directives. The most recent update to CALGreen went into effect January 1, 2019 and covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality. The Proposed Project will be required to adhere to the new California Building Code requirements. This mandate will further ensure that unnecessary wastefulness of energy resources is limited.

As noted previously, the Proposed Project only consists of annexation and prezoning of the Project Site. Physical construction is not anticipated at this time. At such time the City receives applications for specific development projects within the Project Site, said projects will require a detailed analysis in accordance with the CEQA Statutes and Guidelines. Therefore, at this time the Proposed Project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

7. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation*	*Less Than Significant Impact*	*No Impact*
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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 top soil?			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 (1944), creating substantial direct or indirect 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 wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to geology and soils were primarily less than significant. Impacts to the potential of landslides and soils incapable of accommodating the use of septic tanks or alternative wastewater disposal systems were determined to have no impact. (Refer to Pages 15 and 16 of Attachment A).

IMPACT ANALYSIS

a. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
    i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.*
    ii. *Strong seismic ground shaking?*
    iii. *Seismic-related ground failure, including liquefaction?*
    iv. *Landslides?*

No known earthquake faults are located on the Project Site. According to the City's 2030 General Plan, there are two (2) known earthquake faults near the City of Los Banos; the Calaveras and the Ortigalita faults which are both located near Interstate 5. The Los Banos General Plan has policies such as S-I-8 that require new and existing development to conform to existing state and federal regulations. With the General Plan policies set in place, the potentially significant impact is reduced to a **Less Than Significant Impact.**

b. *Would the project result in substantial soil erosion or the loss of topsoil?*

The potential for grading and earthmoving during project construction to result in erosion is a potentially significant impact. According to the City's 2030 General Plan EIR, the Project Site has the susceptibility to erosion (Figure 3.6-2) and is considered a "high" risk. However, compliance and implementation of the following 2030 General Plan Policies and Implementing Actions would reduce this impact to a less than significant level:

Policy S-G-1	Minimize risks of property damage and personal injury posed by seismic hazards, soil hazards, and erosion.
Implementing Action S-I-1	Review proposed development sites at the earliest stage of the planning process to locate any potential geologic or seismic hazard.
Implementing Action S-I-2	Facilitate greater safety provisions for important or critical-use structures (such as hospitals, schools, fire, police, and public assembly facilities;

	substations and utilities) through input during site selection and a comprehensive geotechnical investigation.
Implementing Action S-I-4	Require utilities be designed to withstand probable seismic forces to be encountered in Los Banos.
Implementing Action S-I-5	Require preparation of a soils report as part of the development review and/or building permit process.
Implementing Action S-I-6	Control erosion of graded areas with revegetation or other acceptable methods.
Implementing Action S-I-8	Require that alterations to existing buildings and all new buildings be built according to the seismic requirements of the Uniform Building Code.

The Proposed Project includes the Annexation and Pre-Zoning of 28.5-acres into industrial uses and will be required to adhere to these Policies and Implementation Actions at the time future development occurs within the Project Site, particularly Implementation Action S-I-5. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

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

As discussed above, the Project Site is relatively flat in topography and historically was used for agricultural purposes (row cops). The Project Site does not contain any unique geologic feature and will not directly or indirectly impact a unique geologic feature. According to the City's 2030 General Plan EIR, *"no specific liquefaction hazard areas have been identified in Merced County and the probability of soil liquefaction actually taking place within the Planning Area is considered to be a low to moderate hazard. However, the potential for liquefaction is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high-water table coincide."* Conformity to the above Policies and Implementation Actions would reduce the potential impact to a level that is less than significant. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1944), creating substantial direct or indirect risks to life or property?*

The existing terrain is relatively flat and is not conducive to land slippage. In addition, the site is not shown on published landslide maps; therefore, there is **No Impact.**

e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project will be required to connect to City services, including wastewater upon future development. The Proposed Project will not utilize the use of septic tanks or alternative wastewater disposal systems. As a result, the Proposed Project will have **No Impact**.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

According to the City's 2030 General Plan EIR, *"Archival research indicates that most prehistoric settlement in the area was focused along the Los Banos Creek watershed. Evidence from previous survey activities and site investigations of the Planning Area indicate most prehistoric sites would consist of the following: bedrock milling stations, lithic flakes, and projectile points. Archeological resources and/or human remains could be damaged or inadvertently unearthed during ground-disturbance activities such as grading, trenching, or use of staging areas."*

The Los Banos Creek Archaeological District (Los Banos Creek Watershed area) is located 2.36 miles to the west of the Project Site. The Project Site is not in an area considered to be archaeologically sensitive, as indicated in the City's General Plan EIR (Figure 3.12-1). Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

8. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation*	*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		

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to greenhouse gas emissions were less than significant. (Refer to Page 17 of Attachment A).

SETTING:

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs that trap heat in the earth's atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a "serious threat to the economic well-being, public health, natural resources and the environment of California." As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO2. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State's Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The City of Los Banos 2030 General Plan and EIR includes policies and mitigation measures that reduce the impact level that is less than significant. Policies POSR-I-46, 52, 53, and C-I-4 of the City's 2030 General Plan include measures, that upon implementation, help reduce the amount of greenhouse gases generated per capita in the City.

The SJVAPCD adopted a Climate Change Action Plan in 2008 and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

REGULATORY SETTING

California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. California has numerous regulations aimed at reducing the state's GHG emissions. These initiatives are summarized below:

Assembly Bill 1943

Assembly Bill (AB) 1943 (2002), California's Advanced Clean Cars program (Referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now (Referred to as "LEV (Low Emission Vehicle) III GHG" will cover 2017 to 2025. Fleet average emission standards would reach 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emission Vehicles (LEV), Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA]). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report") (CalEPA 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane

capture, etc. In April 2015 the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05), and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. California is on track to meet or exceed the current target of reducing GHG emission to 1990 levels by 2020, as established by AB 32.

Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

CARB Resolution 07-54

CARB Resolution 07-54 establishes 25,000 MT of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005 percent of California's total inventory of GHG emissions for 2004.

Senate Bill 375

Senate Bill (SB) 375, signed into law in September 2008, builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035; these regional targets will help achieve the goals of AB 32 and the Scoping Plan through changed land use patterns and improved transportation systems. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted a Sustainable Community Strategies in July 2013 that meets greenhouse gas reduction targets. The *Plan Bay Area* is the SCS document for the Bay Area, which is an integrated long-range plan that discusses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay Area. The document is updated every four years and most recently, the update, *Plan Bay Area 2040* was adopted on July 26, 2017.

Executive Order S-13-08

Executive Order S-13-08 indicates that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of tis population and to its natural

resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy (California Natural Resources Agency 2009) was adopted, which is the "...first statewide, multi-sector, region-specific, and information-based climate change adaption strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Senate Bill 2X

In April 2011, the governor signed SB2X requiring California to generate 33 percent of its electricity from renewable energy by 2020.

Senate Bill 32

On September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 is an extension of AB 32. The other provisions of AB 32 remain unchanged. CARB adopted the 2017 Climate Change Scoping Plan Update on December 14, 2017 for achieving California's 2030 greenhouse gas target.

IMPACT ANALYSIS

a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
b. *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs, contributing to global climate change could be attributed to every nation, region, and city, and virtually every individual on Earth. The Proposed Project's GHG emissions are at a micro-scale relative to global emissions but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact.

Implementation of the Proposed Project would contribute to the increase of GHG emissions that are associated with global climate change. Emissions of GHG attributed to future development would be primarily associated with increases in CO2 and other GHG pollutants, including CH4 and N2O, from mobile sources and utility usage. It should be noted that construction-related GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change, as global climate change is inherently a cumulative effect that occurs over a long period of time.

As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the Proposed Project. Construction GHG emissions from the Proposed Project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by Public Resources Code, Section 21082.2. Additionally, Mitigation Measure 3-1 requires the Project Applicant to coordinate with SJVAPCD as it relates to the requirements of District Rule 9510, which is intended to reduce construction related

emissions. Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

With the implementation of the following Mitigation Measure and the Mitigation Measures presented in Section 3: *Air Quality*, the overall annual GHG emissions associated with the Proposed Project would be reduced by 31.3 percent relative to the BAU scenario, consistent with applicable standards and thresholds of a 29 percent reduction. Because the Proposed Project would meet the 29 percent minimum reduction threshold, the Proposed Project would be consistent with the GHG reduction percentage sought by the State's Scoping Plan.

In addition, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted in response to the requirements of AB 32. Specifically, new development projects within California, after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

Therefore, impacts related to GHG emissions and global climate change would be considered **Less Than Significant with Mitigation Incorporated** with the implementation of Mitigation Measure GHG-1, described below.

MITIGATION MEASURES:

The following mitigation measure shall be incorporated into future development of the Proposed Project:

Mitigation Measure GHG-1:

Along with the Mitigation Measure contained in Section 3: *Air Quality*, the Project Applicant shall institute the following mitigation measure during future construction and operation of any specific development project within the Proposed Project area to reduce Greenhouse Gas Emissions and Energy Consumption.

- Increase transit accessibility in the Project Area by ensuring a minimum distance of 0.1 miles to transit stops.
- Ensure that the pedestrian network within the Project Area connects to offsite pedestrian networks.
- Exceed Title 24 by 15% through verified compliance with CALGreen Tier 1 efficiency requirements.
- Install high efficiency lighting and appliances within all units and commercial buildings.
- Install low-flow faucets, toilets, and showers as applicable.
- Use water-efficient irrigation systems throughout the Plan Area.

9. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		x		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or 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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to hazards and hazardous materials were primarily less than significant. However, the City determined that impacts to the potential to emit hazardous emissions or handle hazardous materials within one-quarter mile of an existing school

were less than significant with mitigation incorporated. The City adopted Mitigation Measure No. 1 to reduce this impact to a level of less than significant. (Refer to Pages 18 and 19 of Attachment A).

IMPACT ANALYSIS

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

The Project Site is surrounded by existing urban uses on the north, east, and west. The Proposed Project consists of an Annexation and Pre-Zone. It is not anticipated that the Proposed Project will include the transport, use, or disposal of hazardous materials. Furthermore, the future industrial land uses will be required to adhere to the City's 2030 General Plan, City Ordinances and Policies and Implementation Actions as it relates the handling and transportation of hazardous materials. Such Policies and Implementation Actions include the following:

Policy S-G-4	Protect Los Banos' ecology and residents from harm resulting from the improper production, use, storage, disposal, or transportation of hazardous materials.
Implementing Action S-1-19	Apply provisions of the Merced County Hazardous Waste Management Plan to decisions involving hazardous materials in Los Banos, as appropriate.
Implementing Action S-1-20	Discourage the placement or expansion of businesses producing, utilizing or storing hazardous materials within a quarter mile of schools, hospitals, and residential neighborhoods. If the placement or expansion of such facilities is not feasible, effective mitigation measures will be implemented.
Implementing Action S-1-21	Ensure that any proposed new development on identified or suspected hazardous materials sites address hazardous materials through the preparation of Phase I or Phase II hazardous materials studies for each individual site as part of the design phase for each project.

The Project Site has historically been utilized for agricultural purposes, and as such, there may be hazardous materials within the soil. Therefore, prior to the issuance of a demolition permit or to remove any structures on the Project Site or issuance of a building permit, the Project Applicant and/or Project Proponent shall prepare and submit to the City a Phase I/Environmental Site Assessment (ESA) in accordance with General Plan Implementation Action S-1-21. The recommendations of the Phase I/ESA shall be incorporated into the subsequent Proposed Project, as necessary. Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Development of the Proposed Project area will comply with all federal, state, and local policies and regulations related to the construction of the Proposed Project. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The Proposed Project is located approximately 0.31 miles Lorena Falasco Elementary School School. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project be located on a site 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?*

Appendix A of the City's 2030 General Plan provides a list of hazardous sites within the City of Los Banos. Based on a review of Appendix A, the Proposed Project is not located on a site identified as hazardous. Therefore, the Proposed Project will have **No Impact**.

The following discussion is an analysis for criteria (e) and (f):

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?*

f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Los Banos Municipal Airport is located within the City of Los Banos. The Los Banos Municipal Airport is a general aviation facility with a single paved runway 3,800 feet in length. According to the Merced County Airport Land Use Compatibility Plan, adopted June 21, 2012, the Proposed Project is located outside of the airport's "Airport Influence Area." Therefore, the Proposed Project will have a **Less Than Significant Impact.**

The Proposed Project is not located within the vicinity of any documented or known private airstrips. Therefore, the Proposed Project will have **No Impact.**

g. *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The Proposed Project is located within a pocket of an urban area and is surrounded by existing City of Los Banos development on the south, east, and west sides. As such, no wild lands exist within or adjacent to the Proposed Project. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

The following mitigation measure shall be incorporated into the Proposed Project:

Mitigation Measure HAZ-1:

Prior to the approval of any development on the Project Site, the Community and Economic Development Director shall review the specific use proposed within this annexation boundary. Proposed uses that include the handling of hazardous materials would be required to prepare a health risk assessment to evaluate the health risks associated with that type of use within one-quarter mile of a school. Proposed uses shall be reviewed for compatibility with schools in the immediate vicinity, and those that are determined to be incompatible, shall not be allowed.

10. HYDROLOGY AND WATER QUALITY -- Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater 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:			X	
i) Result in substantial on- or offsite erosion or siltation;			X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to hydrology and water quality were primarily less than significant. (Refer to Pages 20 and 21 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (c):

a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

   i. *Result in substantial on- or offsite erosion or siltation;*

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

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

   iv. *Impede or redirect flood flows?*

The Proposed Project is 28.5 acres in size and the topography is relatively flat. The Project Site is located 15.87 miles west of the San Joaquin River. According to the City's 2030 General Plan Environmental Impact Report (EIR), the City of Los Banos is located in the Delta-Mendota Groundwater Basin of the San Joaquin River Hydrologic Region.

The Project Site is not located in a flood hazard zone (i.e. a 100-year flood zone) as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 06047C0850G. The construction of the site improvements (i.e. construction of roads, infrastructure, etc.) will reduce absorption rates and increase surface water runoff. Final storm drainage designs will be required to comply with City standards and will be reviewed and approved by the City Engineer for future development of the Proposed Project Site. Any increased runoff shall be mitigated as required by the Public Works Department. The improvement plans for stormwater will be required to adhere to the City's Storm Water Management Plan.

The Proposed Project requires a National Pollutant Discharge Elimination System (NPDES) permit, issued by the Regional Water Quality Control Board (RWQCB), and compliance with Best Management Practices (BMPs) during construction and operation of the Proposed Project. The Proposed Project shall incorporate Low Impact Development Standards (LID) design parameters, as well as include a Storm Water Pollution Prevention Plan (SWPPP) to reduce the discharge of pollutants to the maximum extent feasible.

Compliance with the applicable City ordinances and 2030 General Plan requirements for construction activities would ensure that construction of the Proposed Project does not result in significant impacts to water quality and does not result in a violation of any water quality standards. Therefore, with the compliance of the Regional Water Quality Control Board requirements, BMPs, and the City's regulatory policies pertaining to stormwater runoff, the Proposed Project will have a **Less Than Significant Impact**.

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

According to the City's 2030 General Plan, the project area is identified as being designated for development of Industrial uses. According to Section 8.2 of the City's 2030 General Plan, *"the 2008 Urban Water Management Plan estimates that this supply is sufficient to meet city needs through 2030."* According to the City's 2030 General Plan EIR, the City's water supply is drawn from thirteen (13) wells located throughout the Los Banos Planning Area. The per capita consumption rate is equal to the City's average day demand (ADD) divided by its population. According to the City's Water Master Plan, dated March 2010, between 2000 and 2007, the average per capita demand ranged between 161 gallons per capita per day (gpcd) to 240 gpcd, and averaged 210 gpcd, based on metered water deliveries. The Water Master Plan includes water system improvements through the year 2031 that ensure that adequate water supply is provided to the City as it grows in population.

As previously noted, the Project Site is within the City's Sphere of Influence and Planning Area. The Proposed Project will increase the water demand, as the Proposed Project is required to connect to City services once annexed, including potable water. However, it is not anticipated that the Proposed Project will substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The Developer and/or Project Proponent is required to install the water system to serve the industrial development per City Standards and pay applicable Public Facility Fees for the expansion of the water system, as necessary. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project, In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The Proposed Project is not located within a 100-year flood hazard area, a floodway or otherwise placed in an area that would interfere with flood flows. The Project Site is located 15.87 miles west of the San Joaquin River and 4.5 miles from the 100-year flood boundary (located at the Los Banos Wildlife Area to the north).

The Proposed Project Site is located within the Planning Area as it is defined in the 2030 General Plan. According to Section 7.2 of the City's 2030 General Plan, *"three dams close to Los Banos have the potential of inundating portions or the whole of the Planning Area. Flood zone mapping by the U.S. Army Corps of Engineers indicates that all of the Planning Area is located within the San Luis Reservoir dam inundation area. Northern portions of the Planning Area are also located within the Los Banos Detention Reservoir*

and the Little Panoche Reservoir Dam inundation area." All three dams are owned by the Bureau of Reclamation and are inspected regularly for their structural integrity. In response to the potential of inundation by a result of dam failure, the City has adopted General Plan policies, which include coordination with the U.S. Army Corps of Engineers on potential flooding risks, and ensuring that City staff and Emergency Response Services are trained to respond to catastrophic dam failure. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

No enclosed surface water bodies, which might be subject to potential seiches, are located in the Project Site vicinity. Based on its location, inland from coastal areas, the Project Site would not be subject to tsunami effects. The Project Site is not located in an area susceptible to mudflows. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The Proposed Project will connect to the City of Los Banos domestic water system once annexed and developed and does not include the development of any new wells. The Proposed Project will not conflict with or obstruct implementation of a water quality control or sustainability groundwater management plan. The Project Developer will be required to pay Public Facility Fees and those fees will be used to improve the water system per the City's 2030 General Plan and the Water Master Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

There are no mitigation measures for this topic.

11. LAND USE AND PLANNING - Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Physically divide an established community?				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

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that the Proposed Project would have no impact to land use and planning. (Refer to Page 22 of Attachment A).

IMPACT ANALYSIS

a. *Would the project physically divide an established community?*
b. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Proposed Project is located immediately adjacent to the city limits of the City of Los Banos to the east, west, and south, and is also located within the City's adopted Sphere of Influence (SOI). The City of Los Banos is an established community in Merced County. However, the Proposed Project is consistent with the City's General Plan and has been previously considered for annexation and future development under the Policies of the City's General Plan. Impacts to Land Use and Planning as a result of the Proposed Project have not changed from what was previously determined in 2014. Therefore, the Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

12. MINERAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				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

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that the Proposed Project would have no impact to mineral resources. (Refer to Page 23 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Section 5.6 of the City of Los Banos 2030 General Plan dated July 15, 2009, states, *"according to the Department of Conservation: Mines and Geology, there are no known significant mineral resources located within the Planning Area. The Planning Area contains parts of San Luis Ranch alluvium and Modesto alluvium, known mineral occurrences of underdetermined mineral resources significance. According to the State Office of Mine Reclamation, sand and gravel is currently mined within portions of the Los Banos Creek Fan, located southwest of the Planning Area. Although further exploration of the Planning Area could result in the reclassification of specific localities, no mineral resources have been historically exploited or are being currently exploited commercially within the Planning Area."*

The Proposed Project is located within the Planning Area as it is defined in the 2030 General Plan and is consistent with "urban" land uses prescribed by the General Plan. Therefore, the Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

13. NOISE -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other 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

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to noise were primarily less than significant. (Refer to Pages 24 and 25 of Attachment A).

IMPACT ANALYSIS

a. *Would the project result in the 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* standards of other agencies?

b. *Would the project result in the Generation of excessive groundborne vibration or groundborne noise levels?*

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

The Proposed Project itself will not result in any noise impacts, either temporary or permanent, as no new development or construction is proposed at this time. However, at the time the City receives an application for any development project within the Proposed Project area, the Applicant and/or Project Proponent will need to comply with General Plan Policies, including Implementation Action N-I-2, as the

Proposed Project area is located immediately to existing residential development. Implementation Action N-I-2 states as follows:

Implementation Action N-I-2 Require a noise study and mitigation measures for all projects that have noise exposure greater than "normally acceptable" levels based on specific criteria and standards in the Zoning Ordinance. These measures may include, but are not limited to, the following actions:

- Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment;
- Increase setbacks for noise sources from adjacent dwellings;
- Retail fences, walls, and landscaping that serve as noise buffers;
- Use soundproofing materials and double-glazed windows; and,
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.

During eventual construction of any specific development project within the Proposed Project area, groundborne vibration and/or groundborne noise levels are likely to increase, albeit temporarily. Compliance with General Plan Policy Implementation Actions N-I-2 and N-I-7 will be required of any development project within the Proposed Project area. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

Mitigation is not required for this topic.

14. POPULATION AND HOUSING -- Would the project:

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

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to population and housing were primarily less than significant. Potential impacts to displacement as a result of the Proposed Project were determined to have no impact. (Refer to Page 26 of Attachment A).

Impact Analysis

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project induce substantial population in one area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

As discussed in the Project Description, the existing 2030 General Plan land use designation for the Proposed Project Site is Industrial. The Proposed Project consists of the Annexation of the site into the City of Los Banos and a Pre-Zoning of the site to Industrial which is consistent to the City's Land Use Designation of the site, Industrial. The Proposed Project consists of the Annexation of the Proposed Project Site into the City of Los Banos, and the Pre-Zoning of the site to Industrial. This will support the future development into the site for industrial uses. The Proposed Project Site is actively farmed with row crops and no structures exist on the property. There will be no displacement of existing people or housing, necessitating the construction of replacement housing elsewhere. The Project Site is within the City's Sphere of Influence and Planning Area and is designated for industrial land uses. Furthermore, the Project Site is adjacent to the city limits on three (3) sides: south, east, and west. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

15. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:			X	
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to Public Services were less than significant. (Refer to Page 27 of Attachment A).

IMPACT ANALYSIS

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 fire protection?*

Fire protection is provided by the City of Los Banos via the Los Banos Fire Department. To off-set any potential impacts to Fire services as a result of the new development, the Proposed Project will be required to pay the appropriate Capital Facilities Fees at the time development occurs and/or a Building Permit is issued. According to the 2030 General Plan Environmental Impact Report (EIR), the Los Banos Fire Department responds to structural and wildland fires, emergency medical service, and hazardous/toxic material spills in the Planning Area. Fire dispatch is handled through the Los Banos Police Department. The Department operates two (2) fire stations, Station 1 and Station 2, within the city limits

and currently comprises a total of nineteen (19) full-time staff members and thirty-two (32) certified volunteers with the majority of the staffing concentrated at Station 1. The Stations are located at the following:

- Station 1 – 333 7th Street; and
- Station 2 – 1150 West I Street.

Currently, the Department has an Insurance Service Office's (ISO) rating of 3, on a scale of 1 to 10 with 1 being the highest. City policy establishes a five (5) to six (6) minute response standard for fire service within a 1 ½ mile radius.

The City's 2030 General Plan includes Policies and Implementation Actions that support the Department's continued provision of adequate facilities, staffing levels and to accommodate new development, such as the Proposed Project. The Polices and Implementation Actions applicable to the Proposed Project are as follows:

Policy LU-G-1 Ensure that new development provides for infrastructure, schools, parks, neighborhood shops, and community facilities in close proximity to residents.

Implementing Action LU-I-8 Require new development to pay its proportionate share of the costs of public infrastructure, services, and transportation facilities. This shall include parks, fire and police stations, schools, utilities, roads, and other needed infrastructure.

Implementing Action LU-I-53 Designate land for civic and institutional land uses, to be maintained through capital projects, for parks and open spaces, police and fire services, water and sanitary facilities, infrastructure, and other City services.

The Proposed Project is required to adhere to the City's 2030 General Plan Policies and Implementation Actions, Municipal Code, California Building and Fire Codes. Although the Project Site is currently served by the Fire Department (as the site is within the Planning Area) for fire protection and emergency medical response services, annexation into the City and development of the Proposed Project will require the payment of Capital Facilities Fees to fund the construction of fire protection facilities required to service new growth areas. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. *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 police protection?*

Law enforcement services in the City are provided by the City of Los Banos Police Department. Additionally, the California Highway Patrol and the Merced County Sheriff have cooperative agreements with the Los Banos Police Department and provide law enforcement services in the Planning Area. The Police Department currently consists of two (2) buildings located in downtown Los Banos. The main Police Department building at the corner of J Street and 5th Street (945 5th Street) was built in 1969 and the Police Department annex on J Street was built in 1999 (535 J Street).

In 2018, the City approved a new 35,000 sq. ft. Police Station located at 111 G Street. The site is about 3.6 acres and was formally developed with a warehouse and is adjacent to the Los Banos Rail Trail, formerly the Union Pacific Railroad (UPRR) Company Right-of-Way Corridor.

As of 2019, the Police Department covers an area of approximately ten (10) square miles and employs forty-one (41) sworn Police Officers and twenty-nine (29) non-sworn staff. With a population of 41,898 (2019), the City's forty-one (41) sworn Police Officers equates to a police officer staffing of 0.98 offers per 1,000 residents. To offset any potential impacts to police services as a result of the Proposed Project, the Proposed Project will be required to pay applicable Capital Facilities Fees associated with services and facilities. In addition, as a Condition of Approval for the Proposed Project, the Proposed Project will be required to annex into Community Facilities District (CFD) No. 2002-01 (Public Safety Services), which is an annual tax assessed to the Proposed Project for police and fire protection services. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

c. *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 schools?*

Projects consisting of industrial type development do not typically generate additional students. However, in accordance with Senate Bill (SB) 50, the Los Banos Unified School District charges development impact fees to offset the cumulative costs of providing additional school facilities once such facilities are required. Los Banos Unified School District provides educational facilities and services to students that would be generated by the Proposed Project. The Proposed Project is required to pay school impact fees consistent with state law. The Proposed Project will be required to comply with SB 50 and pay the applicable school impact fees prior to the issuance of any building permit. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

d. *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 parks?*

The Proposed Project consists of the annexation and pre-zone of industrial lands within the City of Los Banos. Industrial related projects typically do not result in impacts to existing or future park facilities, and

as noted previously, no specific development is proposed at this time. As such specific development within the Proposed Project area will occur, the Applicant and/or Project Proponent will be required to pay the applicable impact fees related to parks at the time of building permit issuance. Payment of said impact fee is considered to mitigate any potential impacts to park facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

e. *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 other public services?*

The City provides public facilities and services through various funding sources, including payment of project Capital Facilities Fees. Although the Proposed Project will increase the need for additional public services, payment of applicable Capital Facilities Fees at the time of building permit issuance will offset any potential impacts. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

Mitigation is not required for this topic.

16. RECREATION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to Recreation were considered to have no impact. (Refer to Page 9 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or accelerated?*
b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

As noted previously, the Proposed Project consists of the annexation and pre-zone of industrial lands in the City of Los Banos. Industrial related development projects do not typically increase the use of existing park facilities, nor do they necessitate the need for additional park facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

17. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to Transportation/Traffic were less than significant. (Refer to Pages 29 and 30 of Attachment A).

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*
b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*
c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
d. *Would the project result in inadequate emergency access?*

As discussed in the 2014 IS/MND, the City's 2030 General Plan Circulation Element provides the Policies and Implementation Actions associated with traffic and transportation in the City of Los Banos. The 2030 General Plan requires the City adhere to a Level of Service (LOS) C for street segments and LOS D for intersections. At present time, the City has not adopted Vehicle Miles Traveled (VMT) thresholds but is in the process of doing so through the City's General Plan Update.

The Proposed Project does not result in any additional traffic impacts, as the Proposed Project consists of annexation and pre-zone only. However, at the time a specific development within the project area is proposed, the Applicant and/or Project Proponent will be required to comply with Implementation Action

C-I-10, which requires all new development generating 100 vehicle trips or more to prepare and submit a traffic impact study. In addition, this traffic impact study will need to evaluate the project's vehicle miles traveled in comparison to the eventual thresholds adopted by the City of Los Banos.

The Proposed Project does not contain any design features that may result in traffic or transportation hazards. At such time a specific development project is proposed within the Proposed Project area, the City will require such project to comply with the adopted improvement standards to mitigate any potential for design features to result in hazards. In addition, any future development project within the Proposed Project area will be required to provide for adequate emergency access, typically by providing multiple points of access to and from the Project Site.

Based on the above, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

18. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:

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

ANALYSIS FROM PREVIOUS IS/MND

Tribal Cultural Resources was not a required environmental topic at the time the 2014 IS/MND was prepared and adopted by the City of Los Banos.

IMPACT ANALYSIS

a. *Would the project cause a significant 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:*
    1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
    2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

According to the City's 2030 General Plan Environmental Impact Report (EIR), the City of Los Banos (itself), Pacheco Pass, and the Canal Farm Inn are listed as California Historic Landmarks. The Los Banos Bank Building (aka: Old Bank Building), the Church of St. Joseph, and the San Luis Gonzaga Archeological District are listed in the National Register of Historic Places. None of these sites surveyed as part of the General Plan EIR are on or within the general vicinity of the current Project Site. In addition, the Project Site is not listed or eligible for listing in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). As such, the Proposed Project will have a **Less Than Significant Impact**.

According to the City's 2030 General Plan EIR, a request to the Native American Heritage Commission (NAHC) during the General Plan update (2005) to conduct a search of their sacred lands database to determine if any Native American cultural resources are present in or in the vicinity of the Planning Area. The NAHC response letter stated that the sacred lands database did not indicate the presence of Native American resources in the General Plan Planning Area. This Planning Area includes the Proposed Project Site. In addition, letters requesting consultation regarding the Proposed Project were sent to interested Native American tribes on July 24, 2020. No response was received within the 30-day consultation request timeframe.

In addition, the City of Los Banos requested a list from the State of California Native American Heritage Commission (NAHC) of potentially interested tribes, on July 24, 2020. Four (4) tribes were identified on the list and consultation letters were sent out to each tribe on July 24, 2020. The City of Los Banos did not receive any responses from said tribes throughout the 30-day consultation period. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

19. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			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 that 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	

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that impacts to Utilities and Service Systems less than significant. (Refer to Pages 31 and 32 of Attachment A).

IMPACT ANALYSIS

a. *Would the project require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*
c. *Would the project result in a determination by the wastewater treatment provider that 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?*

Wastewater services within the City are provided by the City of Los Banos, Public Works Department. The City's most recently adopted Wastewater Master Plan describes the City's wastewater capacity as 6.1 million gallons per day ("mgd"). Current flows through the City's wastewater system are approximately 3.5 mgd, leaving the City with current wastewater capacity of over 2.5 mgd.

The City's Wastewater Treatment Plant (WWTP) has a combination of current capacity and future expansion capacity to serve the future needs of the entire buildout of the City's General Plan area, which includes the Project Site. Furthermore, according to City Public Works staff, the City has sufficient capacity to accommodate any wastewater needs and will not exceed any treatment requirements imposed by the Regional Water Quality Control Board. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

At the time specific development is proposed within the Proposed Project area, the Applicant and/or Project Proponent will need to provide for adequate on-site stormwater retention, either through the installation of an on-site French drain system or a combination of bio-swales. All future development including the design and installation of the proposal's storm drainage system will be done in accordance with the City's Drainage Design Manual. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

Potable water services within the City are provided by the City of Los Banos, Public Works Department Water Services. The City is located within the San Joaquin River Hydrologic Region (groundwater basin) and extracts its water supply from groundwater aquifers via a series of thirteen (13) municipal water wells with most of the wells concentrated in the southwest area of the City. In addition to the thirteen (13) water wells, the City also has an elevated storage tank with a capacity of 100,000 gallons, and a 5 million gallon surface mounted storage tank equipped with four (4) booster pumps, which are utilized to pump additional water during high demand periods. City water users total approximately 12,730 connections, split between residential, commercial, and industrial land uses. According to the City's Water Master Plan (2011), it is anticipated that the City has sufficient groundwater supply to provide potable water services to meet the expected future demands based on the buildout assumptions made in the 2030 General Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

The following discussion is an analysis for criteria (d) and (e):
d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
e. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

Solid waste in the City of Los Banos is managed by the Merced County Association of Governments. The majority of the City's solid waste is taken to Billy Wright Landfill and additional waste is taken to Highway 59 Landfill. The City's 2030 General Plan EIR determined that there are sufficient options for expansion or relocation of services to meet the demand created by future growth in the City of Los Banos. As noted previously, the Proposed Project is consistent with the 2030 General Plan, and as a result, consistent with the determinations made in the 2030 General Plan EIR. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

The Proposed Project will comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

Mitigation is not required for this topic.

20. WILDFIRE -- Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				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 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

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 did not consider Wildfire impacts associated with the Proposed Project, as Wildfire was not a topic identified in Appendix G of the CEQA Guidelines in 2014.

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), and (d):

a. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
b. *Would the project 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?*

c. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

d. *Would the project 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?*

According to the City's 2030 General Plan Environmental Impact Report (EIR), eighty-four (84) percent of the planning area is thought to possess little or no wildfire risk. The riparian corridor to the west of Los Banos Creek represents the largest single risk due to the amount of tree cover and undergrowth. The Project Site is not located within the vicinity of the Los Banos Creek area. In addition, according to the California Public Utilities Commission Fire-Threat Map, prepared in accordance with the requirements of decision D.17-01-009, the Project Site is not within an area considered to be a high-risk fire-threat area (Tier 2 and Tier 3). Therefore, the Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

21. MANDATORY FINDINGS OF SIGNIFICANCE --

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*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		

ANALYSIS FROM PREVIOUS IS/MND

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Proposed Project and adopted by the City Council on December 3, 2014 determined that the Proposed Projects Mandatory Findings of Significant were less than significant with mitigation incorporated. Impacts to hazardous materials were identified as potentially significant, and therefore, mitigation measures were incorporated into the Proposed Project to reduce these impacts to a level of less than significant. (Refer to Page 33 of Attachment A).

IMPACT ANALYSIS

a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, 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?*

Finding (a) is checked as "Less Than Significant Impact" on the basis of the Proposed Project's potential impacts on biological resources, as described in Section 3.0-IV of this Initial Study. The analysis contained in this Initial Study determined the impact to Biological Resources was **Less Than Significant**.

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

As described in this Initial Study, the potential environmental effects of the Proposed Project will either be less than significant or will have no impact at all. Where the Proposed Project involves potentially significant impacts, these impacts would have a **Less Than Significant Impact** with mitigation measures incorporated.

The potential environmental impacts identified in this Initial Study have been considered in conjunction with each other as to their potential to generate other potentially significant impacts. The various potential environmental impacts of the Proposed Project will not combine to generate any potentially significant cumulative impacts.

The City of Los Banos 2030 General Plan and EIR comprehensively account for ongoing and foreseeable urban development within the City's "Planning Area" and the cumulative environmental impacts of planned development. Future urban development in the City of Los Banos includes the provision of roads, utilities, schools, and recreational facilities needed to serve City residents and visitors as their demands for urban services increase over time.

The Proposed Project will contribute to planned urban development in the City of Los Banos, by annexing an area identified in the General Plan as being appropriate for residential uses. The potential environmental impacts associated with the Proposed Project represent a portion of the environmental consequences of the planned growth and development permitted by the 2030 General Plan. The Proposed Project may involve a minor addition to the potential environmental impacts identified in the 2030 General Plan EIR, but the Proposed Project will not result in any substantial contribution to any of the significant cumulative impacts identified in the 2030 General Plan EIR.

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

The Proposed Project itself does not result in substantial adverse effects on human beings, either directly or indirectly. However, at the time a specific development project is proposed within the Proposed Project area, impacts of said specific development project could be considered significant, especially to such environmental topics as Air Quality, Greenhouse Gas Emissions, Noise, and Traffic/Transportation. With the incorporation of various Mitigation Measures combined with compliance with 2030 General Plan Policies and Implementation Actions, these impacts will be reduced to a level of less than significant. The

City will determine the potential impact of any specific development project at such time a development application is submitted to Community Development Department staff for review and consideration. Therefore, this impact will be **Less Than Significant with Mitigation Incorporated**.

REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been (Referenced and/or cited in the discussion included in the Initial Study Checklist:

City of Los Banos 2030 General Plan, dated July 2009.

City of Los Banos 2014-2023 Housing Element, dated July 2016.

City of Los Banos General Plan Land Resources Amendment, Adopted September 6, 2017 per City Council Resolution No. 5890.

City of Los Banos General Plan Land Resources Amendment SEIR, dated April 28, 2017, prepared by EMC Planning Group, Inc.

City of Los Banos Zoning Ordinance.

City of Los Banos Noise Control Ordinance, Article 27.

City of Los Banos Water Plan, dated March 2010.

City of Los Banos Municipal Service Review, dated March 22, 2012.

Merced County Airport Land Use Compatibility Plan, adopted June 21, 2012, prepared by the Merced County Airport Land Use Commission.

City of Los Banos Initial Study/Mitigated Negative Declaration prepared for AMG Annexation #2013-01, dated August 29, 2014.

California Department of Transportation Online Database of State Scenic Highways (www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm).

California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.

Guide for Assessing and Mitigating Air Quality Impacts, adopted March 19, 2015, by the San Joaquin Valley Air Pollution Control District.

Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, dated December 17, 2009, prepared by the San Joaquin Valley Air Pollution Control District.

Appendix A

Los Banos City Council Resolution No. 5628

RESOLUTION NO. 5628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING MITAGATED NEGATIVE DECLARATION (SCH #2014091056) ASSOCIATED MITIGATION MONITORING PROGRAM FOR AMG & ASSOCIATES, LLC

WHEREAS, AMG & Associates, LLC initiated consideration of an Annexation and Pre-Zone application for the property located at the southeast corner of Overland Avenue and Johnson Road, Merced County, California, more specifically identified as Assessor's Parcel Number: 081-110-007; and

WHEREAS, pursuant to the California Environmental Quality Act and the City of Los Banos Environmental Quality Guidelines, the project environmental impacts were evaluated in an Initial Study/Mitigated Negative Declaration (Exhibit B) incorporated herein by this reference; and

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

WHEREAS, a Notice of Intent was posted and the Mitigated Negative Declaration was made available for public review on September 19, 2014 thru October 20, 2014; and

WHEREAS, Annexation #2013-01 and Pre-Zone #2013-02 were found not to have a significant effect on the environment, and all impacts were evaluated to be less than significant; and

WHEREAS, said Annexation and Pre-Zone were reviewed and examined by City of Los Banos staff; and

WHEREAS, the Los Banos Planning Commission held a public hearing on November 12, 2014 for the purpose of considering the project and at the completion of the public hearing, duly considered the evidence presented and recommended approval to the Los Banos City Council; and

WHEREAS, a public hearing was duly noticed for December 3, 2014, in accordance with California Government Code Section 65091 by advertisement in the Los Banos Enterprise and by mail to property owners within 300 feet of the project boundaries on November 21, 2014 to consider and take testimony regarding the AMG & Associates Annexation Project; and

WHEREAS, at the December 3, 2014 meeting the Los Banos City Council heard and considered testimony, if any, of all persons desiring to be heard; reviewed the project proposal and staff report; studied the compatibility of the applicant's request with adjacent land uses; has considered the applicant's request in accordance with the criteria established in Section 9-3.2314 of the Los Banos Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos has reviewed the AMG & Associates Annexation and Mitigated Negative Declaration (SCH #2014091056), CEQA Findings (Exhibit A), and Mitigation Monitoring Program (Exhibit C), incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the City Council of the City of Los Banos does hereby approve Mitigated Negative Declaration (SCH #2014091056) for the AMG & Associates Annexation Project for the property located at the southeast corner of Overland Avenue and Johnson Road, Merced County, California, more specifically identified as Assessor's Parcel Number: 081-110-007.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 3rd day of December 2014, by Council Member Lewis who moved its adoption, which motion was duly seconded by Council Member Faria and the Resolution adopted by the following vote:

AYES: Council Members Faria, Lewis, Silveira, Stonegrove, Mayor Villalta
NOES: None
ABSENT: None

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR ANNEXATION #2013-01 AND PRE-ZONE #2013-02 – AMG & ASSOCIATES

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

The City of Los Banos City Council hereby finds as follows:

1. Pursuant to CEQA, the CEQA Guidelines, and the City of Los Banos Environmental Quality Guidelines, Annexation #2013-01 and Pre-Zone #2013-02 for AMG & Associates was evaluated in an Initial Study which determined that the project would not involve any significant environmental effects, provided that the mitigation measures described in the Initial Study were implemented and a Mitigated Negative Declaration (SCH#2014091056) was made.

2. The Mitigated Negative Declaration was adequately noticed and circulated for public review. The City distributed the Notice of Intent with copies of the Mitigated Negative Declaration, and posted the Notice of Intent at the Merced County Clerk's office on September 19, 2014.

3. On the basis of the whole record, including the Mitigated Negative Declaration and public comment, the City Council finds that there is no substantial evidence that the Project may have a significant effect on the environment with proper mitigation.

4. The Mitigated Negative Declaration was prepared in compliance with CEQA and on the basis of the whole record, there is no substantial evidence of significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Initial Study/Mitigated Negative Declaration.

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

6. Upon approval of the project analyzed in the Mitigated Negative Declaration, the City of Los Banos will monitor the implementation of the mitigation measures in accordance with the Mitigation Monitoring Program.

7. Prior to considering the proposed Project, the City Council considered the Mitigated Negative Declaration.

EXHIBIT B

City of Los Banos
At the Crossroads of California

Initial Study/Mitigated Negative Declaration

AMG Annexation #2013-01

August 29, 2014

Lead Agency:

City of Los Banos

Community and Economic Development Department

Contact: Stacy Souza Elms, Assistant Planner II

City Hall 520 J St.

Los Banos, CA 93635

(209)827-7000 ext. 133

www.losbanos.org

Purpose

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

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

The purpose of this Initial Study and Proposed Negative Declaration (IS/MND) is to identify the potential environmental impacts associated with the annexation of approximately 28.5 acres into the City of Los Banos for Industrial development.

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

Project Location

The Project site is located on the southeast corner of Overland Avenue and Johnson Road, adjacent to the northwestern boundary of the City of Los Banos in Merced County. The 28.5 acre Project site is bound by Overland Avenue to the north, Johnson Road to the west, and Industrial uses to the south.

Project Description

The Project proposed annexing the existing parcel (APN: 081-110-007) into the incorporated City limits for the future development of Industrial type uses.

Site Characteristics

The Project site consists of one (1) parcel covering a total of approximately 28.5 acres. The Assessor's Parcel Number for the property is: 081-140-013. Principal vehicular access to the site is provided along Overland Avenue and Johnson Road.

Topography

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

On-Site Land Uses Cover

Much of the 28.5 acre site is in active corn and alfalfa production.

Surrounding Land Uses

The Project site is located on the northern edge of the City of Los Banos with scattered agricultural operations to the north, along with Industrial uses to the west and south, and Low Density Residential uses to the east.

Existing General Plan Land Use and Zoning Designations

While the Project site is located outside the City of Los Banos' jurisdictional boundary, it is within the City's Sphere of Influence. The Project site has been given a land use designation in the City's General Plan, and the goals and policies of the General Plan are applicable. The current General Plan designation for the Project site is Industrial.

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

Infrastructure

Domestic water services will be provided by the City of Los Banos by connecting to an existing ten (10) inch water line located on Johnson Road and Overland

Avenue. Sanitary sewer services will be provided by the City of Los Banos connecting to an existing sewer line located along Overland Avenue and extended to the project site. Storm drain services will be provided by connecting to the City of Los Banos via an existing storm drain line located on Johnson Road and Overland Avenue. Fire hydrants will also be installed upon development in accordance with the City of Los Banos Fire Department standards and specifications. Dry utilities (i.e. gas and electric) will be provided by Pacific Gas and Electric.

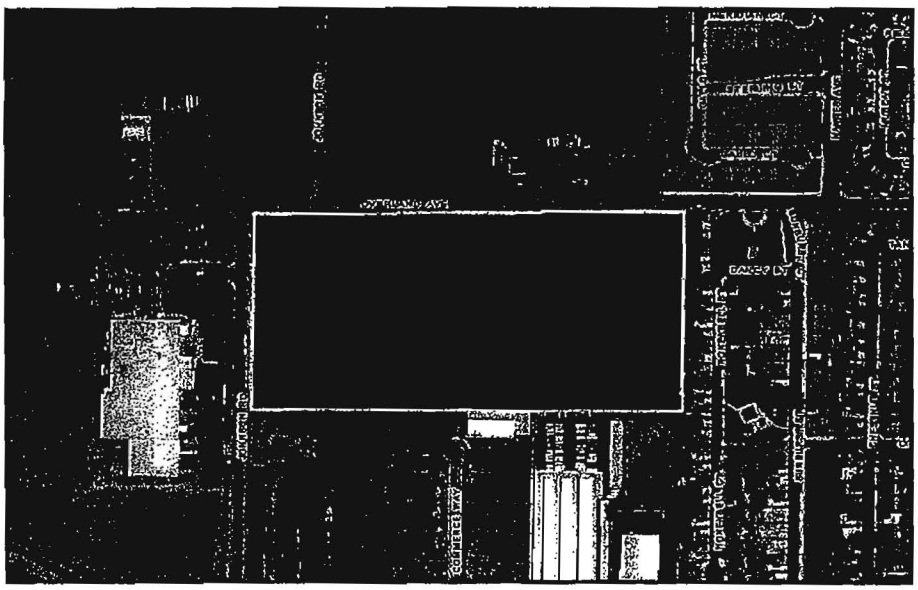
Development of the proposed Project site will consist of the removal of irrigation improvements currently onsite.

Public Actions and Approvals Required

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

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

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



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

Environmental Checklist Form

1. **Project Title:**

   AMG & Associates Annexation No. 2013-01

2. **Lead Agency Name and Address:**

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

3. **Contact Person and Phone Number:**

   Stacy Souza Elms
   Assistant Planner II
   (209) 827-7000 ext. 133
   Stacy.elms@losbanos.org

4. **Project Location:**

   The proposed project is located within the City of Los Banos, County of Merced. Specifically, the proposed Project site is located on a 28.5 acre site (APN: 081-110-007) and is bounded by the following:

North:	Overland Avenue and Agricultural/ranchette type uses
South:	Existing Industrial uses and vacant property
East:	Existing single-family residential development
West:	Johnson Road and existing Industrial food processing plant

5. **Project Proponent:**

   AMG & Associates
   16633 Ventura Boulevard, Suite 1014
   Encino, CA 91436

6. **General Plan Designation:**

   Industrial

7. **Zoning:**

   Industrial after annexation

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

☐ I find that although the proposed project could have significant effect on the environment, because all potentially significant effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standard, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Stacy Souza Elms, Assistant Planner II **Date**

EVALUATION OF ENVIRONMENTAL IMPACTS:

Notes:

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

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

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

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

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

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

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

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures

which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

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

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

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
I. **Aesthetics.** - Would the Project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

Comments: The proposed Project is not within an area designated as a scenic vista nor does it include such significant scenic resources as naturally occurring trees, rock outcroppings or historic buildings. According to the City of Los Banos 2030 General Plan and Environmental Impact Report (EIR), the proposed project area is not considered a scenic vista. Therefore, the proposed project will have **a less than significant impact.**

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

Comments: The proposed project is located within the City of Los Banos, and is not located on a State designated highway. Based on a review of the California Department of Transportation website, http://www.dot.ca.gov/hq/LandArch/scenic_highways/, the nearest State scenic highway is Interstate 5, between the Merced County line and San Joaquin County line. The proposed project is not located on or adjacent to Interstate 5, and therefore, will have **no impact** to a State scenic highway.

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

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

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

Comments: Development of the proposed project will include the installation of street lighting and lighting associated with Industrial development. As such, the proposed project will result in a new source of light. However, any lighting installed will installed in accordance with the City of Los Banos standards and specifications. Therefore, the proposed project will have a **less than significant** to lighting and glare.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
II. **Agriculture Resources** - Would the project:				
a Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring program of the California Resource Agency, to non-agricultural use?	☐	☐	☒	☐

Comments: The project site is classified as "Farmland of Statewide Importance" according to the California Department of Conservation – Division of Land Resources; however, long-term farming operations at the project site are impractical due to its location in an established Industrial zone district. The project site is surrounded by the City limits on three sides designated for urban development. In adopting the Los Banos General Plan EIR, the City of Los Banos made findings of overriding considerations for loss of agricultural land. Therefore, the loss of this important farmland would be considered a **less than significant impact.**

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

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

c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.	☐	☐	☒	☐

Comments: The proposed project site is designated Industrial in accordance with the Los Banos General Plan and will be pre-zoned as such. The property is not zoned for forest land uses, and therefore, will have **a less than significant impact** relating to forest land.

d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☒	☐

Comments: The project site is surrounded by existing urban development on the south, east, and west. The project site is not situated on lands considered to be forest land. Therefore, the proposed project will have a less than significant impact.

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?	☐	☐	☒	☐

Comments: The project site is bounded by existing urban development, and it is designated for Industrial uses by the City of Los Banos 2030 General Plan. Therefore, the proposed project will have a less than significant impact.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
III. **Air Quality** - Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Comments: The Los Banos General Plan EIR concludes that expected population growth resulting from implementation of the Los Banos General Plan would result in a significant impact on regional emission of reactive organic gases (ROG), nitrogen oxides (NO_x) and PM_{10}. Several policies, implementing actions, and mitigation measures were presented to mitigate for this impact. The City certified the EIR and adopted a statement of overriding considerations. The proposed project is consistent with the land use designation established and there are no project specific air quality impacts that are peculiar to the project site. CEQA mandates that projects consistent with the land use designation and development densities of a general plan for which an EIR was certified shall not require additional environmental review (CEQA Guidelines Section 15183). The proposed project is consistent with the General Plan, and therefore, no further review is necessary.

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

Comments: Please refer to comment III.a

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

Comments: : Please refer to comment III.a

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

Comments: Please refer to comment III.a

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

Comments: Allowed uses within the Industrial land use and zoning designations have the potential to result in substantial odors. However, through the Los Banos Municipal Code, Section 9-3.2106, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air at the lot line. Existing residential development is located east of the project. Therefore, the Los Banos Municipal Code would be an appropriate way to address any potential objectionable odors that might be created by development of the project site. Each subsequent developer at the project site shall be required to comply with Section 9-3.2106 of the Los Banos Municipal Code.

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

Comments: The project site is vacant land in an area on the edge of urban development. The land has been historically used for agricultural production and continuously disked; therefore, the value of this land to wildlife is expected to be very low. Due to the location, surface and surrounding uses there is **no impact**.

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

Comments: Based on review of the City's 2030 General Plan and EIR, the proposed project is not located within an area known to contain riparian habitat. Most, if not all, of the riparian habitat located within the City is located along Los Banos Creek. The proposed project is not located within, or adjacent to Los Banos Creek. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: Based on a review of the City's 2030 General Plan and EIR, there are no identified wetlands within the project site. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: Based on a review of the City's 2030 General Plan and EIR, significant impacts to wildlife corridors, as a result of the build out of the General Plan Planning Area, occur with construction of the Highway 152 bypass. It is also noted that new development would cause an increase in both vehicular traffic levels and nighttime light levels, which would serve to deter wildlife movement. However, the proposed project is not located within the Highway 152 bypass area. Additionally, the proposed project is surrounded by existing development on the south, east, and west sides. Therefore, new development created as a result of the proposed project would have minimal impacts to wildlife corridors as surrounding urban

development already exist. Therefore, the proposed project will have a **less than significant impact.**

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

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

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

Comments: The proposed project is not located within an adopted Habitat Conservation Plan or Natural Community Plan. Therefore, the proposed project will have **no impact.**

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

Comments: No historical resources have been identified on the project site. As such, there is **no impact**.

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

Comments: The project site is not located within any prehistoric archaeological sites or historic archaeological sites identified in the City's General Plan, and therefore, potential impacts to archaeological resources are considered to be minimal. As such, the proposed project will have a **less than significant impact.**

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

Comments: The Project does not anticipate either directly or indirectly destroying a unique paleontological resource or site or unique geologic feature. There are no known paleontological resources or unique geologic features on the project site. Therefore, there is **no impact**.

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

Comments: If human remains are uncovered during the grading and construction phases, the Project shall be consistent with State law and generally observe the following protocol: If human burials are encountered during the grading and construction portions of the Project, such activities shall stop in the area of discovery and the County Coroner shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission will be notified and recommendations for treatment solicited (CEQA section 15064.5). Therefore, there is **less than significant impact.**

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

Comments: No active or potentially active faults are known to exist within the area. The closest are the Tesla-Ortigalita Fault and the O"Neill Fault Zone, both of which are located approximately seven miles west of the City proper. Additionally, the project site is not located within an Earthquake Fault Zone. Therefore, the impact is **less than significant**

4) Landslides?	☐	☐	☐	☒

Comments: The existing terrain is flat which is not conducive to land slippage. In addition, the site is not shown on published landslide mapping. Therefore, the impact is **less than significant.**

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

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

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

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

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

Comments: The soils within the project area are Dosamigos Clay. This soil is poorly drained. The soil has slow permeability, a high shrink swell and low potential for liquefaction. The General Plan EIR has incorporated mitigation measures which make the impact **less than significant**.

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

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

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

Comments: The project site would not generate any substantial greenhouse gas emissions beyond what was previously identified in the City's General Plan and EIR. The proposed annexation is consistent with the General Plan, and future development will comply with the Policies within. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: The project site will not involve any known conflict with any adopted plan, policy, or regulation for reducing greenhouse gas emissions. Therefore, the proposed project will have a **less than significant impact.**

	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. **Hazards and Hazardous Material** - Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Comments: The project site would not generate any substantial hazard to the public or the environment beyond what was previously identified in the City's General Plan and EIR. The proposed annexation is consistent with the General Plan, and future development will comply with the Policies within. Therefore, the proposed project will have a **less than significant impact.**

b. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐

Comments: The project site would not generate any substantial hazard to the public or the environment beyond what was previously identified in the City's General Plan and EIR. The proposed annexation is consistent with the General Plan, and future development will comply with the Policies within. Therefore, the proposed project will 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?	☐	☒	☐	☐

Comments: The proposed annexation is located within one-quarter mile of the Los Banos CORE/Valley Community School located at 715 West H Street. In addition, the Los Banos General Plan Land Use Map identifies a potential school location approximately one-quarter mile north of the project site. An Industrial use with hazardous emissions or one that handles hazardous or acutely hazardous materials, substances, or waste within on-quarter mile of an existing pr proposed school, could result in a significant adverse environmental impact. Implementation of the following mitigation measure would ensure this potential impact does not occur.

Mitigation Measure:

1. Prior to the approval of any development on the project site, the Community and Economic Development Department shall review the specific use proposed within this annexation boundary. Proposed uses that include the handling of hazardous materials would be required to prepare a health risks assessment to evaluate the health risk associated with that type of use within one-quarter mile of a school. Proposed uses shall be reviewed for compatibility with schools in the immediate vicinity, and those that are determined to be incompatible, shall not be allowed.

d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environments?	☐	☐	☐	☒

Comments: Appendix A of the Los Banos General Plan provides a list of hazardous sites within the City of Los Banos. Based on a review of Appendix A, the proposed project is not located on a site identified as hazardous. Therefore, the proposed project will have **no impact.**

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

Comments: The project site would not result in a safety hazard for the Los Banos Municipal Airport as it is not within any of the Land Use Compatibility Zones. Therefore, the proposed project will have a **less than significant impact.**

f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Comments: The project site is not located within the vicinity of a private airstrip and therefore would not result in a safety hazard, as such, there is **no impact.**

g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Comments: The project site is would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, the proposed project will have a **less than significant impact.** .

h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Comments: The project site is adjacent to an urbanized area and is not adjacent to wildlands. As such, there is **no impact**.

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significant Impact	No Impact
IX. Hydrology and Water Quality - Would the project:				
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐

Comments: The proposed project will not violate any Federal, State, or local water quality standards or waste discharge requirements. Prior to the approval of any development, the Applicant will be required to obtain approval from the City of Los Banos for the project's Improvement Plans. These Improvements Plans include the design of infrastructure (i.e. water, sanitary sewer, storm drainage) required for the proposed project. Review and approval by City staff will ensure the proposed project complies with any applicable water quality standards and waste discharge requirements. Therefore, the impact will be **less than significant**.

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

Comments: Water use by industrial users can vary substantially depending on the actual nature of the business. Since development plans have not been submitted, the specific impacts upon groundwater cannot be determined. However, the project is consistent with the City's General Plan and Water Master Plan and therefore, the City has an adequate water supply, or has planned for an adequate water supply, to serve the industrial development of this site. Therefore, this increase in water use would be **less than significant.**

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

Comments: the proposed project will alter the existing drainage patter of the site by way of construction and converting the site from raw ground to urban development. However, future development will comply with the City's Drainage Design Manual and City Standards and Specifications. Compliance will be ensured through the development Improvement Plan process. Therefore, the proposed annexation will have a **less than significant impact.**

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

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

significant.

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

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

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

Comments: The proposed project will not degrade water quality within the vicinity of the project site. As such, the impact is **less than significant.**

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

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

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

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

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

Comments: The City of Los Banos had adopted General Plan policies, which include coordination with the U.S. Army Corps of Engineers on potential flooding risks, and ensuring that City staff and Emergency Response Services are trained to respond to catastrophic dam failure. Therefore, the proposed project will have a **less than significant impact.**

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

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

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

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

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

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

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

Comments: The project does not conflict with any existing habitat conservation plans or Natural Community Conservation Plan. Therefore, the proposed project will have **no impact.**

Categories and Issues:	Potentially Significant Impact	Less than Significant w/ Mitigation Incorporated	Less than Significa nt Impact	No Impact
XI. Mineral Resources - Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
Comments: There are no known mineral resources located within the project vicinity. Therefore, there is **no impact.**				
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
Comments: There are no known mineral resources located within the project vicinity. Therefore, there is **no impact.**				

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

Comments: Under the City of Los Banos General Plan Noise Standards, the maximum allowable noise exposure to ground transportation is 80 dB for outdoor activity areas such as golf courses, riding stables, water recreation, cemeteries, industrial, manufacturing, utilities, and agriculture. Based on a review of Figure 3.11-3 of the City's General Plan EIR, the proposed project is not located within an area identified as exceeding the City's General Plan noise standards upon build-out of the City's "Planning Area". The proposed project is consistent with the land use designations provided by the City's General Plan. Therefore, the proposed project will not exceed the General Plan noise standards, and will have a **less than significant impact.**

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

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

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

Comments: Operations of future industrial businesses would add to the ambient noise levels in the vicinity, but that increase is not expected to be significant. See response to XII a. for further discussion.

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

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

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

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

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

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

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

Comments: The project will not result in population growth directly and is consistent with the land use designation of the Los Banos General Plan. The project will not increase the need for infrastructure beyond that already planned for in the General Plan. Therefore, the **impact is less than significant**.

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

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

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

Comments: The proposed project is currently vacant, and at build-out will not displace any number of existing housing. Therefore, the proposed project will have **no impact**.

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

Comments: Currently the project site is vacant. The proposed project would result in increase service calls for the Los Banos Fire Department and the Los Banos Police Department. Although this project alone would not have a significant effort on these services, cumulative development within the City would. As such, the impact is **less than significant.**

2) Police protection?	☐	☐	☒	☐

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

3) Schools?	☐	☐	☒	☐

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

4) Parks?	☐	☐	☒	☐

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

5) Other public facilities?	☐	☐	☒	☐

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

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

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

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

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

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

Comments: The City's 2030 General Plan Circulation Element provides the guiding policies and implementing actions associated with transportation in the City. Specifically, Implementing Action C-I-10 of the General Plan states, "Develop and manage the roadway system to obtain segments as LOS C and intersections at LOS D or better for two hour peak periods (AM and PM) on all major roadways and intersections in Los Banos. The proposed project will comply with the policies of the 2030 General Plan and have a **less than significant impact.**

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

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

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

Comments: The proposed project will not result in the change of air patterns, most notable from the Los Banos Municipal Airport. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: Street improvement s installed as part of the proposed project will be done in accordance with the City's Standards and Specifications. As such, hazards due to a design feature are not anticipated to occur. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: The proposed project is bound by Overland Avenue to the north and Johnson Road to the west. Access is planned from both roadways. Therefore, the **impact is less than significant.**

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

Comments: City staff shall require the applicant to submit development plans that conform to Article 20, Off-Street Parking, of the Los Banos Zoning Code. Therefore, the **impact is less than significant.**

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

Comments: Standard frontage improvements (i.e. sidewalks) and connectivity to existing streets will allow for non-motorized transportation and access to the project. Therefore, the proposed project will have a **less than significant impact.**

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

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

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

Comments: The proposed project is consistent with the Los Banos General Plan and therefore, is consistent with the water master plan and the City's plans for the wastewater treatment plant. In addition, the proposed project will be required to pay the applicable Capital Facilities Fees, which include water and sanitary sewer fees, at the time of development. Therefore, the proposed project will have a **less than significant impact.**

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

Comments: The design and installation of the proposed project's storm drainage system will be done in accordance with the City's Drainage Design Manual, which is consistent with the Los Banos General Plan. Therefore, the proposed project will have a less than significant impact.

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

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

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

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

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

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

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

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Comments: The proposed project's potential impact on hazards and Hazardous Material, as described in Section 3.-VIII of this Initial Study. Potentially significant impacts were identified in this issue area, and as such, mitigation has been incorporated into the proposed project to reduce said impacts to a level of less than significant.

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

Comments: The potential environmental impacts identified in this Initial Study have been considered in conjunction with each other as to their potential to generate other potentially significant impacts. The various potential environmental impacts of the proposed project will not combine to generate any potentially significant cumulative impacts.

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

Comments: This Initial Study has considered the potential environmental impacts of the proposed project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the proposed project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, was considered, and no other such impacts were identified.

E. REFERENCES

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

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

Exhibit C

City of Los Banos
AMG and Associates Annexation
Mitigation Monitoring & Reporting Program
SCH# 2014091056

Environmental Issue	Proposed Mitigation	Mitigation Monitoring Reporting Responsibility and Timing	Mitigation Reporting and/or Monitoring Program
Hazards and Hazardous Materials	Prior to the approval of any development on the project site, the Community and Economic Development Department shall review the specific use proposed within this annexation boundary. Proposed uses that include the handling of hazardous materials would be required to prepare a health risks assessment to evaluate the health risk associated with that type of use within one-quarter mile of a school. Proposed uses shall be reviewed for compatibility with schools in the immediate vicinity, and those that are determined to be incompatible, shall not be allowed.	Community and Economic Development Department	Prior to approval of any development plans, a health risk assessment would need to be prepared if the proposed use will be handling hazardous materials.