Initial Study/ Mitigated Negative Declaration

San Luis Estates
Vesting Tentative Tract Map #2015-03

September 30, 2016

Lead Agency:
City of Los Banos
Community and Economic Development Department
Contact: Stacy Souza Elms, Senior Planner
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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 Mitigated Negative Declaration (IS/MND) is to identify the potential environmental impacts and proposed mitigation measures associated with the proposed San Luis Estates Vesting Tentative Tract Map located within the City of Los Banos, County of Merced.

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 of 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 within the City of Los Banos, County of Merced. Specifically, the project is located on an approximate 5.5 acre site (APN: 428-121-012) on the south side of San Luis Street and approximately 850 feet east of Mercey Springs Road (SR 165). The uses surrounding the site include:

East: A vacant parcel planned for future assisted living facility.
South: Existing multi-family development and a fraternity lodge.
West: Existing single-family residential development.
North: San Luis Street and existing park and multi-family development.
Project Description

TV Los Banos, LLC (Applicant) is proposing to subdivide an approximately 5.5 acre parcel into twenty-five (25) single-family residential lots, ranging from 6,000 square feet to 9,519 square feet. The proposed lots will be subdivided and developed in accordance with Title 9, Chapter 3, Article 6, of the Los Banos Zoning Ordinance.

Access to the proposed project and associated street improvements (i.e. curb, gutter, and sidewalk), consists of connecting to, and extending Racquet Club Drive. Interior street improvements consist of a fifty-two (52) foot wide local residential street and cul-de-sacs. In addition, as part of the proposed project, the Applicant will be required to install a four (4) way stop at the intersection of Racquet Club Drive and San Luis Street.

A copy of the proposed project’s Vesting Tentative Tract Map is included as part of this Initial Study as Exhibit A.

Domestic water services will be provided by the City of Los Banos by connecting to an existing eight (8) inch water line located on San Luis Street and installing an eight (8) inch water line that will loop the project site and connect back to the existing eight (8) inch water line in San Luis Street. Sanitary sewer services will be provided by the City of Los Banos by connecting to an existing sewer line located on San Luis Street and installing an eight (8) inch sanitary sewer line through 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 San Luis Street, and installing a fifteen (15) inch line in the proposed project. Fire hydrants will also be installed in accordance with the City of Los Banos Fire Department standards and specifications. Dry utilities (i.e. gas and electric) will be provided via Pacific Gas and Electric.

The existing site includes disked vacant land. No structures currently exist on the site.

Environmental Determination:

The Lead Agency has prepared an Initial Study, following, which considers the potential environmental effects of the proposed project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the Lead Agency, that the project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the project.

MITIGATION MEASURES:

The following mitigation measures shall be incorporated into the proposed project:

Mitigation Measure 5-1: In the event of the accidental discovery of recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until;
   a. The corner of Merced County is contacted to determine that no investigation of the cause of death is required; and
   b. If the corner determines the remains to be Native American:
      i. The corner shall contact the Native American Heritage Commission within 24 hours.
ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98

**Mitigation Measure 8-1:** Prior to the approval of the proposed project’s Improvement Plans and Final Map, the applicant, or project proponent, shall prepare and submit to the City of Los Banos Community and Economic Development Department a Phase 1/Environmental Site Assessment (ESA). The recommendations of the Phase I/ESA shall be incorporated into the proposed project, as deemed necessary by City staff.

**Mitigation Measure 16-1:** The proposed project shall contribute its fair share to the cost of signalizing the SR 165/ San Luis Street intersection. This improvement is included in the City’s traffic impact mitigation fee program, and the project will contribute its fair share by paying adopted fees.

**Mitigation Measure 16-2:** The proposed project shall contribute its fair share to the cost of signalizing the San Luis Street/ Miller Lane/ Junior High access intersection. However, this improvement is not included in the City of Los Banos traffic impact mitigation fee program. During the a.m. peak hour, project trips represent 0.8% of the total existing plus project traffic volume (i.e., 10/1,236 = 0.8%).

**Mitigation Measure 16-3:** Project proponents shall be responsible for constructing an “interim” pedestrian path along the south side of San Luis Street from the project to the existing school crossing at the San Luis Street/Miller Lane intersection.

Therefore, the Lead Agency proposed to adopt a Mitigated Negative Declaration for the project, in accordance with the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

______________________________  __________________________
Stacy Souza Elms, Senior Planner       Date
Environmental Checklist Form

Project Title
San Luis Estates – Vesting Tentative Tract Map #2015-03

Lead Agency Name and Address
City of Los Banos
520 J Street
Los Banos, CA  93635

Contact Person and Phone Number
Stacy Souza Elms, Senior Planner
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Project Sponsor’s Name and Address
Coats Consulting
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Carmel, CA 93921

Project Location and Setting
The proposed project is located within the City of Los Banos, County of Merced. Specifically, the project is located on an approximate 5.5 acre site (APN: 428-121-012) on the south side of San Luis Street and approximately 850 feet east of Mercey Springs Road (SR 165). The uses surrounding the site include:

East:    A vacant parcel planned for future assisted living facility.
South:   Existing multi-family development and a fraternity lodge.
West:    Existing single-family residential development.
North:   San Luis Street and existing park and multi-family development.

Figure 1- Location Map, provides an illustration of the proposed project's location.

The proposed project site was historically utilized for agricultural purposes, but does not currently produce any agricultural crops. Urban development (primarily residential development) has occurred on three sides of the project site, along with associated street and utility improvements. Topography of the site is relatively flat. There is one tree located along the western property line as well as small vegetation located throughout the project site. This tree and other vegetation will be removed as part of the development of the proposed project. There are no structures located on the project site.
**General Plan and Zoning Designations**

General Plan: Low Density Residential (LDR)

Zoning: R-1, Low Density Residential

**Project Description**

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The existing site includes disked vacant land. No structures currently exist on the site.
Figure 1 – Location Map
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  ☐ 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.

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

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)

<table>
<thead>
<tr>
<th>Category and Issue</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant w/ Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

Categories and Issues:

1. **Aesthetics.** Would the proposal:

   a. Have a substantial adverse effect on a scenic vista? ☐ ☐ ☒ ☐

   **Comments:** 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 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/16_livability/scenic_highways/index.htm), the nearest State scenic highway is Interstate 5, between the SR 152 and north to the San Joaquin County line. The proposed project is not located on or adjacent to Interstate 5 or SR 152, 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 proposed project is located on an approximately 5.5 acre vacant site within the City of Los Banos and is currently surrounded by urban development on three sides. The existing visual character of the proposed project and its surroundings consists of single-family and multi-family residential development. In addition, the City of Los Banos, through its General Plan and Zoning Ordinance, has designated and zoned the proposed project site for Low Density residential development. The proposed project is consistent with the City’s General Plan and Zoning Ordinance and therefore will have a less than significant impact to the project site’s visual character and its 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 residential development. As such, the proposed project will result in a new source of light. However, any street lighting installed will be installed in accordance with the City of Los Banos standards and specifications. In addition, the project site is surrounded by existing development on three sides and associated lighting (i.e. street lighting, residential lighting, etc.). Therefore, the proposed project will have a less than significant impact to lighting and glare.
Categories and Issues:

2. **Agriculture and Forest Resources** 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) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts of 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 Resource Agency, to non-agricultural use? ☐ ☐ ☒ ☐

**Comments:** According to the State of California Department of Conservation Farmland Mapping and Monitoring Program, the proposed project is located on land classified as Farmland of Local Importance. The project site and surrounding property are not currently utilized for agricultural production. Surrounding land uses include a public park, residential, Junior High School, and a future assisted living facility. The current General Plan land use designation is Low Density Residential. The site is located within the City’s boundaries and only a couple blocks (i.e. less than ¾ a mile) from the downtown corridor. The project site has not been irrigated, nor used for agricultural production for more than 20 years. The loss of agricultural land associated with implementation of the proposed project is not considered significant. Implementation of the proposed project would result in a less than significant level of environmental impact associated with loss or conversion of agricultural land.

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

**Comments:** The proposed project is zoned Low Density Residential (R-1), land uses according to the City of Los Banos Zoning Ordinance, and therefore, is not zoned for agricultural or forest land uses. In addition, a Williamson Act Contract does not exist for the project site. Therefore, the proposed project will have a less than significant impact.

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))? ☐ ☐ ☒ ☐

**Comments:** Please refer to comment 2.b.

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

**Comments:** The proposed project is located on existing fallow land, and is bounded by existing residential land uses to the north, south, 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:** As noted above, the proposed project is located on existing fallow land that is not in production for agricultural crops. The project site is bounded by existing residential land uses to the north, south, and west, and it is designated and zoned for residential land uses by the City of Los Banos 2030 General Plan and Zoning Ordinance. Therefore, the proposed project will have a less than significant impact.
Categories and Issues:

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

a. Conflict with or obstruct implementation of the applicable air quality plan? [ ] [ ] [x] [ ]

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? [ ] [ ] [x] [ ]

c. 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursor)? [ ] [ ] [x] [ ]

d. Expose sensitive receptors to substantial pollutant concentrations? [ ] [ ] [x] [ ]

e. Create objectionable odors affecting a substantial number of people? [ ] [ ] [x] [ ]

**BACKGROUND DISCUSSION:**

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

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Designation / Classification Federal Standards&lt;sup&gt;a&lt;/sup&gt;</th>
<th>State Standards&lt;sup&gt;b&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone, 1-hour</td>
<td>No federal standard</td>
<td>Nonattainment / Severe</td>
</tr>
<tr>
<td>Ozone, 8-hour</td>
<td>Nonattainment / Extreme&lt;sup&gt;e&lt;/sup&gt;</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>PM10</td>
<td>Attainment&lt;sup&gt;f&lt;/sup&gt;</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>PM2.5</td>
<td>Nonattainment&lt;sup&gt;g&lt;/sup&gt;</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>Attainment / Unclassified</td>
<td>Attainment / Unclassified</td>
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<tr>
<td>Nitrogen Dioxide</td>
<td>Attainment / Unclassified</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>Attainment / Unclassified</td>
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<tr>
<td>Lead (particulate)</td>
<td>No designation</td>
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<tr>
<td>Hydrogen Sulfide</td>
<td>No federal standard</td>
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<tr>
<td>Sulfates</td>
<td>No federal standard</td>
<td>Attainment</td>
</tr>
<tr>
<td>Visibility-Reducing Particles</td>
<td>No federal standard</td>
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</tr>
<tr>
<td>Vinyl Chloride</td>
<td>No federal standard</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

<sup>a</sup>See 40 CFR Part 81
On September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan.

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).

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

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).

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROG</td>
<td>10 tons/year</td>
</tr>
<tr>
<td>NOx</td>
<td>10 tons/year</td>
</tr>
<tr>
<td>PM10</td>
<td>15 tons/year</td>
</tr>
</tbody>
</table>

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. In accordance with Table 5-3(a) of GMAQI, the proposed project is considered a Small Project Analysis Level (SPAL), as it contains less than 152 single-family residential units. Because the proposed project qualifies as SPAL, GMAQI notes that it has no possibility of exceeding emission thresholds.

Project construction will be subject to SJVAPCD rules related to control of construction emissions, including the various rules comprising Regulation VIII. The application of these rules to the project will further limit the potential air quality effects of the project.

The project will generate small amounts of new on-road traffic and associated ROG, NOx and PM emissions during project operation. Operation of the project site will not generate any substantial air emissions. As shown in the table below, potential emissions from project operation will be incidental and will not approach the GAMAQI significance thresholds.

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 the SJVAPCD.

**COMMENTS:**

3-a) The proposed project will not involve any conflict with, or potential to obstruct, implementation of, applicable Air Quality Attainment Plans. As discussed above, project related air emissions will be minor and below the threshold identified in GMAQI. Therefore, the proposed project will have a less than significant impact.

3-b) Proposed project construction emissions will be minor and short-term, and will not contribute to or cause violation to any air quality standards. The proposed project will not involve any substantial operational emissions. Therefore, the proposed project will have a less than significant impact.

3-c) The proposed project will result in minor ROG, NOx, and particulate matter emissions during project construction, which will contribute to existing non-attainment status of the SJVAB for ozone and particulate matter. However, in accordance with GAMAQI, these emissions are considered to be below the threshold and therefore be less than significant. The proposed project will be required to comply with Rule 9510, and conduct an ISR process with the SJVAPCD. The ISR process will determine the proposed project’s actual emission and subsequently, allow for mitigation under Rule 9510. Therefore, the proposed project will have a less than significant impact.

3-d) Sensitive receptors are defined as facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

The proposed project is located in the vicinity of a school; Los Banos Junior High, and is surrounded on three sides by existing residential development. However, because the proposed project is considered a Small Project Analysis Level (SPAL) under GAMAQI, the proposed project has no possibility of exceeding the emission thresholds and therefore, will have a less than significant impact.
3-e) The proposed project does not involve any features that will generate odors. Therefore, the proposed project will have a less than significant impact.
Categories and Issues:

4 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 proposed project is located on undeveloped land, and is surrounded by urban development on the north, east, and south sides. Based on the Los Banos 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. 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 the Los Banos 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 the Los Banos 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: The proposed project is surrounded by existing development on the north, south, and west sides. 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 is consistent with the Los Banos 2030 General Plan and Zoning Ordinance. Additionally, while development of the proposed project will require the removal of one tree, the City does not have an adopted Tree Preservation Ordinance that would apply. Therefore, the proposed project will have 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 City of Los Banos, including 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:

5 **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: Based on a review of the Los Banos 2030 General Plan EIR, there are thirteen (13) historic resource sites within the City’s Planning Area, primarily in the downtown area. None of these sites 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. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? □ □ ☒ □

Comments: Based on a review of the Los Banos 2030 General Plan and EIR, the Los Banos Creek area has been identified 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. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? □ □ ☒ □

Comments: The Los Banos 2030 General Plan and EIR do not identify any unique paleontological resources or sites or unique geologic features within the proposed project area. As noted in the 2030 General Plan, paleontological resources have been typically identified within the Los Banos Creek area. Therefore, the proposed project will have a less than significant impact.

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

Comments: It is not anticipated that the proposed project will disturb any human remains. However, through development and construction of the proposed project, human remains may be identified, particularly during activities requiring ground disturbance (i.e. grading, trench digging, etc.). As such, the proposed project shall incorporate Mitigation Measure No. 5-1, specified below, in accordance with Section 15064.5(e) of the CEQA Guidelines, to reduce any potentially significant impacts to a level of less than significant.

**Mitigation Measure 5-1:** In the event of the accidental discovery of recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

2. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

   a. The corner of Merced County is contacted to determine that no investigation of the cause of death is required; and

   b. If the corner determines the remains to be Native American:

      i. The corner shall contact the Native American Heritage Commission within 24 hours.

      ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

      iii. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98
Categories and Issues:

6  **Geology and Soils**  Would the project:

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<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>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?</td>
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<td>2) Strong seismic ground shaking?</td>
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<td>3) Seismic-related ground failure, including liquefaction?</td>
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<td>4) Landslides?</td>
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**Comments:** As part of the proposed project, the Applicant commissioned a Geotechnical Engineering Investigation, dated August 5, 2016, prepared by Earth Systems Pacific. This report is included in this Initial Study as Appendix B. Based on a review of the proposed project’s Geotechnical Investigation, there are no known earthquake faults that traverse the project site. The effects of seismic activity were addressed in the Los Banos General Plan EIR and found to be potentially significant. Implementation of General Plan policies S-I-8 mitigates this potentially significant impact to a less than significant level. Policy S-I-8 requires all new buildings be built according to the seismic requirements of the Uniform Building Code. Therefore, these potential impacts are considered less than significant. No further environmental review is necessary.

b. Result in substantial soil erosion or the loss of topsoil? |      |      | ☒       |      |

**Comments:** Development of the proposed project will include grading of the site to allow for the installation of residential building pads and associated street improvements. Thus, said grading would result in the loss of topsoil. However, through the preparation of Improvement Plans, the proposed project will be required to obtain a Grading Permit from the City of Los Banos. The Grading Permit process will ensure the proposed project is graded in accordance with the City of Los Banos Standards and Specifications, as well as the conclusions and recommendations identified in the proposed project’s Preliminary Geotechnical Investigation. Therefore, the proposed project will have a less than significant impact.

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:** Based on a review of the proposed project’s Geotechnical Investigation, the potential for soil liquefaction during a seismic event was evaluated and determined that the proposed project will have a less than significant impact.

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:** According to the proposed project’s Geotechnical Investigation, “A plasticity index test of a sample of the upper lean clay with sand from the site resulted in a liquid limit of 32 and a plasticity index of 17, indicating that the sample tested has a moderately low expansion potential. Expansive soils tend to swell with increases in soil moisture and shrink as the soil moisture decreases. The volume changes that the soils undergo in this cyclical pattern can stress and damage slabs, foundations, and other improvement if precautionary measures are not incorporated into the design and construction procedures. The footings should be deepened to the zone of lesser soil moisture fluctuation, and concrete slabs and exterior flatwork should be protected by covering the slab and flatwork areas with nonexpansive imported material. The soil should also be moisture conditioned during grading.” Through the proposed project’s Improvement Plan process, the City will ensure the recommendation of the Geotechnical Investigation are incorporated into the project’s design, particularly in the Grading Plan prepared as part of the proposed project’s Improvement Plans.

Based on the evaluation and recommendations identified in the Geotechnical Investigation, the proposed project will have a less
than significant impact.

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 proposed project consists of the mapping and development of single-family residential units, which will be served by City of Los Banos sanitary sewer serves and system. The uses of septic tanks or alternative water water systems are not part of the proposed project. Therefore, the proposed project will have no impact.
**Categories and Issues:**

7  **Greenhouse Gas Emissions**  Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment  

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

**Background Discussion:**

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, helps reduce the amount of greenhouse gases generated per capita in the City. It is important to note that the proposed project is consistent with the City’s 2030 General Plan.

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.

**Comments:**

7-a) The proposed project would not generate any substantial greenhouse gas emissions beyond what has previously been identified in the City’s 2030 General Plan and EIR. The proposed project is consistent with the 2030 General Plan, and will comply with the Policies noted in the discussion above.

7-b) The proposed project 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.
Categories and Issues:

8  **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 mapping and development of residential subdivisions do not typically involve the transport, use, or disposal of hazardous materials. However, the project site was historically used for agricultural purposes, and as such, there may be hazardous materials within the soil. Therefore, prior to the approval of the proposed project’s Improvement Plans and Final Map, the applicant, or project proponent, shall prepare and submit to the City a Phase I/Environmental Site Assessment (ESA). The recommendations of the Phase I/ESA shall be incorporated into the proposed project, as necessary. Therefore, the proposed project will have a less than significant impact with mitigation incorporated. Refer to Mitigation Measure 8-1, below.

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: It is not anticipated that through the mapping and development of the proposed project, foreseeable upset and accident conditions will occur. Development of the proposed project 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. 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 project is located within 60 feet of Los Banos Child Development Preschool, 1624 San Luis Street, and 400 feet of Los Banos Junior High School, 1750 San Luis Street, which are both northeast of the project site. However, as noted above in 8-a, the mapping and development of residential subdivisions do not typically involve the emission of handling of hazardous materials are identified, all Federal, State, and local policies and regulations related to hazardous materials shall be complied with. Therefore, the proposed project will have a less than significant impact.

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 environment?

Comments: Appendix A of the Los Banos 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.

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 Los Banos Municipal Airport is located within the City of Los Banos and 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.

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. Therefore, the proposed project will have a less than significant impact.
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Comments: The Los Banos Fire Department has reviewed the proposed project, and provided feedback to ensure the proposed project complies with any emergency response plan or emergency evacuation plan. To ensure this compliance, the project proponent will be required to submit for approval to the Los Banos Fire Department the proposed project’s Improvement Plans. This approval shall occur prior to the approval and recordation of the proposed project’s Final Map. 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 proposed project is located within an urban area and within the City of Los Banos, and is surrounded by existing development on the north, south, and west sides. As such, no wildlands exist within or adjacent to the proposed project. Therefore, the proposed project will have a less than significant impact.

Mitigation Measure 8-1: Prior to the approval of the proposed project’s Improvement Plans and Final Map, the applicant, or project proponent, shall prepare and submit to the City of Los Banos Community and Economic Development Department a Phase 1/Environmental Site Assessment (ESA). The recommendations of the Phase I/ESA shall be incorporated into the proposed project, as deemed necessary by City staff.
Categories and Issues:

9 **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 and recordation of the proposed project’s Final Map, the Applicant will be required to obtain approval from the City of Los Banos for the project’s Improvement Plans. These Improvement 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 proposed project will have a less than significant impact.

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: The domestic water infrastructure proposed as part of the proposed project consists of connecting to the City of Los Banos existing domestic water system, and installing a series of domestic water lines through the proposed project. The development of single-family residential units is also consistent with the Los Banos 2030 General Plan and Zoning Ordinance. According to Section 8.2 of the Los Banos 2030 General Plan, “the 2008 Urban Water Management Plan estimates that this supply is sufficient to meet City needs through 2030.” Therefore, it is anticipated that the City has sufficient supply to meet the demands of the proposed project. As such, the proposed project will have a less than significant impact.

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 pattern of the site by way of construction and converting the site from raw round to urban development. However, the proposed project, and its storm drainage design, will comply with the City’s Drainage Design Manual and City Standards and Specifications. Compliance will be ensured through the proposed project’s Improvement Plan process. Therefore, the proposed project 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 proposed project will contribute runoff water by adding 25 single-family residential units and associated improvements (i.e. streets, water, sanitary sewer, storm drainage, etc.). However, through the design of the proposed project’s storm drainage system, the project proponent will be required to comply with the Los Banos Drainage Design Manual and the City’s Standards and Specifications. Therefore, the proposed project will have a less than significant impact.

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 proposed project will not degrade water quality within the vicinity of the project site. Therefore, the proposed project will have a less than significant impact.

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

Comments: Please refer to the comments and determination above, for 9-a.
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: Based on a review of FEMA Flood Map No. 06047C0850G, dated December 2, 2008, which includes the proposed project site, the proposed project is not located within a 100-year flood plain. Therefore, the proposed project will have no impact.

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

☐ ☐ ☐ ☚

Comments: Please refer to the comments and determination above, for 9-g.

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 proposed project is located within the Planning Area as it defined in the Los Banos 2030 General Plan. According to Section 7.2 of the Los Banos 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.

j. Inundation by seiche, tsunami, or mudflow?

☐ ☚ ☚ ☚

Comments: The City of Los Banos, including the proposed project, is located approximately sixty-six (66) miles east of the Pacific Ocean. Exposure of future residents within the proposed project to the risk of seiches, tsunamis, or mudflows is minimal. Therefore, the proposed project will have a less than significant impact.
Categories and Issues:

10  **Land Use and Planning** Would the project:

a. Physically divide an established community?  

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**Comments:** The proposed project is located within the City of Los Banos, which is an urbanized City located along State Route 152 and State Route 165. Specifically, the proposed project is surrounded by existing residential development on the north, south, and west sides of the project site. Street circulation included as part of the proposed project shall connect to existing streets and services. Therefore, the proposed project would not physically divide the established community, and would have a less than significant 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?  

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**Comments:** As noted previously, the proposed project is designated for Low Density Residential land uses by the City of Los Banos 2030 General Plan, and is zoned R-1, Low Density Residential, by the City’s Zoning Ordinance. The proposed project is consistent with both the Los Banos 2030 General Plan and Zoning Ordinance, and will therefore have a less than significant impact.

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

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

11 **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? [ ] [ ] [ ] [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]

**Comments 11-a,b:** Section 5.6 of the 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 Los Banos 2030 General Plan, and is consistent with the land use designation prescribed by the General Plan. Therefore, as determined in the Los Banos 2030 General Plan, the proposed project will have no impact to mineral resources of Statewide or local importance.
Categories and Issues:

12 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: Within the City of Los Banos, a primary source of noise is vehicle traffic. Under the City of Los Banos 2030 General Plan noise standards, the maximum allowable noise exposure to ground transportation is 60 dB CNEL for outdoor activity areas in residential, transient lodging, medical facilities, and church land uses. These land uses, which include the proposed project (residential), require a maximum allowable noise level of 45 dB CNEL for interior spaces. The proposed project will increase the number of vehicle trips within the project area. However, based on a review of Figure 3.11-3 of the Los Banos 2030 General Plan EIR, the proposed project is not located within an area identified as exceeding the City’s General Plan noise standard upon build-out of the City’s “Planning Area.” As noted previously, the proposed project is consistent with the land use designations provided by the Los Banos 2030 General Plan. Therefore, the proposed project will not exceed the Los Banos 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: Construction of the proposed project will expose residence within the surrounding area to groundborne vibration and noise levels. However, that exposure will be temporary, and the project proponent will be required to comply with the Los Banos Noise Control Ordinance, Article 27. Therefore, the proposed project will have a less than significant impact.

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

Comments: The Los Banos 2030 General Plan EIR states, “The future noise contours suggest that even at build-out there is virtually no land, other than directly on the roadways, being exposed to noise levels above 60 dB.” Figure 3.11-3 of the 2030 General Plan EIR further illustrates areas within the City that would be exposed to noise levels above the City’s standard. Development of the proposed project will increase noise levels in the project area. However, the proposed project is not located within an area anticipated to generate noise levels above the standard identified in the Los Banos 2030 General Plan. Therefore, the proposed project will have a less than significant impact.

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

Comments: Please refer to 12-c for comments and determination.

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: According to the Merced County Airport Land Use Commission Plan, dated June 21, 2012, the proposed project is not located within the vicinity of the Los Banos Municipal Airport or private airstrip. Therefore, the proposed project will have 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: Please refer to 12-e for comments and determination.
Categories and Issues:

13  **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: As noted previously, the proposed project consists of the mapping and development of 25 single-family residential units, which will induce population growth in the City of Los Banos. However, this population growth has previously been contemplated within the Los Banos 2030 General Plan and EIR, and the proposed project is consistent with the land uses prescribed by the Los Banos 2030 General Plan and Zoning Ordinance. Therefore, the proposed project will have a less than significant impact.

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

Comments: The proposed project will not require the displacement of existing housing which would necessitate the construction of replacement housing. Therefore, the proposed project will have no impact.

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

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

14 **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?
2) Police protection?
3) Schools?
4) Parks?
5) Other public facilities?

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**Comments:** The proposed project consists of the mapping and development of 25 single-family residential units. The addition of these units and future residents will impact public services such as fire protection, police protection, schools, and parks.

Fire and police protection are provided by the City of Los Banos via the Los Banos Fire Department and Los Banos Police Department. To offset any potential impacts to fire and police services as a result of the proposed project, the proposed project will be required to pay the appropriate Capital Facilities Fees at the time a Building Permit is issued. In addition, as a Condition of Approval for the proposed project, the project will be required to annex into Community Facilities District (CFD) No. 2002-01 (Public Safety Services), which is an annual tax assessed to each new parcel within the proposed project. Therefore, potential impacts to fire and police protection services will be offset by payment of the applicable Capital Facilities Fees and annexing into CFD 2002-01. Therefore, the proposed project will have a less than significant impact.

The proposed project is located within the Los Banos Unified School District (LBUSD). According to LBUSD School Facility Needs Analysis and Justification Study, dated April 2014, the proposed project will generate twenty-four (24) students within the LBUSD. 2030 General Plan Policy LU-I-8 states, “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.”

Specifically, based on the Table 1-8, Student Generation Rates, of the LBUSD School Facilities Needs Analysis, the proposed project will generate the following students per grade group:

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<th>Grade Group</th>
<th>Single-Family Student Generation Rate</th>
<th>Number of Students Generated by Proposed Project</th>
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<tr>
<td>K-6</td>
<td>0.594</td>
<td>15</td>
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<td>7-8</td>
<td>0.163</td>
<td>4</td>
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<tr>
<td>9-12</td>
<td>0.216</td>
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<td><strong>Total</strong></td>
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<td><strong>24</strong></td>
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According to the LBUSD Boundary Map, these students generated by the proposed will likely attend the following schools:

- Los Banos Elementary School, which would see an increase of 15 students generated by the proposed project;
- Los Banos Junior High School, which would see an increase of 4 students generated by the proposed project; and,
- Pacheco High School, which would see an increase of 5 students generated by the proposed project.

The LBUSD School Facility Needs Analysis and Justification Study, dated April 2014, states, “The District’s current and projected enrollments are larger than its pupil capacity at the K-6 and 7-8 grade levels. The District, therefore, does not have sufficient capacity to house students generated by future development.”

In addition, as noted above, the Los Banos Unified School District (“District”) has prepared and adopted a School Facility Needs Analysis, and in accordance with Senate Bill 50, has adopted Level II and III impact fees. Resolution No. 21-16, adopted by the District Board on June 9, 2016, established a Level II Fee of $4.80 per square foot for new residential development, and a Level III
Fee of $9.60 per square foot. For the proposed project, the District’s Level II Fees shall be applied in accordance with Resolution No. 21-16.

Page 4 of Resolution No. 21-16 states, “Additional Mitigation Methods. The fees set forth in this Resolution are not exclusive, and the Board reserves the authority to undertake any and all additional methods to finance school facilities. The Board recognizes that the fees established herein represent the full and complete mitigation on school facilities of impacts related to actions by local government, including but not limited to, the planning, use or development of real property. The Board also reserves the authority to substitute the dedication of land or other property, or other form of a requirement in lieu of the fees levied by this Resolution.”

It is also important to note that the LBUSD has acquired property for the development of an elementary school and has plans to expand an existing elementary school. In addition, a new Junior High was recently built and operational as of August 2016. The location of these properties are as follows:

**New Elementary School:**
APN No. 428-280-007, 008, and 009
16 acres
Located: East B Street/Place Road

**Mercy Springs Elementary School:**
APN: 083-100-036
9.7 acres
Located: 1900 S. Mercy Springs Road

**Creekside Junior High School:**
APN: 430-010-022
15.4 acres
Location: 1401 Prairie Springs Road

In accordance with Resolution No. 21-16, as well as General Plan Policy LU-I-8, the direct impacts to school facilities associated with the proposed project will be mitigated via payment of the Level II impact fees adopted by the LBUSD Board of Education.

The proposed project will impact parks and recreational facilities by adding additional residential units and residents within the City. However, to offset any potential impacts, the developer of the proposed project shall pay the applicable Capital Facilities Fees at the time of building permit issuance. Therefore, the proposed project will have a less than significant impact.
Categories and Issues:

15 **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 will increase the use of existing park facilities in the City of Los Banos. However, as noted previously in this Initial Study, the developer of the proposed project will be required to pay the applicable Capital Facilities Fees, which include park facilities, at the time of building permit issuance. This Capital Facilities Fee is intended to offset impacts of new development to public services, including parks and park facilities. Therefore, the proposed project will have a less than significant 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 consist of the development of new recreational facilities, nor will it necessitate the construction or expansion of existing recreational facilities. As noted above, the developer of the proposed project will be required to pay the applicable Capital Facilities Fee at the time of the building permit issuance. The intent of the Capital Facilities Fee is to offset any potential impacts to public services and facilities, including parks and recreational facilities, as a result of new development. Therefore, the proposed project will have a less than significant impact.
Categories and Issues:

16  **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)?

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**Comments:** As part of this Initial Study, a Trip Generation Comparative Analysis, dated March 2, 2016, was prepared by Associated Transportation Engineers. The analysis compared the trip generation of a previously analyzed project on the same project site for 94 apartment units and 30,000 square foot self-storage facility, prepared by KD Anderson & Associates, Inc., dated October 10, 2012. The purpose of the analysis dated March 2, 2016, was to compare the trip generation of the apartment/self storage project with the trip generation of the proposed 25 unit single-family residential subdivision. The Trip Generation Comparative Analysis and the original Traffic Impact Analysis is included in this Initial Study as Appendix C.

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 2030 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. This policy does not extend to residential streets (i.e. streets with direct driveway access to homes) or state highways and their intersections, where Caltrans policies apply.”

The project will add traffic to the area street system, and will exacerbate the deficient traffic operations that already occur. The project’s impact to the SR 165/ San Luis Street intersection would be mitigated by paying adopted traffic impact fees that address this location. The project’s impact to the San Luis Street/ Miller Lane/ Junior High access intersection would be mitigated by making a fair share contribution to the cost of a traffic signal at this intersection. Project trips represent 0.8% of the total traffic volume at this intersection during the a.m. peak hour. All project impacts have been identified to be reduced to less than significant with the incorporation of mitigation measures. Refer to Mitigation Measures 16-1 through 16-2, below.

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

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**Comments:** Please see the comment above in item 16a.

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?

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**Comments:** The proposed project will not result in the change of air patterns, most notably 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)?

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**Comments:** Street improvements 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?

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**Comments:** The proposed project provides two points of access off of Racquet Club Drive. Having two points of access allows sufficient emergency access to future residents within the proposed project. Therefore, the proposed project will have a less than significant impact.
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Comments: The Traffic Impact Study determined that development of the project would result in school age pedestrians who may walk in locations where sidewalk have not been developed. Mitigation measure 16-3 reduces the impact to less than significant. Impacts to bicycle facilities, and transit services have been determined to be adequate. Therefore, the proposed project will have a less than significant impact.

Mitigation Measure 16-1: The proposed project shall contribute its fair share to the cost of signalizing the SR 165/ San Luis Street intersection. This improvement is included in the City’s traffic impact mitigation fee program, and the project will contribute its fair share by paying adopted fees.

Mitigation Measure 16-2: The proposed project shall contribute its fair share to the cost of signalizing the San Luis Street/ Miller Lane/ Junior High access intersection. However, this improvement is not included in the City of Los Banos traffic impact mitigation fee program. During the a.m. peak hour, project trips represent 0.8% of the total existing plus project traffic volume (i.e., 10/1,236 = 0.8%).

Mitigation Measure 16-3: Project proponents shall be responsible for constructing an “interim” pedestrian path along the south side of San Luis Street from the project to the existing school crossing at the San Luis Street/Miller Lane intersection.
Categories and Issues:

17 **Utilities and Service Systems:** Would the project:

  a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? □ □ □ ☒ □

  **Comments:** The proposed project will connect to the City’s existing sanitary sewer system. The City has sufficient capacity to accommodate the proposed project 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.

  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 will connect to the City’s existing water and sanitary sewer system. As part of this connection, the proposed project will not be required to increase the size of existing water and sanitary sewer lines in order to serve the project. The City has sufficient capacity in its domestic water and sanitary sewer systems to accommodate development within the proposed project. 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 Building Permit issuance. 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 proposed project will connect to the City’s existing storm drainage system via connecting to an existing storm drain line located in San Luis Street. The design and installation of the proposed project’s storm drainage system will be done in accordance with the City’s Drainage Design Manual, and does not require the construction or expansion of new/existing facilities. 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:** It has been determined that there is sufficient water supply capacity available to serve the proposed project. The proposed project does not require the construction of new or expansion of existing facilities.

  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:** It has been determined that there is sufficient waste water supply capacity available to serve the proposed project. The proposed project does not require the construction of new or expansion of existing facilities.

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

  **Comments:** 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 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.
g. Comply with federal, state, and local statutes and regulations related to solid waste?

Comments: 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.
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?

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Comments: Finding (a) is checked as "Less Than Significant Impact" on the basis of the proposed project’s potential impact on biological resources, as described in Category 4 of this Initial Study. Potential impacts were identified in this issue area but they were identified to be 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)?

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Comments: 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 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 adding 25 single-family residential units. 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?

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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 to occur outside of these issue areas, was considered, and no other such impacts were identified.

REFERENCES

City of Los Banos 2030 General Plan
City of Los Banos Zoning Ordinance
CEQA

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

Vesting Tentative Tract Map #2015-03
APPENDIX B

Geotechnical Engineering Investigation, dated August 5, 2016

Prepared by: Earth Systems Pacific
APPENDIX C

Trip Generation Comparative Analysis, dated March 2, 2016
Prepared by: Associated Transportation Engineers

Traffic Impact Analysis, dated October 10, 2012
Prepared by KD Anderson and Associates