

Notice of Exemption**Form D**

To Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Los Banos
520 J Street
Los Banos, CA 93635

County Clerk
County of Merced
2222 M Street
Merced, CA 95340

Project Title Jose Tellez 1101 F Street, Site Plan Review #2019-03

Project Location - Specific 1101 F Street, APN 025-152-009

Project Location - City Los Banos **Project Location - County** Merced

Description of Nature, Purpose, and Beneficiaries of Project Site Plan Review #2019-03 for the development of one (1) 5,156 square foot commercial structure along with site improvements.

Name of Public Agency Approving Project City of Los Banos

Name of Person or Agency Carrying Out Project Jose Tellez

Exempt Status (check one)

- ☐ Ministerial (Sec. 21080 (b) (1); 15268);
- ☐ Declared Emergency (sec. 21080(b)(3); 15269(a);
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).
- ☒ Categorical Exemption – Sec. 15332 In-fill Development Projects
- ☐ Statutory Exemption – State code number:

Reasons why project is exempt CEQA provides several “categorical exemptions” which are applicable categories of projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the Environment. The project consists of the development of one (1) 5,156 square foot commercial structure along with associated site improvements within the General Commercial Zoning District of the City of Los Banos. The Project is exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects). The project meets the conditions for an infill exemption described in Section 15332 of the State CEQA Guidelines as explained below.

(a) The project is consistent with the applicable general plan designation applicable policies and applicable zoning designation and regulations. The subject site’s land use designation is Commercial in the City’s 2030 General Plan and is zoned General Commercial. The General Plan Industrial designation permits small scale retail uses as proposed. Thus, the project is consistent with the General Plan policies and the Zoning Ordinance.

(b) The proposed project will occur within the City limits on an approximate 19,588 parcel that is surrounded by residential development and uses along with commercial development and uses. As fore mentioned the proposed project occurs within the city limits of Los Banos on an approximate 19,588 acre parcel, and thus, is less than the maximum five (5) acre site specified in Section 15332 (b) for this exemption.

(c) The project has no value as habitat for endangered, rare or threatened species. The site has an existing non-conforming single family residential structure. The subject site is surrounded by low density residential development and commercial

development and contains no sensitive habitat or habitat for special status species. Thus the project site has no value for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project does not warrant for a traffic study in accordance to the 2030 General Plan Circulation Element

Implementing Action C-I-12 which states “Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips).” The project will not have a significant impact on traffic circulation as the project consists of a commercial structure for a dine in restaurant and smog shop along with Associated utility and land improvements. Historically, dine in restaurants do not generate high traffic and/or high trip numbers due to the type of business. Thus the project will not have a significant impact on traffic. The project is consistent with the impact reducing policies from the 2030 General Plan emphasized in the 2030 General Plan EIR.

The project uses will not result in a generation of substantial noise levels and would not result in significant noise impacts.

The project site is located adjacent to existing residential uses in an area where future ambient noise levels are projected to be 50-60 decibels according to the City’s 2030 General Plan EIR, which is within the “normally acceptable” noise range for residential uses. Additionally, as stated in the City’s 2030 General Plan EIR, Impact 3.11-1: new

development under the proposed 2030 General Plan will result in population and employment increases and more automobile and truck use. This activity will contribute to raising ambient noise levels to the noise levels shown on the future noise contours. However, the future noise contours suggest that even at buildout there is virtually no land, other than directly on the road ways, being exposed to noise levels above 60 dB. In addition, use of noise attenuation measures such as increased screening, sound-proofing and double-glazing windows will help buffer or mask increases in ambient noise, thereby reducing potential impacts to levels that exceed standards for land use compatibility.

The project would not result in significant air emissions and is below the level of development (9,000 square feet) cited in the San Joaquin Valley air Pollution Control District’s “Small Project Analysis Level” Table 5-3 (c) Retail development (2017) in accordance with the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) that could potentially result in a significant impact. The proposed project complies with City storm water requirements and includes “Low Impact Development” measures, and thus, will not result in significant water quality impacts.

(e) The project has been reviewed by City staff, and can be adequately served by all required utilities and public services.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

(a) for certain classes of projects (Classes 3,4,5,6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;

(b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;

(c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings rock croppings , or similar resources within a highway officially designated as a state scenic highway;

(e) where the project is located on a state designated hazardous waste site; and

(f) where the project may cause a substantial adverse change in the significance of a historical resource.

Section 15300.2(a) does not apply to the Class 32 category exemptions. Nonetheless, the project site is not located in an

area of sensitive or critical concern.

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts related to development accommodated by the City's General Plan were found to be less than significant in the 2030 General Plan EIR. The project will not result in significant cumulative impacts with regards to the project and potential General Plan buildout.

Regarding Section 15300.2(c), the project would not result in any significant effects on the environment due to unusual circumstances. The project would not result in any significant effects on the environment due to unusual circumstances. The project site is surrounded by urban development and not located within a sensitive resource area. The project site is located and mapped in a non-hazardous area, as is all of the surrounding area.

Section 15300.2(d) does not apply to the project site as the site is not located adjacent to or visible from a designated scenic highway.

Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. The project site is located in a mapped non-hazardous area as is all of the surrounding area.

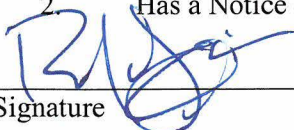
Section 15300.2(f) does not apply because there are no historic resources or structures located within or around the project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for a Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines.

Lead Agency Contact Person Rudy Luquin,
Associate Planner **Area Code/Telephone/Extension** (209) 827-2432

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No


Signature

11/1/19
Date

ASSOCIATE PLANNER
Title

Governor's Office of Planning & Research

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: NOV 01 2019

STATE CLEARINGHOUSE