

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 Overland Subdivision Vesting Tentative Tract Map (VTTM) #2020-01

Project Location - Specific Approximately 500 feet west of Cottonwood Dr, north of Overland Ave, and
approximately 890 feet east of Cabernet St, Assessor's Parcel Numbers 082-050-005

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

Description of Nature, Purpose, and Beneficiaries of Project Vesting Tentative Tract Map (VTTM) #2020-01
for Overland Subdivision to subdivide approximately 1.9 acres into nine (9) low density residential lots ranging from
6,014 square feet to 8,497 square feet.

Name of Public Agency Approving Project City of Los Banos

Name of Person or Agency Carrying Out Project Carl Beck Jr.

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 a vesting tentative tract map to subdivide 1.9 acres into nine (9) low density
residential lots within a developed low density residential area 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 is designated Low Density Residential in the City's 2030 General Plan and
is zoned Low Density Residential (R-1). The General Plan Low Density Residential land use designation call for single
family development on lot sizes found in more urban settings. Low density residential developments with potential for
accessory dwelling units are permitted uses in the R-1 Zoning District. Thus, the project is consistent with the Los Banos
2030 General Plan policies and the Los Banos Municipal Code, Title 9, Chapter 3, Zoning. The proposed project
provides nine (9) low density residential lots. Pursuant to the City's Municipal Code Section 9-3.605, City regulations
permit building sites for single family dwellings within the Low Density Residential District to be a minimum of 6,000

square feet. The proposed lots sizes range from 6,014 square feet to 8,497 square feet, and are thus, consistent with the zoning regulations regarding minimum lot size. According to the 2030 General Plan Low Density Residential intensities range from two (2) to six (6) units per net acre, and an average of four (4) units per net acre is used for build out projections. In regards to VTTM #2020-01 Overland Subdivision, the project will average 4.74 units per net acre. City staff's review determined that all required findings for the vesting tentative tract map and design permits can be made. Therefore, the project complies with all applicable zoning regulations.

(b) The proposed project is located within the City limits on a site that is approximately 1.9 acres that is substantially surrounded by low density residential development and uses. The approximate 1.9 acre project site is less than the five (5) acre maximum specified in Section 15332(b) for this exemption. Therefore the project is consistent with this subsection.

(c) The project has no value as habitat for endangered, rare or threatened species. The site is vacant and contains non-native, weedy grasses and has been distributed. The Site is surrounded by low density residential 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 will consist of nine (9) low density residential lots and will be developed as a cul-de-sac. 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 single family neighborhoods 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 low density 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 in ambient noise, thereby reducing potential impacts to levels that are not significant. The project would not result in significant air emissions and is below the level of development (390 single family units) cited in the San Joaquin Valley Air Pollution Control District's "Small Project Analysis Level" (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, except for potential significant cumulative traffic impacts with related to traffic, water supply, Population, and noise. The project will not result in significant cumulative traffic impacts with regards to the project and potential General Plan buildout. The proposed project would not contribute to the identified significant cumulative noise Impact as the identified street segments where increased noise levels are projected outside of the project area on Overland Avenue. Population growth due to the development accommodated by the General Plan was not determined to be significant. Water demand from the proposed project is slightly less than was factored in the General Plan EIR cumulative water impact evaluation for the project site. Furthermore, the project would be subject to City requirements/ standards for installation of water conserving fixtures and landscaping in accordance with the City's Municipal Code and building requirements. In addition, the project will pay the required "Water Development Impact Fees", which used in part to implement conservation measures and help fund costs associated with development of a supplemental water source. The City's 2005 Urban Water Management Plan estimates the water supply is sufficient to meet the City's water demand through 2025 and the further consideration that the water supply will be sufficient to meet the City's needs in 2030 as the Delta-Mendota sub-basin is connected to one of the deepest water basins in California. Thus, incremental increases in water demand by new development have been offset by the plentiful water supply in accordance to the Delta-Mendota sub-basins connection to one of the deepest water basins in California.

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.

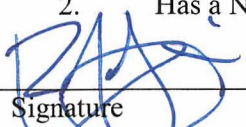
Section 15300.2(f) does not apply because there are no historic resources or structures located within or around the project site.

For the reasons cited above, the project will not result in a significant environmental impact and qualifies for an 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	9/2/2020 Date	Associate Planner Title
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- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

Date received for filing at OPR: _____