

**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** Merced School Employees Federal Credit Union Site Plan Review #2021-07 & Conditional Use Permit #2021-07

**Project Location - Specific** North east corner of Mercey Springs Rd. and Scripps Dr. intersection  
Assessor’s Parcel Number: 083-480-039

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

**Description of Nature, Purpose, and Beneficiaries of Project** Site Plan Review (SPR) #2021-07 and Conditional Use Permit (CUP) #2021-07 for the development of a commercial structure to operate as a financial institution/ bank totaling 6,250 square feet including three (3) drive thru lanes and associated site improvements to be developed on a vacant 1.89 acre parcel.

**Name of Public Agency Approving Project** City of Los Banos

**Name of Person or Agency Carrying Out Project** Merced School Employees Federal Credit Union

**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 Site Plan Review and a Conditional Use Permit entitlements to develop a commercial structure to operate as a financial institution/ bank totaling 6,250 square feet including three (3) drive-thru lanes and associated site improvements to be located on a vacant 1.89 acre parcel within the Neighborhood Commercial Zoning District (C-N) in 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 Commercial in the City’s 2030 General Plan and is zoned Neighborhood Commercial (N-C). The General Plan Commercial designation call for Commercial development. Commercial development is permitted within the Neighborhood Commercial Zoning District (C-N) with the approval of a Conditional Use Permit. Thus, the project is consistent with the General Plan policies and Los Banos Municipal

Code Title 9, Chapter 3, Zoning. Therefore the project is consistent with all applicable zoning regulations.

(b) The proposed project occurs within the City limits on a site of no more than 5 acres that is substantially surrounded by residential development and uses to the north and east, civic/institutional development and uses to the south. The proposed project occurs within the city limits of Los Banos on an approximate 1.89 acre site, and thus, is below the maximum of a 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 is vacant, previously disturbed and contains non-native, weedy grasses and has been distributed. The project site is surrounded by residential development to the north and east and civic/institutional development and uses to the south 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 the development of a commercial structure for a financial institution/ bank.. Historically, financial institutions/ banks are not high traffic and/or high trip number type of businesses. 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 and civic/institutional 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 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 mask increases in ambient noise, thereby reducing potential impacts to levels that exceed standards for land use compatibility. 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.

The project (6,250 square feet) would not result in significant air emissions and is below the level of development (110,000 square feet) cited in the San Joaquin Valley air Pollution Control District's "Small Project Analysis Level" Table 5-3 (b) Office 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 averse 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 traffic 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 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.

**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	10/29/21	ASSOCIATE PLANNER
	Date	Title

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: \_\_\_\_\_