# Summary Form for Electronic Document Submittal

**Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH # _____

Project Title: Mattos Ranch Subdivision Phase 2

Lead Agency: City of Newman

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Project Location: Newman *City* Stanislaus *County*

Project Description (Proposed actions, location, and/or consequences).

The proposed project is located at 2135, 2205, and 2215 N Street (State Route 33) in the City of Newman and consists of Phase 2 of the Mattos Ranch Subdivision, involving a General Plan Amendment (Community Commercial to Medium Density Residential), a Rezone from Highway Commercial (C-8) to Planned Development (PD), and a Vesting Tentative Tract Map to subdivide 6.1 acres into 43 single-family residential lots. The proposed project would also be amending the designation and zoning of the site in the City of Newman Highway 33 Specific Plan Update (January 2022). The proposed project also includes a conceptual commercial component adjacent to the east of the residential component, which includes 11.8 acres of commercial uses: six commercial spaces, six restaurant spaces, 540 parking spaces, 100,000 square feet of landscaping, and a two-acre storm drain basin.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Agricultural Resources

Impact:

Conversion of agricultural lands into nonagricultural uses if a sufficient buffer is not present separating the existing agricultural use from the adjacent, proposed residential use.

Mitigation:

AG-1 Prior to recordation of a final map, the project developer shall illustrate on the final map and improvement plans a concrete masonry unit wall along the southern boundary of the project site. The Public Works Department shall review and approve the material and design of the wall. The applicant shall consult with the Central California Irrigation District regarding any required setback from Miller Ditch and provide written verification from the district.

Air Quality

Impact:

Project construction and operational emissions would increase toxic air contaminant concentrations at nearby sensitive receptors that would correspond to increased health risks that exceed air district cancer and non-cancer risk thresholds.

Mitigation:

AQ-1 To reduce exposures to DPM emissions that increase cancer risks, the applicant shall prepare, and the contractor shall implement, an emissions reduction plan during construction that demonstrates a minimum 10 percent reduction in PM10 (assumed to be DPM) emissions. The emissions reduction plan shall be subject to the review and approval of the Director of the Community Development Department or his/her delegate. The plan shall include the following measures:

1. All off-road diesel construction equipment greater than 25 horsepower and operating at the site during demolition and earthwork phases for more than 20 hours over the job period shall at a minimum meet U.S. EPA Tier 2 or 3 engine standards with Level 3 particulate filtration or U.S. EPA Tier 4 engine standards.

2. The plan shall demonstrate quantifiable PM10 emissions reductions of at least 10 percent during construction.

Impact:

Construction emissions as a result of the project could cause increased cancer risks for an infant as emissions exceed the air district's thresholds.

Mitigation:

See Mitigation Measure AQ-1.

Biological Resources

Impact:

Construction activities associated with the project could result in the loss of or harm to individual kit foxes if they are present on the site or seek shelter during construction within artificial structures, such as stored pipes or exposed trenches.

Mitigation:

BIO-1 The U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) shall be implemented prior to initiation of and during any construction activity on the project site to avoid unintended take of individual San Joaquin kit foxes.

Preconstruction/pre-activity surveys for San Joaquin kit fox shall be conducted no less than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity that may impact San Joaquin kit fox. The surveys shall include all work areas and a minimum 200-foot buffer of the project site. The preconstruction surveys shall identify kit fox habitat features on the project site, evaluate use by kit fox and, if possible, assess the potential impacts of the proposed activity. The status of all dens shall be determined and mapped.

If a natal/pupping den is discovered within the project area or within 200 feet of the project boundary, the applicant shall consult with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service to establish an appropriate avoidance buffer. The avoidance buffer shall be maintained until such time as the burrow is no longer active and/or an incidental take permit is determined to be required and is obtained.

In addition, the following measures shall be observed:

a. Project-related vehicles shall observe a 20-mph speed limit in all project areas; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction shall be minimized. Off-road traffic outside of designated project area shall be prohibited.

b. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 11 of the Construction and Operational Requirements in the Standardized Recommendations must be followed.

c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipe becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the fox has escaped.

d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.

e. No firearms shall be allowed on the project site during construction activities.

f. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets shall be permitted on site during construction activities.

g. Use of rodenticides and herbicides on the project site during construction shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the U.S. Fish and Wildlife Service. If rodent control must be conducted, zinc phosphide shall be used because of proven lower risk to kit fox.

h. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape.

i. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.

j. The applicant shall submit weekly reports on construction monitoring activities to the City of Newman Community Development Department. An occupancy permit shall not be issued without receipt of the weekly reports

Impact:

Construction activities associated with the project could result in the loss or disturbance of nesting habitats for the burrowing owl.

Mitigation:

BIO-2

To avoid loss of or harm to burrowing owl, the following measures shall be implemented:

Prior to issuance of a grading permit, and to avoid/minimize impacts to burrowing owls potentially occurring within the project site, the applicant shall retain a biologist qualified in ornithology to conduct surveys for burrowing owl. The qualified biologist shall conduct a two-visit (i.e., morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site boundary no less than 14 days prior to the start of construction or ground disturbance activities. Surveys shall be conducted according to the methods for take avoidance described in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If no burrowing owls are found, a letter report confirming absence shall be prepared and submitted to the City of Newman Community Development Department and no further measures are required.

Because burrowing owls occupy habitat year-round, seasonal no-disturbance buffers, as outlined in the Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012), shall be in place around occupied habitat prior to and during any ground disturbance activities. The following table includes buffer areas based on the time of year and level of disturbance (CDFW 2012), unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive measures that either: 1) birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

| **Location** | **Time of Year** | **Level of Disturbance Buffers (meters)** | | |
|---|---|---|---|---|
| | | **Low** | **Med** | **High** |
| Nesting Sites | April 1 – Aug 15 | 200 m | 500 m | 500 m |
| Nesting Sites | Aug 16 – Oct 15 | 200 m | 200 m | 500 m |
| Nesting Sites | Oct 16 – Mar 31 | 50 m | 100 m | 500 m |

If burrowing owl is found and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. Occupied burrows shall be replaced with artificial burrows at a ratio of one collapsed burrow to one constructed artificial burrow (1:1). Evicted burrowing owls may attempt to colonize or re-colonize an area that would be impacted, thus ongoing surveillance during project activities shall be conducted at a rate sufficient to detect burrowing owls if they return.

If surveys locate occupied burrows in or near construction areas, consultation with the California Department of Fish and Wildlife shall occur to interpret survey results and develop a project-specific avoidance and minimization approach. Once the absence of burrowing owl has been confirmed, a letter report shall be prepared and submitted to the City of Newman Community Development Department.

Impact:

Construction activities associated with the project could result in the disturbance of nesting sites occupied by Swainson's hawk on or adjacent to the project site, if present.

Mitigation:

BIO-3 The following measures shall be implemented to avoid loss of or harm to Swainson's hawk and other raptors:

a. Tree and vegetation removal shall be completed during the nonbreeding season for raptors (September 16–January 31).

b. To avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors nesting on or adjacent to the project site, retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding season (February 1–September 15). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines, provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) or updated, current guidance, shall be followed for surveys for Swainson's hawk. If no nests are found, a report documenting the results of the survey shall be submitted to the City of Newman Community Development Department and no further mitigation will be required.

c. Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with California Department of Fish and Wildlife, the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. California Department of Fish and Wildlife guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist, in consultation with California Department of Fish and Wildlife, determine that such an adjustment would not be likely to adversely affect the nest.

The appropriate no-disturbance buffer for other raptor nests (i.e., species other than Swainson's hawk) shall be determined by a qualified biologist based on site-specific conditions, the species of nesting bird, nature of the project activity, visibility of the disturbance from the nest site, and other relevant circumstances.

Monitoring of all active raptor nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist.

BIO-4 If there is an active nest within ten miles of the project site, the following measures shall be implemented to mitigate for the loss of Swainson's hawk foraging habitat:

a. Prior to ground-disturbing activities, suitable Swainson's hawk foraging habitat shall be preserved to ensure replacement of foraging habitat lost as a result of the project, as determined by a qualified biologist, in consultation with California Department of Fish and Wildlife.

b. The habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within Stanislaus and Merced counties. The mitigation ratio shall be consistent with the guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994). These guidelines specify that the mitigation ratio shall be 1:1 if there is an active nest within one mile of the project site, 0.75:1 if there is an active nest within five miles but greater than one mile away, and 0.5:1 if there is an active nest within 10 miles but greater than five miles away. If there is an active nest within one mile of the project site, the mitigation ratio can be reduced to 0.5:1 if all of the mitigation land can be actively managed for prey

production. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area within Stanislaus and Merced counties.

c. There are two active (within the past five years) Swainson's hawk nests within five miles of the project site (CNDDB Occurrences Nos. 2449 and 2451). To mitigate for the loss of foraging habitat for these nests, replacement foraging habitat shall be preserved at a mitigation ratio of 0.75:1 in consultation with California Department of Fish and Wildlife. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area within Stanislaus and Merced counties.

If required, pre-construction Swainson's hawk surveys may be required to identify additional nests within ten miles of the project site. If additional nests are observed, foraging habitat shall be preserved following the mitigation ratios outlined above.

Impact:

Construction activities associated with the project could result in the disturbance of roost and natal sites occupied by special-status bats on or adjacent to the project site, if present.

Mitigation:

BIO-5 A qualified bat biologist shall perform a bat roost habitat assessment at least 30 days prior to the start of project activities, include building demolition. If bats or evidence of bats (guano, dead bats) are found to be absent and no suitable habitat exists, a letter report shall be submitted to the City of Newman Community Development Department and no further actions are required. If evidence of past roosting is found, suitable habitats shall be modified to render them unsuitable prior to project activities and a preconstruction survey shall occur within 14 days of the start of project activities. If live bats are found to be present, the qualified bat biologist shall determine whether bats are engaged in maternity roosting, or hibernation. If they are engaged in maternity or hibernation, direct and indirect project impacts shall be avoided, and a no disturbance buffer of at least 100-feet shall be established until such time the bat biologist determines they may be humanely evicted. If active day roosting bats require eviction, the bat biologist shall prepare an eviction plan to submit to the lead agency and CDFW, if there is a state nexus. The eviction plan shall be implemented until it can be determined that all bats have vacated, at which point any remaining buffers may be removed and project activities may commence.

Impact:

Noise-generating construction activities associated with the project could impact nesting birds, should they be present during construction.

Mitigation:

BIO-6 To avoid impacts to loggerhead shrike and other nesting birds during the nesting season (January 15 through September 15), all construction activities should be conducted between September 16 and January 14, which is outside of the bird nesting season. If construction or project-related work is scheduled during the nesting season (February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist shall conduct nesting bird surveys.

a. Two surveys for active bird nests will occur within 14 days prior to start of construction, with the final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding each work area are typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys will be conducted at the appropriate times of day to observe nesting activities. Locations off the site to which access is not available may be surveyed from within the site or from public areas. If no nesting birds are found, a letter report confirming absence will be prepared and submitted to the City of Newman Community Development Department and no further mitigation is required.

b. If the qualified biologist documents active nests within the project site or in nearby surrounding areas, an appropriate buffer between each nest and active construction shall be established. The buffer shall be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist shall conduct baseline monitoring of each nest to characterize "normal" bird behavior and establish a buffer distance, which allows the birds to exhibit normal behavior. The qualified biologist shall monitor the nesting birds daily during construction activities and increase the buffer if birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman shall have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active. Once the absence of nesting birds has been confirmed, a letter report will be prepared and submitted to the City of Newman Community Development Department.

Impact:

Project development could result in the loss of jurisdictional wetlands and other waters of the U.S.

Mitigation:

BIO-7 Prior to initiation of ground disturbance or construction activities, the applicant shall protect waterways adjacent to the project site through the use of best management practices for erosion control and vehicle/equipment fueling. This will include the installation of silt fencing between the project site and adjacent waterways. The silt fencing will prevent soil from washing off the project site into waterways and exclude construction activities from the drainage channels.

Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering waterways. Designated fueling areas should be on a level grade and must be at least 50 feet from any waterway. The fueling area should be protected by a berm to prevent any runoff from leaving the fueling area.

Cultural Resources:

Impact:

Project-related excavation and construction could result in the accidental discovery and disturbance of archaeological resources.

Mitigation:

CR-1 If any prehistoric or historic subsurface archaeological resources, including tribal cultural resources, are discovered during ground-disturbing activities:

a. All work within 50 meter (165 feet) of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5.

b. If any find is determined to be significant, representatives from the City of Newman Community Development Department and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation.

c. All significant prehistoric cultural materials and or tribal cultural resources recovered shall be, returned to Native American tribes traditionally and culturally affiliated with the area.

d. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations.

e. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be implemented.

f. Work may proceed on other parts of the project site while mitigation for historical resources or

unique archaeological resources is being carried out.

Impact:

Construction activities associated with the project could result in the disturbance of Native American skeletal remains.

Mitigation:

CR-2 California Health and Safety Code Section 7050.5 and the CEQA Guidelines Section 15064.5(e) contain the mandated procedures of conduct following the discovery of human remains. According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Stanislaus County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours, who would, in turn, notify the person the Native American Heritage Commission identifies as the Most Likely Descendant of any human remains. Further actions shall be determined, in part, by the desires of the Most Likely Descendant. The Most Likely Descendant has 48 hours to make recommendations regarding the disposition of the remains following notification from the Native American Heritage Commission of the discovery. If the Most Likely Descendant does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the Most Likely Descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission.

Geology and Soils:

Impact:

Paleontological resources could be accidentally discovered during excavations or other related construction activities associated with development of the project.

Mitigation:

GEO-1 The following language shall be included in all demolition and grading permits: "If paleontological resources are discovered during demolition and earthmoving activities, work shall stop within 100 feet of the find until a qualified paleontologist can assess if the find is unique and, if necessary, develop appropriate treatment measures in consultation with the City Community Development Department."

Greenhouse Gas Emissions:

Impact:

The project would have a significant impact from generating GHGs, as it does not meet the performance standards in the Sacramento Metropolitan Air Quality Management District's CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans" document.

Mitigation:

GHG-1 The applicant shall prepare a Greenhouse Gas (GHG) Reduction Plan which identifies one or more GHG reduction actions that will be taken to reduce GHG emissions 357.70 MT CO2e per year as a basis for fully mitigating GHG emissions from using natural gas in the non-residential components of the project. The GHG Reduction Plan shall prioritize on-site GHG reduction design features. Additional measures may be added by the applicant.

In lieu of or in addition to one or more of the on-site measures above, the applicant may make direct investments in off-site GHG reduction activities/programs in the vicinity. Examples of direct investments include building retrofit programs that pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting energy efficient windows, and insulation. Other examples include financing

programs for installing electric vehicle charging stations, electrifying school buses, or planting local urban forests.

The applicant may choose to retain a qualified air quality / GHG professional to quantify the GHG reductions that would result from implementing the Reduction Plan based on substantial evidence to be included in the Reduction Plan.

If the applicant elects to quantify the GHG emissions reductions from on-site measures and/or investments in off-site reduction programs and the reductions are insufficient to reduce project emissions by a minimum of 357.70 MT CO2e per year, the applicant may secure the reduction balance by purchasing and retiring carbon offset credits. The carbon offset credits shall meet the following performance standards:

- Carbon offset credits shall be issued by a recognized, reputable and accredited registry that mandates the use of established protocols for quantifying and issuing the offset credits. Credits issued based on protocols approved by the California Air Resources Board should be prioritized. Examples of such registries include the Climate Action Reserve, American Carbon Registry, and Vierra.
- The carbon offset credits should be generated from projects developed in the United States. Credits from projects developed internationally should not be used unless the applicant demonstrates with substantial evidence that sufficient carbon offsets from projects in the United States are unavailable. International offsets must be quantified and issued using established protocols that are recognized in the United States and that are issued by recognized, reputable and accredited registries.
- All carbon offset credits purchased to reduce GHG emissions, must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2).

Prior to issuing building permits for any non-residential portion of the project, the applicant shall submit the GHG Reduction Plan for review and approval of the City of Newman City Planner. If carbon offsets are proposed, prior to approval of an occupancy permit for the first non-residential portion of the project, the applicant shall provide an executed contract or other certification to the City Planner that the requisite volume carbon offset credits have been purchased.

GHG-2 The proposed project shall be designed to include electric vehicle support improvements to consistent with the latest adopted version the CALGreen Tier 2 standards. Inclusion of these design elements in the final project plans shall be verified by the City Building Official prior to issuance of a building permit.

<u>Hazards and Hazardous Materials:</u>

Impact:

Given the history of the project site being in agricultural use, potential concern is noted regarding the use of pesticides, herbicides, and fertilizers that could be exposed during ground-disturbing activities.

Mitigation:

HAZ-1 The proposed project is required to prepare a Phase I Environmental Site Assessment on the project site and submit for review and approval to the City of Newman's Community Development Department. The assessment shall include, but is not limited to:

- Results of the soil samples;
- Discussion of any environmental concerns onsite;
- Recommended mitigation measures, as necessary; and
- Confirmation of the need for a Phase 2 Environmental Site Assessment.

Noise:

Impact:

Temporary noise levels associated with construction of the project could exceed the City's established noise standards.

Mitigation:

N-1 The following shall be implemented by the project developer during construction of the project, pursuant to General Plan Policy HS-6.9:

- Construction activities shall normally be limited to the hours of 7AM to 7PM Monday through Friday, and 8AM to 7PM on Saturday. Construction Use available noise suppression devices and properly maintain and muffle loud construction equipment.
- Avoid stating of construction equipment and unnecessary idling of equipment within 200 feet of noise-sensitive land uses.

Impact:

Noise levels associated with truck movements along the rear side of commercial spaces adjacent to proposed future residences could exceed the City of Newman daytime maximum noise level standard by up to two dB and the nighttime maximum noise level standard by up to 12 dB.

Mitigation:

N-2 Truck movement and deliveries, loading activities, and drive-thru operations shall be prohibited between 10PM and 7AM. The project developer shall also construct a sound wall to a minimum height of nine feet above project grade elevation at the western border separating the proposed residential lots from the proposed commercial uses.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

n/a

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife

U.S. Fish and Wildlife Service

United States Army Corps of Engineers

Regional Water Quality Control Board