

1: Introduction

1.1 - Purpose

This Initial Study and Proposed Mitigated Negative Declaration (IS/MND) intends to identify and evaluate the potential environmental impacts and mitigation measures associated with the proposed project. Pursuant to Section 15367 LEAD AGENCY of the California Environmental Quality Act (CEQA) Guidelines, the Lead Agency (City of Atwater) has the principal responsibility for carrying out or approving/denying a proposed project.

This section will provide the Location, description, and the current environmental settings of the project area. Section three of the project consists of an environmental checklist that will provide an overview of the potential impacts of the project.

1.2 – Project Location

The project is in the City of Atwater on the south side of Commerce Avenue, to the west of Industry Way, at the intersection of Industry Way and Commerce Avenue.

1.3 - Project Description

The project site is located on the south side of Commerce Avenue, less than a quarter mile west of its intersection of Industry Way and consists of four parcels (APN: 056-241-012; 013; 014). It should be noted that the fourth parcel located on the south end of the project site does not have an APN (refer to figure 1.3-1). The project site is approximately twenty-two acres. The project proposes constructing seven buildings totaling 87,000 square feet with 234 parking spaces throughout the four parcels, including ADA-compliant and CalGreen parking. Buildings One, Six, and Seven, identified in figure 1.3-1, will be the project's retail components. Building One will be approximately 10,000 square feet with an anticipated use as an automotive/trailer sales operation. Building Six, approximately 25,000 square feet, and Building Seven, which is approximately 10,000 square feet, will be used as a hardware store and garden center. While the primary function of these facilities will be to operate as retail stores, they will hold seasonal sale event venues, which will include outdoor activities. The project also intends to host mobile food vendors; however, the mobile food vendors will not be limited to just the retail component but also the industrial portion of the project.

Buildings Two, Three, Four, and Five will be primarily used for industrial-type uses. Buildings Two and Three are approximately 10,000 square feet each. Building Four is approximately 14,000 square feet, 3,000 square feet of that will be used as office space. Building Five, approximately 8,000 square feet, will be used as a maintenance/vehicle storage area. Located between Building Four and Five will be an above-ground tank containing approximately 12,000 gallons of diesel. There will also be container drums that will store 250 gallons of unleaded gasoline. As a result, a Hazardous Materials Business Plan will need to be implemented.

Access to the project site will be from a roadway that the project proponent will dedicate to the City of Atwater and will be configured as a cul-de-sac. The dedicated road will be located on the south side of Commerce Avenue. Commerce Avenue will be reconstructed with a stripped center turn lane. Sufficient right of way exists, and no further dedication of right of way along Commerce Avenue is required along the project frontage. The dedicated roadway (cul-de-sac) will lead to the parking areas of all seven buildings. Much of the parking area will be constructed of asphalt, and the parking area around Building

Seven will be concrete. The lighting will include downward-facing hoods to minimize the illumination in the area.

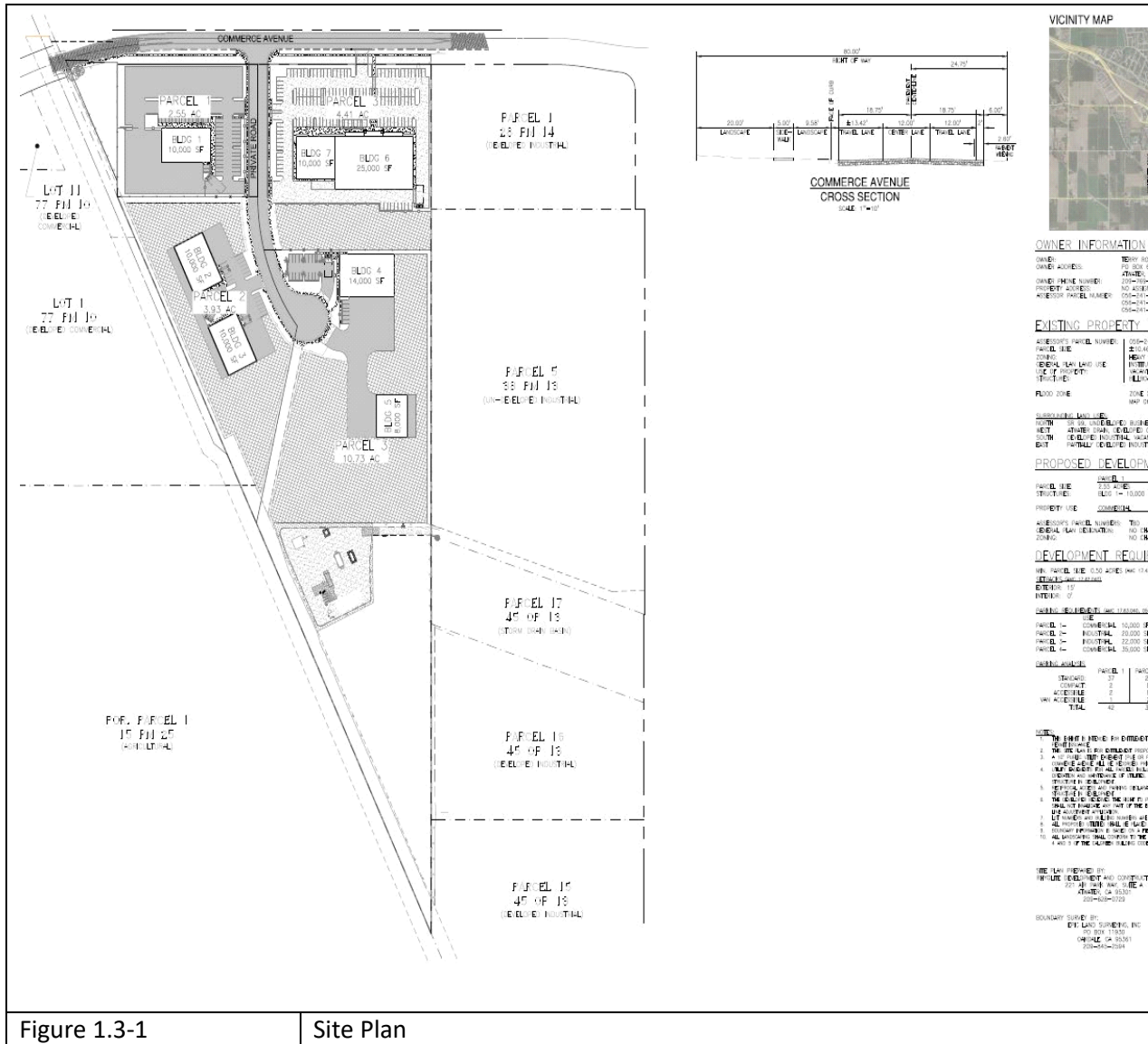


Figure 1.3-1 Site Plan

1.4 – Intended Uses of this Document

This IS/MND has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for this project. The Lead Agency is the City of Atwater. The intent of this document is to facilitate comments from members of the public and public agencies regarding the project.

1.5 – Environmental Setting

The project area shape is triangular and consists of four parcels (APN: 056-240-012; 013; and 014) totaling approximately twenty acres. The project site is in the City of Atwater approximately six miles west of the City of Merced. The project has a land use designation Institutional and is zoned as

Industrial. The project is topographically flat and is currently vacant with no vegetation as a result of regular disking for weed abatement.

Section 2: Environmental Determination

- 1. Project title:** Site Plan# 22-24-0100, Architectural Review#22-24-0300, and Zone Change 22-24-0400
- 2. Lead agency name and address:** City of Atwater
Community and Development Department
750 Bellevue Road
Atwater, CA 95301
- 3. Contact person and phone number:** Samuel J. Rashe, Senior Planner
209-357-6337

Srashe@atwater.org
- 4. Project Location & APN:** The project site is located on the south side of Commerce Avenue less than a quarter mile west of its intersection of Industry Way.
- 5. Project sponsor's name and address:** Terry Rolfe
1084 Shaffer Road
Atwater, CA 95301
- 6. General Plan Designation:** Institutional
- 7. Zoning:** Industrial (M-2)
- 8. Surrounding Land Uses and Setting:**
Industrial and Planned Development
- 9. Other Public Agencies Whose Approval is Required:**
None.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural/Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (to be completed by Lead Agency)	
On the basis of this initial evaluation:	
<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	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 or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, 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.
Signature	Date

Section 3: Discussion of Environmental Evaluation

3.1 – Aesthetics

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a-b) **No Impact** - The City of Atwater does not have any designated scenic vistas; however, the city has identified the following as scenic corridors :

1. Atwater Boulevard
2. First Street
3. Bellevue Road
4. Shaffer Road
5. Winton Way
6. Broadway from Winton Way to First Street

7. Buhach Road
8. Third Street
9. Part of Grove Avenue
10. All entrances to the City

The project is located on Commerce Avenue and Industry way. The closest scenic corridor is Giannini Road and Commerce Avenue, which is an entrance into the City and is approximately half a mile east of the project site. The area is primarily zoned as Industrial (M-2) and is surrounded by businesses such as Waste Management Winton Hauling, West Mark Manufacturer and C.R. Cabinets to the east and businesses such as Target and Walmart to the west. The project will be consistent with the existing surrounding uses, and as a result, the project would not have an impact on scenic vistas or scenic resources.

(c) **No Impact** – The project is in an urbanized area however the proposed use is consistent with the area's current zoning of Industrial (M-2) and would not conflict with the zoning or the City of Atwater's General Plan goals governing scenic quality.

(d) **Less than Significant Impact with Mitigation** – Exterior Street lighting and lights from adjacent industrial areas already exist near the project area. The new source of lighting generated by project operations would be via exterior lighting for early morning and late evening operations. The new source of lighting created from the project will be hooded and faced downward minimizing the impact of the project's contribution to the already existing light sources. Therefore, the impact on day or nighttime views would be less than significant.

AES MM – 1 Any new external source of lighting generated from the project will be hooded and faced downward.

3.2 – Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>AGRICULTURE AND FORESTRY 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to 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:</p>				
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 Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

51104(g))?				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) **No Impact** - The project site is designated by the Department of Conservation Farmland Mapping and Monitoring Program’s Important Farmland Map as Vacant or Disturbed Land and Urban and Built-Up Land (refer to Figure 3.2-1) as a result there would be no impact .

(b) **No Impact** - The project site is located in the City of Atwater and has a Land Use Designation of Manufacturing and is zoned Industrial and is not subject to the Williamson Act, therefore the project would have no impact.

(c-d) **No Impact** - The Public Resource Code Section 12220 (g) and Section 4526 defines “Forest Land” as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The Project site is not identified as forest land. Therefore, implementation of the Project would not conflict with any existing zoning for forest land, timberland, or timberland zoned Timberland Production.

(e) See Impact 4.2a and 4.2c-d, above.

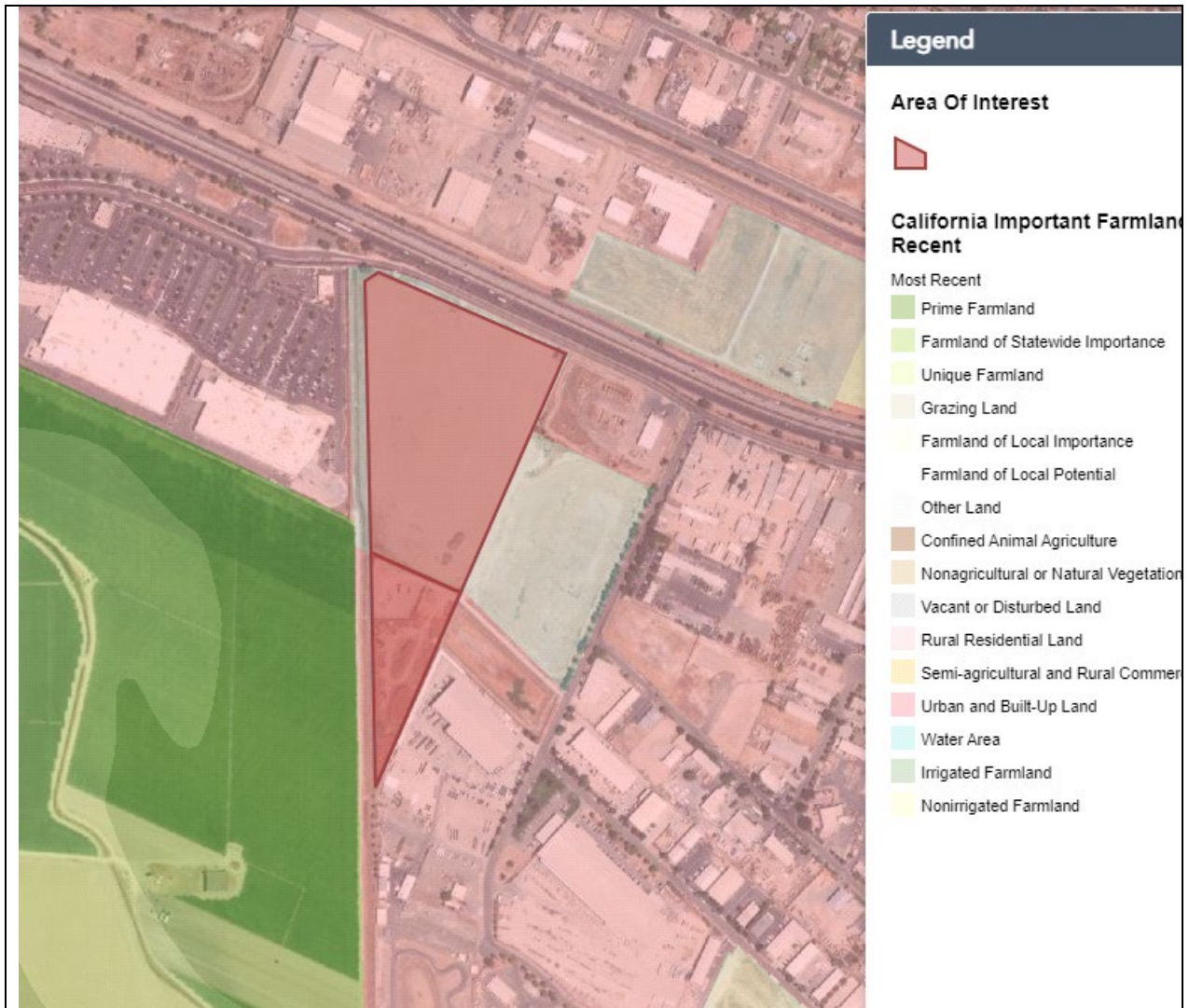


Figure 3.2-1

California Important Farmland Finder

3.3 – Air Quality

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a-b) **Less Than Significant** - Air Quality Plans (AQP) are plans for reaching attainment of air quality standards. The proposed project site is located within the jurisdictional boundaries of the SJVAPCD. To show attainment of the standards, the SJVAPCD analyzes the growth projections in the Valley, contributing factors in air pollutant emissions and formations, and existing and adopted emissions controls. The SJVAPCD then formulates a control strategy to reach attainment that includes both State and SJVAPCD regulations and other local programs and measures.

The project will be subject to the following SJVAPCD Rules:

- District Rule 2010
- District Rule 2201 New Modified Stationary Source Review
- District Rule 4601 Architectural Coatings
- District Regulation VIII Fugitive PM10 Prohibitions

District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO)

District Rule 2201 (New Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

District Rule 4601 is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements.

District Regulation VIII will require the project proponent to provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities).

The Project proponent will be compliant with the above-mentioned Rules and as a result the project would have a less than significant impact.

(c-d) **Less Than Significant** Sensitive Receptors consist of residences, schools, and health care facilities. As previously stated, the Project proponent will adhere to the above-mentioned District Rules. The SJVAPCD provides examples of facilities/operations that are responsible for generating odors. The examples provided by the SJVAPCD include Wastewater Treatment Facilities, Composting facilities, Fiberglass Manufacturing, and Food Processing. The Project will consist of retail components, automotive sales operation and industrial uses.

3.4 – Biological Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

policy or ordinance?				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) **Less Than Significant with Mitigation** - The project site is surrounded primarily by industrial and commercial uses and is devoid of vegetation. The project site is regularly disked for weed abatement and is unlikely used as habitat for species of special status listed in table 3.4-1 which was obtained through the California Department of Fish and Wildlife. Although it is unlikely the project would not impact the habitat of species with special status the potential cannot be ruled out. Therefore, the project is considered to have a potentially significant impact and mitigation measures must be implemented.

Table 3.4-1 Species of Special Status

Species	Federal Listing Status	State Listing Status
Swainson's hawk	None	Threatened
tricolored blackbird	None	Threatened
San Joaquin kit fox	Endangered	Threatened
Colusa grass	Threatened	Endangered

Mitigation Measure(s)

BIO MM-1 Within fourteen days of the start of project activities a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys will cover the project site plus a 500 – foot buffer to include pedestrian surveys achieving 100 percent visual coverage will be conducted.

(b) **No Impact** - There are no riparian habitats or other sensitive natural community identified on the project site therefore the project would have no impact.

(c) **No Impact** - The closest wetland identified near the project site is approximately .38 miles east of the project and would not be affected by construction or operation of project activities.

(d) **Less Than Significant Impact** - Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movements of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, re-colonization of an area, and movement in

response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats. Movement corridors may be functional on regional, sub-regional, or local scales. The project site and surrounding area does not occur within a known migration route or significant wildlife corridor and as a result the project would have a less than significant impact.

(e) **No Impact** - The Project site is located within the City of Atwater boundaries and must comply with provisions contained in the City of Atwater General Plan. The Project would not conflict with any local policies or ordinances protecting biological resources. There are no applicable local policies protecting biological resources that the Project would conflict with. Implementation of the proposed Project would have no impact related to policies or ordinances protecting biological resources.

(f) **No Impact** - The proposed Project will not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approval local, regional, or state Habitat Conservation Plan. There will be no impacts on this project.

3.5 – Cultural Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a-b) **Less Than Significant with Mitigation** - As defined by CEQA Guidelines Section 15064.5, “historical resources” are:

A resource listed in, or determined to be eligible by, the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resource Code Section 5024.1, Title 14 California Code of Regulations, Section 4850 et seq.).

- A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a Lead Agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the Lead Agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the Lead Agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 CCR, Section 4852), including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

Impacts on cultural resources can result either directly or indirectly from preconstruction activities and construction of a project. Direct impacts are those that result from the immediate disturbance of resources from vegetation removal, vehicle travel over the surface, earthmoving activities, excavation, or alteration of a resource. Indirect impacts are those that result from increased erosion due to site clearance and preparation or from inadvertent damage or outright vandalism to exposed resource materials which could occur due to improved accessibility.

It is unlikely that there will be a discovery of a significant historical resource. Despite this, there is still the possibility of a presence of undocumented tribal or cultural resources within the project site. Construction related impacts on tribal or cultural resources could be potentially significant prior to mitigation. Implementation of the following mitigation measure would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains.

CUL MM – 1 If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation. Implementation of the mitigation measure below would ensure that the proposed project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the project would have a less than significant impact with incorporation of mitigation measures.

(c) Although unlikely, subsurface construction activities could cause a potentially significant impact to previously undiscovered human burial sites. Despite no human remains being discovered when the site was previously developed, construction would involve earth-disturbing activities, and it is still possible that human remains may be discovered. Implementation of the below mitigation measure would ensure that the project would not directly or indirectly destroy previously unknown human remains. The project would not disturb any known human remains, including those interred outside of formal cemeteries. Therefore, the project would have a less than significant impact with incorporation of mitigation measures.

CUL MM – 2 If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code,

Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the Merced County Coroner.

3.6 – Energy

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a - b) **Less Than Significant Impact** Electrical service to the Project site is provided by Pacific Gas & Electric (PG&E) or the Merced Irrigation Company (MID).

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. Additionally, California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33 percent of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

The main sources of energy consumption would be construction activities and on-going project operations. project construction would involve fuel consumption and use of other nonrenewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient or unnecessary. Equipment overtime would be more energy-efficient in order to assist with meeting State emissions reduction goals. Additionally, under California's Renewable Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The project would be required to comply with the building energy efficiency standards of California Code of Regulations Title 24, Part 6, also known as the California Energy Code. Compliance with these standards would reduce energy consumption associated with Project operations, although reductions from compliance cannot be readily quantified at this time. Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary; the project would also not conflict or obstruct any state or local plans for renewable energy efficiency. project impacts related to energy consumption are considered less than significant.

3.7 – Geology/Soils

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) 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? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

where sewers are not available for the disposal of wastewater?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a i-iii) **Less Than Significant Impact** - The proposed Project is not located within the current Alquist-Priolo Earthquake Fault Zone and there are no known active faults located in the immediate area. The nearest Alquist-Priolo Special Studies Zone is the Ortigalita Fault Zone located in the southwestern Merced County, about thirty-eight miles from the City. The last known activity from the Ortigalita Fault was approximately 10,000 years ago. .

Although there are no specific liquefaction hazard areas identified in Merced County, the potential for liquefaction is recognized in the Atwater General Plan Draft Environmental Impact Report (EIR). However, the site does not have high potential for ground failure or liquefaction. Liquefaction typically requires a significant sudden decrease of shearing resistance in cohesionless soils and a sudden increase in water pressure, which is typically associated with an earthquake of high magnitude. The soils in the project site, Atwater loamy sand and Atwater sand , which are considered to have a low potential for liquefaction. Based on the known conditions of the soil documented in the project site, the risk of liquefaction or ground failure during a strong earthquake ground shaking is low therefore, this impact is considered less than significant.

(a-iv) **No Impact** - The project site and surrounding areas are topographically flat. Construction or normal project operations would not result in a landslide and therefore would have no impact.

(b) **Less Than Significant Impact** - Project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit prior to construction. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Such measures may include, but are not limited to, covering the graded area with straw or straw matting and using water for dust control. Due to the flat nature of the project site, the BMPs provided from the SWPPP, and the NPDES the project would result in a less than significant soil erosion impact.

(c) **Less Than Significant Impact** - As previously stated the project site and surrounding areas are in a topographically flat area and would not result in a landslide. The project site is also not located in an earthquake fault zone and is in a low probability of seismic activity resulting in little to no potential of lateral spreading, subsidence, liquification or collapse. Therefore, the project would have a less than significant impact.

(d) **Less Than Significant** - Soils associated with a high risk for expansion are generally characterized as dense material with less air-filled voids, and therefore have a greater potential to undergo volume change. The volume of change is influenced by the quantity of moisture, the kind and amount of clay in the soil, and the original porosity of the soil. The soil on the project site consists of Atwater loamy sand

and Atwater sand. These soils have a low plasticity and expansion potential when subjected to fluctuations in moisture and a low potential for liquefaction or ground failure . Based on the known conditions of the soils documented on the project site, risks to life or property as a result of expansive soils are not substantial and the impact of expansive soil on future proposed Project site development will be less than significant.

(e) **No Impact** - The project will not be installing septic tanks or an alternative wastewater disposal system.

(f) **Less Than Significant With Mitigations** - Refer to 3.5 the Cultural Resources discussion.

3.8 – Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion:				

(a) **Less Than Significant Impact** - Construction activities, such as site preparation, site grading, on-site heavy-duty construction vehicles, equipment hauling materials to and from the project site, and motor vehicles transporting the construction crew would produce combustion emissions from various sources. During the construction of the proposed project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Although construction activities would result in the emissions of GHGs, the emissions would be temporary in nature and would have a less than significant impact.

Operational GHG Emissions

Long-term GHG emissions are typically generated from mobile sources, area sources, indirect emissions from sources associated with energy consumption, waste sources, and water sources. Mobile-source GHG emissions would include project-generated vehicles, vans, and bus trips to and from the project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site. Energy source emissions would be generated at off-site utility providers as a result of increased electricity demand generated by the project.

(b) **Less Than Significant Impact** The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small

amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, outlines goals for local agencies to follow in order to bring Greenhouse Gas (GHG) emissions to 1990 levels (a 25% overall reduction) by the year 2020. The California Air Resources Board (CARB) holds the responsibility of monitoring and reducing GHG emissions through regulations, market mechanisms and other actions. A Draft Scoping Plan was adopted by CARB in order to provide guidelines and policy for the State to follow in its steps to reduce GHG. According to CARB, the scoping plan's GHG reduction actions include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

Following the adoption of AB 32, the California State Legislature adopted Senate Bill 375, which became the first major bill in the United States that would aim to limit climate change by linking directly to "smart growth" land use principles and transportation. It adds incentives for projects which intend to be in-fill, mixed use, affordable and self-contained developments. SB 375 includes the creation of a Sustainable Communities Strategy (SCS) through the local Metropolitan Planning Organizations (MPO) in order to create land use patterns which, reduce overall emissions and vehicle miles traveled. Incentives include California Environmental Quality Act streamlining and possible exemptions for projects which fulfill specific criteria. The project would have a less than significant impact.

3.9 – Hazards & Hazardous Materials

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

loss, injury or death involving wildland fires?				
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Discussion:

(a-b) **Less Than Significant with Mitigation** - Project construction would require the use of nominal amounts of fuels and lubricants for operation of construction equipment and vehicles. All such use would be done in compliance with local, state, and federal management, transport, and disposal requirements. The project operations would not require the routine of transporting hazardous materials; however, the project does intend to store approximately 12,000 gallons of diesel and 250 gallons of unleaded gasoline. The State of California requires a Hazardous Business Plan (HMBP) if a facility handles the following:

- 55 gallons (liquids), 500 pounds (solids), or 200 cubic feet for a compressed gas
- The business is required to submit chemical inventory information pursuant to Section 11022 of Title 42 of the United States Code
- The business handles at any one time during the reporting year an amount of hazardous material that is equal to, or greater than the threshold planning quantity, under both of the following conditions :
 - The hazardous material is an extremely hazardous substance, as defined in Section 355.61 of Title 40 of the Code of Federal Regulations
 - The threshold planning quantity for that extremely hazardous substance listed in Appendices A and B of Part 355 (commencing with Section 355.1) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations is less than 500 pounds.
- A total weight of 5,000 pounds for solids or a total volume of 550 gallons for liquids, if the hazardous material is a solid or liquid substance that is classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations solely as an irritant or sensitizer, unless the unified program agency finds, and provides notice to the business handling the product, that the handling of lesser quantities of that hazardous material requires the submission of a business plan, or any portion of a business plan, in response to public health, safety, or environmental concerns.
- A total of 1,000 cubic feet, if the hazardous material is a compressed gas and is classified as a hazard for the purposes of Section 5194 of Title 8 of the California Code of Regulations solely as a compressed gas, unless the unified program agency finds, and provides notice to the business handling the product, that the handling of lesser quantities of that hazardous material requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

As a result, the project is considered to potentially have a significant impact without the implementation of HAZ MM-1.

Mitigation Measure(s)

HAZ MM-1 The project proponent will not store 12,000 gallons of diesel or 250 gallons of unleaded gasoline until a Hazardous Material Business Plan has been approved by Merced's County Department of Environmental Health.

(c) **No Impact** - The closest school to the project site is approximately half a mile north of the property, beyond the one-quarter mile analysis and therefore the project would have no impact.

(d) **No Impact** - An online search was conducted for any site designated as a Department of Toxic Substance Control (DTSC) cleanup site. No DTSC cleanup site was found on or near the project . Therefore, the project would have no impact.

(e) **No Impact** - The closest airport is over five miles away from the project site at Merced County Castle Airport. The proposed Project site is not within an airport land use plan or located within two miles of a public airport or private airport or airstrip, therefore the Project will have no impact.

(f) **Less Than Significant Impact** - Response procedures are outlined in the City of Atwater Emergency Plan. Emergency response and evacuation is dependent upon the public roadway system owned and maintained by the City, which provides for emergency access and evacuation of the project site . The project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities, therefore, the proposed project would have a less than significant impact on emergency response and evacuation plans.

(g) **Less Than Significant Impact** - The project area is located in a heavily developed area where the ground has been disturbed. The project is located in an urbanized area and as a result, the project will not expose people or structures, directly or indirectly, to a significant risk of loss, injury, or death involving wildfires and therefore have a less than significant impact.

3.10 – Hydrology/Water Quality

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

plan or sustainable groundwater management plan?				
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Discussion:

(a) Site preparation for the project could result in erosion and siltation with the potential to violate water quality standards. Additionally, accidental spills or disposal of potentially harmful materials used during construction or operation of the Project could possibly wash into and pollute surface water runoff. A Storm Water Pollution Prevention Plan for construction-related activities would include, but not be limited to, the following types of Best Management Practices (BMPs) to minimize the potential for pollution related to material spills:

- Vehicles and equipment will be cleaned;
- Vehicle and equipment fueling, and maintenance requirements will be established; and
- A spill containment and clean-up plan will be in place prior to and during construction activities.

In order to reduce potential impacts to water quality during construction activities, Mitigation Measure HYD MM-1 requires the Project proponent to file a Notice of Intent (NOI) to comply with the NPDES General Construction Permit and prepare a SWPPP. The Project SWPPP would include BMPs targeted at minimizing and controlling construction and post-construction runoff and erosion to the “maximum extent practicable.” Mitigation Measure HYD MM-2 requires the Applicant to limit grading to the minimum area necessary for construction and operation of the Project.

With the implementation of a SWPPP, the Project would not violate water quality standards or waste discharge requirements or degrade surface water or groundwater quality during either the construction or the operational phases. Therefore, the Project would have a less than significant impact with mitigation incorporated.

HYD MM-1 Prior to construction, the Applicant shall submit a copy of: (1) the approved Storm Water Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts. The applicant or person responsible shall meet City of Atwater construction site requirements regarding the control of surface water, erosion, and runoff. Runoff created at the project site shall meet the following minimum requirements:

- Sediments generated on the project site shall be retained using adequate treatment control or structural Best Management Practices (BMPs)
- Construction-related materials, wastes, spill or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters or adjacent properties by wind or run-off;
- Non-storm water run-off from equipment and vehicle washing and any other activity shall be contained at the site; and

- Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as limiting grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

HYD MM-2 The Applicant shall limit grading to the minimum area necessary for construction and operation of the Project. Final grading plans shall include BMPs to limit on-site and off-site erosion.

(b) The City of Atwater extracts its water supply from groundwater aquifers via a series of wells throughout the City. The City's existing system facilities include nine active water wells with a total pumping capacity of 13,688 gallons per minute, a distribution system that is nearly 97 miles in length with line sizes ranging from four to 14 inches in diameter, two 0.5-million-gallon ground level tanks, and an elevated tank with a capacity of 1.0 million gallons. With a daily average of 46,844 gallons of water being consumed a day the project would only use 4.6% of the City's capacity. The project would not exceed the pumping capacity of the City. Therefore, the Project would have a less than significant impact.

(c i-v) The rate and amount of surface runoff is determined by multiple factors, including the following: topography, the amount and intensity of precipitation, the amount of evaporation that occurs in the watershed and the amount of precipitation and water that infiltrates to the groundwater. Although the site was previously developed, the proposed Project would alter the existing drainage pattern of the site due to the addition of impermeable surfaces. However, this change in existing drainage is not anticipated to result in significant impacts with the implementation of MM HYD-1 and MM HYD-2.

As discussed in Impact (a) above, potential impacts on water quality arising from erosion and sedimentation are expected to be localized and temporary during construction. Construction-related erosion and sedimentation impacts as a result of soil disturbance would be less than significant after implementation of an SWPPP and SMPs required by the NPDES. No drainage or other water bodies are present on the project site, and therefore, the project would not change the course of any such drainages; however, erosion may occur on site during rain events or high winds. Mitigation measure MM HYD-2 required the Applicant to limit grading to the minimum area necessary for construction and operation of the project. With mitigation, the project would not 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 that would result in substantial erosion or siltation on- or off-site.

(d) The Project is not located in a flood hazard, tsunami, or seiche zone, and would not have the potential to release pollutants from flooding.

(e) The project would not increase groundwater use beyond the sustainable yield established by the Joint Groundwater Sustainability Plan and would not have the potential to obstruct implementation of a water quality control plan. The Project would not significantly increase the amount of groundwater pumped or consumed nor would the project have the potential to impede groundwater management and therefore the project would have a less than significant impact.

3.11 – Land Use/Planning

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) To the west of the project site is a shopping center complex and industrial use facilities, located to the east. There are no residential communities located on or near the project site. Therefore, the project would have no impact.

(b) The project site is zoned for Industrial and designated for Manufacturing in the General Plan. Therefore, the Project is consistent with the intended public land use, general plan, and zoning.

3.12 – Mineral Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a-b) No current mineral extraction activities exist on the project site nor are any mineral extraction activities included in the project design. The project is not located in an oilfield and there are no known wells on site. The closest well is located approximately two and a half miles southwest of the Project site . The proposed Project would not result in the loss of availability of mineral resources as the Project does not propose the extraction of mineral resources.

3.13 – Noise

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a-b) The project is located in a heavily developed area with surrounding commercial and industrial uses. Project activities would increase ambient noise levels however they would be minimal in nature and would have a less than significant impact. The construction activities which are temporary in nature would involve heavy equipment for grading, excavation, paving, and building construction, which would increase ambient noise levels and groundborne vibration and noise when in use. Noise levels would vary depending on the equipment used, how it is operated, and how well it is maintained. However, with the implementation Chapter 8.44 of the City ordinance which allows construction activities between the hours of 7:00 am and 7:00 pm Monday through Friday and the hours of 9:00 am and 5:00 pm for Saturday and Sunday the project would have a less than significant impact.

(c) The closest airport is over five miles away from the project site at the Merced County Castle Airport, the project site is not within an airport land use plan or located within two miles of a public airport or private airport or airstrip, therefore the project will have no impact.

3.14 – Population/Housing

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) The Project site, as well as other surrounding land uses, is designated as Manufacturing and zoned for Industrial and Light Industrial. The project and its operations are consistent with its land use designation in the City’s General Plan. The project does not intend to construct residential units. Therefore, given the nature of the Project, there will be no direct or indirect substantial population growth induced. The Project will have a less than significant impact.

(b) The project site is a vacant lot and does not have any structures that would currently be provided as a housing unit and would not result in displacing people or housing units. Therefore, the project would have no impact.

3.15 – Public Services

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a-i) Less Than Significant - Fire protection and emergency response services are provided by Cal Fire. The closest fire station to the project site is the Atwater Fire Station 41, located approximately one and a half miles away. The project site would not substantially impact the City’s response time in addressing calls for assistance. During building permit review, each structure will be required to demonstrate fire flow requirements or be subject to State and federal codes which provide for alternate fire safety provisions. Additionally, the building permit applicant will be required to pay impact fees prior to issuance of occupancy permits. The amount of the mitigation fee will be determined by the fee schedule in effect on the date of building permit issuance and therefore the project would have a less than significant impact.

(a-ii) Less Than Significant - Police protection in Atwater is provided by the Atwater Police Department. The police department is located approximately two and a half miles away at 750 Bellevue Road. The proposed Project does not include any residential uses and is not expected to generate substantial population growth in the area that would result in the need for additional police services. At the time of future development, the Applicant will be required to pay impact fees prior to issuance of occupancy

permits. The amount of the mitigation fee will be determined by the fee schedule in effect on the date of building permit issuance and therefore the project would have a less than significant impact.

(a-iii-v) No Impact - The project does not include any residential uses and is not expected to generate substantial population growth for the area that would result in the need for additional schools, parks, or other public facilities. And therefore, the project would have no impact.

3.16 – Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact - The project would provide retail use to the area. Retail type projects typically do not induce unplanned population growth either directly or indirectly and therefore the project would have no impact.

(b) No Impact - The project is located on a vacant site and would not displace housing or people.

3.17 – Transportation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a) Less Than Significant - The City of Atwater’s General Plan Circulation Element provides an overview of all the means of transport and how they can complement each other to make the circulation system in the City work more efficiently. The City of Atwater uses the Level of Service (LOS) to measure the street and highway system’s performance using a letter grade A through F. LOS A through F represents progressively worsening traffic conditions. LOS E and F are associated with severe congestion and delay; the City of Atwater designates LOS D as their minimum standard. According to the City’s General Plan, in order to determine the type and number of transportation projects that may be necessary to accommodate Atwater’s expected growth, the freeway, expressway, arterial, and collector facility levels of service were assessed at signalized intersections and unsignalized intersections.

Since the quality of traffic flow is often governed by the operation of intersections, the TIS examined the following intersections with existing traffic conditions, existing traffic conditions with the proposed project, the cumulative near-term 2028 traffic conditions with the project and the 2043 cumulative traffic conditions:

1. Commerce Avenue/Applegate Ranch Shopping Ctr Driveway (All-way stop)
2. Commerce Avenue/Project Driveway (Future Traffic Control)

3. Commerce Avenue/Industrial Way (One-way stop)

Commerce Avenue is a collector street with an alignment of east-west and the Project site access is located approximately 1,045 feet west of Industry Way. In the vicinity of the Project site, Commerce Avenue is a two-lane street with one lane in each direction. Commerce Avenue turns into a four-lane street providing access for Applegate Ranch shopping center approximately 510 feet west of the project access. The average daily traffic (ADT) is approximately 8,160 vehicles/day based on the traffic counts conducted for this study.

Applegate Road is an arterial road providing access to State Route 99 freeway via an interchange with an alignment of north-south and it is approximately 0.4 miles west of the project access. Applegate Road has two lanes to the south of Atwater Boulevard, and it has four lanes to the north to continue as Winton Way through the City of Winton.

Industry Way is a two-lane north-south local roadway situated approximately 1,080 feet east of the project access with a One-way Stop control with Commerce Avenue. The northern section of Industrial Way connects with Commerce Avenue and the southern section connects with Aviator Drive. Atwater Boulevard is a four-lane roadway parallel to State Route 99 in the vicinity of the project site. The eastern section of the roadway connects with SR 99 and the western section has two travel lanes with a central two-way left turn lane.

Existing Traffic Conditions:

To accurately model the traffic condition, the TIS used the Synchro 10 version to determine the intersection LOS. The Existing Conditions of traffic operations were evaluated based on levels of service criteria using. The macroscopic simulation model, Synchro, was used to evaluate several measures (such as lane geometries, signal optimization, signal phasing and traffic control) at the study intersections. The results of the LOS for the intersection are as follows in the table below.

Table 3.17-1

Intersection	Existing Control	LOS A.M.	LOS P.M.
Commerce Avenue/Applegate Ranch Shopping Ctr Driveway	All-way Stop	A	B
Commerce Avenue/Project Driveway	Future Traffic Control	-	-
Commerce Avenue/Industrial Way	One-way Stop	B	C

Both the study intersections currently operate at an acceptable LOS C or better during both the peak hours.

Existing Traffic Conditions with Project:

With the addition of project trips, it should be noted that the overall intersection delay at Commerce Avenue/Applegate Ranch Shopping Center Driveway with an All-way Stop Control is expected to continue to operate at LOS A (9.1 sec/veh) during the AM peak hour and at LOS B (12.3 sec/veh) during the PM peak hour during 'Plus Project' Conditions. At the proposed project buildout, the project access driveway with a one-way stop control is expected to operate at LOS B (11.5 sec/vehicle) and LOS C (19.7 sec/vehicle) during AM and PM peak periods, respectively. Similarly, the One-way Stop Controlled intersection Commerce Avenue/Industrial Way is expected to operate at LOS B (12.2sec/veh) and LOS C (22.7 sec/veh) during AM and PM peak periods, respectively.

The proposed site plan as shown illustrates a primary access driveway centric to the project site along Commerce Avenue. The site plan an additional driveway, a secondary access, that provides access to commercial buildings located on Parcel 4. For the purposes of traffic analysis, all the project trips were assigned to the primary access to be conservative assessing the one-way stop-controlled Project Driveway. However, approximately 10% to 20% of peak hour projects trips are expected to use the secondary access. The site plan also shows a two-way left-turn (TWLT) lane on Commerce Avenue fronting the project site. A TWLT lane provides a safe merge lane for the left-turning project bound trips. The TWLT lane potentially reduces the required critical gap in traffic flows along Commerce Avenue and thereby improving overall roadway merge safety. For conservative traffic analysis, the project driveway intersection is analyzed without TWLT lane, ie., a relatively fewer critical gap availability. To facilitate good circulation and safety all proposed access points to the throat of the project driveway will be installed with a stop control on minor approach locations. As per the traffic counts collected at the study intersections and the field observations during the peak hours, no significant pedestrian or bike trips were recorded. Thus, AMG does not provide any specific pedestrian or bike infrastructure improvement recommendations for the project site. Based on the field observations, no significant line of sight issues were noted at the egress point of the project driveway. The proposed TWLT lane will provide adequate refuge for left-turning vehicles for both inbound and outbound vehicles at the project access. It recommended that the project access should be evaluated for truck turning radius for safe maneuverability. As a result, the project would be less than significant.

(b) Less Than Significant - The project would involve vehicle trips during the construction period for worker access and delivery of equipment and materials. Construction-related vehicle trips would not create the potential for conflicting with CEQA Guidelines section 15064.3 pertaining to vehicle miles traveled (VMT). Long-term use of the project also would not have the potential for conflicting with CEQA Guidelines section 15064.3 pertaining to vehicle miles traveled. The City of Atwater has not developed screening criteria to determine if it can be assumed if a project can have a less than significant impact. However, The Merced County Association of Governments has adopted regional screening criteria. The Merced County Association of Governments concluded that if a project generates less than 1000 daily trips and is consistent with the General Plan then it can be assumed the project would have a less than significant impact. The Project is projected to have approximately 624 daily trips and as a result it can be assumed the Project would have a less than significant impact.

(C-D) Less Than Significant Impact – The Project site will be accessible off of Commerce Avenue and will be installing an intersection (Commerce Avenue/Project Driveway) off Commerce to help facilitate easy access to the project site. The Project proponent will also ensure to follow the design guidelines to ensure it does not result in inadequate emergency access.

3.18 – Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place,				

cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a – i, ii) Less Than Significant Impact - In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area for the City of Atwater. Tribal representatives were advised of the Project and invited to request formal consultation with the County regarding the Project within 30 days of receiving the notification letters. Notification letters were sent to representatives of the following tribes:

- Sothern Sierra Miwuk Nation
- Amah Mutsun Tribal Band
- North Valley Yokuts Tribe

As of the preparation of this Initial Study, more than 30 days following the County’s transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the site.

3.19 – Utilities/Service Systems

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a – c) Less Than Significant Impact - The Project site is in a developed location in the City of Atwater. Although Connections will be required for the project, it would not result in a relocation or construction of utility infrastructure to provide services. And as previously stated, the project site is only using approximately 4% of the City's water capacity indicating there is sufficient water supply for the future. The City of Atwater is also capable of providing wastewater demand as indicated by the will-sever letter. As a result, the project would have a less than significant impact.

(d-e) No Impact. Project construction would generate nominal solid waste associated with construction activities that would be disposed in existing permitted disposal sites. Solid waste generated by the project would not be expected to exceed the existing capacity of local infrastructure and would not conflict with any federal, state, or local management and reduction statutes or regulations.

3.20 – Wildfire

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

plan?				
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a – d) No Impact - The project area is topographically flat. The project is located in a Local Responsibility Area (LRA). The closest State Responsibility Area (SRA) is located approximately 9 miles northeast of the project area. The project will result in retail and industrial type of operations. The project does not propose any habitable structures and would therefore have no occupants. Further analysis of the project's potential impacts on wildfire is not warranted.

3.21 – Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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?				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a) Less Than Significant Impact. The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the project, with the incorporation of mitigation measures, would have a less than significant impact on the environment. As a result, the project would not have the potential to degrade the quality of the environment substantially and, therefore will have a less than significant impact

(b) Less Than Significant Impact. Implementation of the project would not result in significant cumulative impacts and all potential impacts would be reduced to less than significant.

(c) Less Than Significant Impact. For the reasons discussed in Sections I through XX, above, the Project would not have the potential to result in environmental effects that would cause substantial adverse direct or indirect effects on human beings.

Section 4: Mitigation Measures

AES MM – 1 Any new external source of lighting generated from the project will be hooded and faced downward.

BIO MM-1 Within fourteen days of the start of project activities, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys will cover the project site plus a 500 – foot buffer to include pedestrian surveys achieving 100 percent visual coverage will be conducted.

CUL MM – 1 If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation. Implementation of the mitigation measure below would ensure that the proposed project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the project would have a less than significant impact with incorporation of mitigation measures.

CUL MM – 2 If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the Merced County Coroner.

HAZ MM-1 The project proponent will not store 12,000 gallons of diesel or 250 gallons of unleaded gasoline until a Hazardous Material Business Plan has been approved by Merced's County Department of Environmental Health.

HYD MM-1 Prior to construction, the Applicant shall submit a copy of: (1) the approved Storm Water Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts. The applicant or person responsible shall meet City of Atwater construction site requirements regarding the control of surface water, erosion, and runoff. Runoff created at the project site shall meet the following minimum requirements: Sediments generated on the project site shall be retained using adequate treatment control or structural Best Management Practices (BMPs) Construction-related materials, wastes, spill or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters or adjacent properties by wind or run-off; Non-storm water run-off from equipment and vehicle washing and any other activity shall be contained at the site; and Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as limiting grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

HYD MM-2 The Applicant shall limit grading to the minimum area necessary for construction and operation of the Project. Final grading plans shall include BMPs to limit on-site and off-site erosion.

Section 5: References

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