

Notice of Exemption

Form D

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

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

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

Project Title El Pollo Loco Site Plan Review #2023-07

Project Location - Specific Southeast corner of Mercey Springs Rd. & Pacheco Blvd.
Assessor's Parcel Number: 083-130-039

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

Description of Nature, Purpose, and Beneficiaries of Project Site Plan Review (SPR) #2023-07 for the
development of a quick serve restaurant with drive-thru totaling 12,000 square feet including associated
utility and land improvements.

Name of Public Agency Approving Project City of Los Banos

Name of Person or Agency Carrying Out Project El Pollo Loco/ Rafael Armenta Jr.

Exempt Status (check one)

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

Reasons why project is exempt CEQA provides several “categorical exemptions” which are applicable categories of
projects and activities that the Lead Agency has determined generally do not pose a risk of significant impacts on the
Environment. The project consists of a Site Plan Review entitlement to develop a quick serve restaurant with drive-thru
totaling 2,400 square feet within the Highway Commercial Zoning District of the City of Los Banos. The project is
exempt under Section 15332 of the State CEQA Guidelines (Class 32-Infill Development Projects). The project meets
The conditions for infill exemption described in Section 15332 of the State CEQA Guidelines as explained below.

(a) The project is consistent with the applicable general plan designation, applicable policies and applicable zoning
Designation and regulations. The subject site is designated as Regional Commercial in the City’s 2042 General Plan
and is zoned Highway Commercial (H-C). Thus, the project is consistent with the General Plan policies and Los Banos
Municipal Code, Title 9, Chapter 3, Zoning. Therefore the project is consistent with all applicable zoning regulations.

(b) The proposed project occurs within the City limits on a site totaling 0.70 acres which is no more than 5 acres
maximum and is located within an existing shopping center.

(c) The project site has no significance as habitat for endangered, rare or threatened species. The site is located within
an existing shopping center, previously disturbed and contains non-native, weedy grasses. The project site is surrounded
by commercial development and contains no sensitive habitat or habitat for special status species. Thus, the project site

has no value for endangered, rare, or threatened species.

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

A trip generation /queuing analysis was provided by the applicant. The proposed project is projected to generate 1,215 daily trips with 86 p.m. peak hour trips. Due to El Pollo Loco opening at 10:00 a.m. The project will not incur any a.m. peak hour trips. It was calculated that there would be an increase of 11.9% peak mid-day trips. With regard to the 1,215 daily trips and not taking into account the pass-by trips, the project would generate 608 new primary daily trips with 43 new primary p.m. peak hour trips and 73 new primary mid-day peak hour trips. Thus the result of the trip generation / queuing analysis was that the project will not have a significant impact on the existing traffic circulation.

The project is consistent with the impact reducing policies from the 2042 General Plan emphasized in the 2042 General Plan EIR. The project uses will not result in a generation of substantial noise levels and would not result in significant noise impacts. The project site is located within an existing shopping center in an area where future ambient noise levels are projected to be 55-70 decibels according to the City's 2042 General Plan EIR, which is within the "normally acceptable" noise range for commercial uses. The project (2,400 square feet) would not result in significant air emissions and is below the level of development (4,500 square feet) cited in the San Joaquin Valley Air Pollution Control District's "Small Project Analysis Level" Table 6 Recreational (2020) in accordance with the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) that could potentially result in a significant impact. The proposed project complies with City storm water requirements and includes "Low Impact Development" standards, and thus, will not result in significant water quality impacts.

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

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

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

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

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

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

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

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

Section 15300.2(a) does not apply to the Class 32 category exemptions. Nonetheless, the project site is not located in an area of sensitive or critical concern.

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts related to development accommodated by the City's General Plan were found to be less than significant in the 2042 General Plan EIR. The project will not result in significant cumulative traffic impacts with regards to the project and

potential General Plan buildout.

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

The project site is located and mapped in a non-hazardous area, as is all of the surrounding area.

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

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

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

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

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature

10/25/23

Associate Planner

Date

Title

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____