

**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** Mixed-Use Building Site Plan Review #2022-10

**Project Location - Specific** 655 J St.  
Assessor's Parcel Number: 026-053-008,021, & 022

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

**Description of Nature, Purpose, and Beneficiaries of Project** Site Plan Review (SPR) #2022-10 for the  
development of a three (3) story mixed-use structure consisting of two (2) commercial and fifteen (15)  
residential units totaling 16,200 square feet and associated utility and land improvements.

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

**Name of Person or Agency Carrying Out Project** Sunset Hills Development

**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 three (3) story mixed-use structure  
that will consist of two (2) commercial units and fifteen (15) residential units totaling to 16,200 square feet within the  
Mixed-Use 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 an infill exemption described in  
Section 15332 of the State CEQA Guidelines as explained below.

(a) The project is consistent with the applicable general plan designation, applicable policies and applicable zoning  
Designation and regulations. The subject site is designated Mixed-Use in the City’s 2042 General Plan and  
is zoned Mixed-Use (M-X). 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 0.25-acre site which is less than the 5 acre maximum  
threshold and is substantially surrounded by mixed-use development.

(c) The project site has no significance as habitat for endangered, rare or threatened species. The site is a partially  
developed and contains non-native, weedy grasses. The project site is surrounded by mixed-use development

and contains no sensitive habitat or habitat for special status species. Thus the project site has no value for endangered, rare or threatened species.

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

The project does not warrant for a traffic study in accordance to the 2042 General Plan Circulation Policy C-P2.2 which states "Require traffic impact studies for all proposed new developments that will generate significant amounts of traffic (100 or more peak hour trips)." The project will not have a significant impact on traffic circulation as the project consists of a mixed-use buildings consisting of commercial and residential uses. Historically, mixed-use developments do not generate significant amounts of traffic as they are located in mixed-use area which are mainly pedestrian oriented. Thus, the project will not have a significant impact on traffic.

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 adjacent to existing mixed-use uses in an area where future ambient noise levels are projected to be 55-65 decibels according to the City's 2042 General Plan EIR, which is within the "normally acceptable" noise range for mixed-use uses. The project consists of fifteen (15) dwelling units and approximately 3,968 square feet of commercial space which would not result in significant air emissions and is below the level of and is below the level of development (224 dwelling units) and (49,600 square feet) cited in the San Joaquin Valley Air Pollution Control District's "Small Project Analysis Level" respectively in Table 1 Residential and Table 3 Retail (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 averse change in the significance of a historical resource.

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

With regard to Section 15300.2(b) there is no evidence of a potential significant cumulative impact because successive projects of the same type in the same place have not been approved and are not currently proposed. Cumulative impacts

related to development accommodated by the City's General Plan were found to be less than significant in the 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.

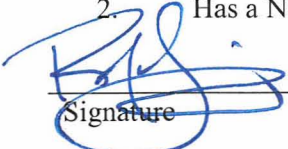
Section 15300.2(e) does not apply because the site is not a state-designated hazardous waste site. The project site is located in a mapped non-hazardous area as is all of the surrounding area.

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

Date

Associate Planner

Title

- Signed by Lead Agency
- Signed by Applicant

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