7212 Sunset Drive Apartments:

General Plan Amendment (GPA) 23-19-0200, Zone Change (RZ) 23-19-0100, Tentative Parcel Map (TPM) 23-19-0300, Variance (VAR) 23-19-0400, and Site Plan Review (SPR) 23-19-0500

INITIAL STUDY – MITIGATED NEGATIVE DECLARATION

PUBLIC REVIEW DRAFT

April 2024

Prepared for

City of Atwater
750 Bellevue Road
Atwater, CA 95301

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Tables

1 INTRODUCTION

Precision Civil Engineering, Inc. (PCE) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Atwater (City) to address the environmental effects of the proposed 7212 Sunset Drive Apartments (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code *Section 21000 et. seq*. The City of Atwater is the Lead Agency for this proposed Project. The site and the proposed Project are described in detail in SECTION 2 ENVIRONMENTAL CHECKLIST FORM.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, et seq.), also known as the CEQA Guidelines, *Section 15064 (a)(1)* states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels.

A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines *Section 15070*, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or

b. The IS identified potentially significant effects, but:

> *1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Mitigated Negative Declaration and Initial Study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and*
>
> *2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.*

1.2 Document Format

This IS/MND contains five (5) chapters plus appendices. SECTION 1 INTRODUCTION provides bases of the IS/MND's regulatory information and an overview of the Project. SECTION 2 ENVIRONMENTAL CHECKLIST FORM provides a detailed description of Project components. SECTION 3 DETERMINATION concludes that the Initial Study is a mitigated negative declaration, identifies the environmental factors potentially affected based on the analyses contained in this IS, and includes with the Lead Agency's determination based upon those analyses. SECTION 4 EVALUATION OF ENVIRONMENTAL IMPACTS presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant, or why no impacts are expected is included. SECTION 5 MITIGATION MONITORING AND REPORTING PROGRAM presents the mitigation measures recommended in the IS/MND for the Project. The CNDDB Occurrence Report,

CHRIS Search Record, NAHC SLF Results Letter, and CalEEMod Results are provided as Appendix A, Appendix B, Appendix C, and Appendix D respectively, at the end of this document.

2 ENVIRONMENTAL CHECKLIST FORM

This section describes the components of the proposed Project in more detail, including project location, project objectives, and required project approvals.

2.1 Project Title

7212 Sunset Drive Apartments (General Plan Amendment (GPA) 23-19-0200, Zone Change (RZ) 23-19-0100, Tentative Parcel Map (TPM) 23-19-0300, Variance (VAR) 23-19-0400, and Site Plan Review (SPR) 23-19-0500)

2.2 Lead Agency Name and Address

City of Atwater
750 Bellevue Road
Atwater, CA 95301

2.3 Contact Person and Phone Number

Lead Agency Contact
City of Atwater
Greg Thompson, Deputy City Manager/ Community Development Director
(209) 357-6370
gthompson@atwater.org

Applicant Information
Apex Investment Group, LLC
3319 M Street
Merced, CA 95348
(209) 201-5839
mjawad@kw.com

2.4 Study Prepared By

Precision Civil Engineering
1234 O Street
Fresno, CA 93721
(559) 449-4500

2.5 Project Location

The Project site is in the jurisdiction of the City of Atwater, Merced County, California. The site is located on the northwest corner of Sunset Drive and Everett Street at 7212 Sunset Dr, Atwater, CA 95301 (Figure 2-1), consisting of one (1) parcel that is approximately 1.13 acres. The site is identified by the Merced County Assessor as Assessor's Parcel Numbers (APNs) 056-540-004-000. Figure 2-2 shows the aerial image of the Project site. The Project site is a portion of Section 11, Township 7 South, Range 12 East, Mount Diablo Base and Meridian.

2.6 Latitude and Longitude

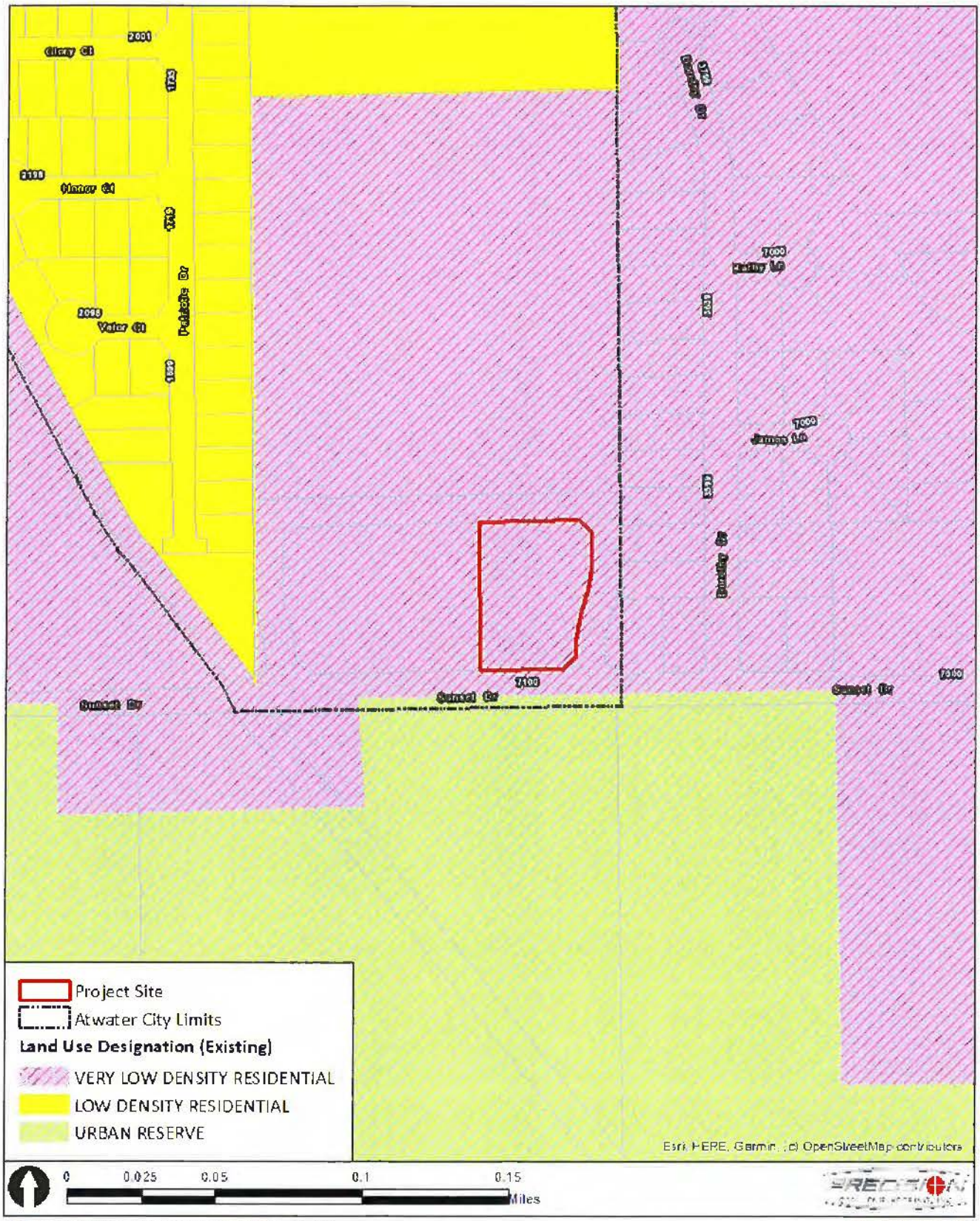
The centroid of the Project site is 37.33898549055253, -120.61733180930518.

Figure 2-1 Project Location

Figure 2-2 Project Site Aerial Image

2.7 General Plan Designation

The Project site has a City of Atwater General Plan (General Plan) land use designation of VLDR – Very Low Density Residential (Figure 2-3



CITY OF AWATER - 7212 Sunset Drive Apartments

CREATED 3/5/2024

Figure 2-3). According to the General Plan, the VLDR land use designation *"accommodates the needs of residents who desire large parcels and the feeling of open space integrated with a suburban lifestyle."* The permitted density range is 0 to 3.0 units per acre. General Plan Amendment (GPA) 23-19-0200 would change the land use designation from VLDR to HDR – High Density Residential (Figure 2-4).

2.8 Zoning

The Project site is in the R-E – Residential Estate zoning district (Figure 2-5). Zone Change (RZ) 23-19-0100 would change the zoning from R-E to R-3-1.5 – High Density Residential (Figure 2-6).

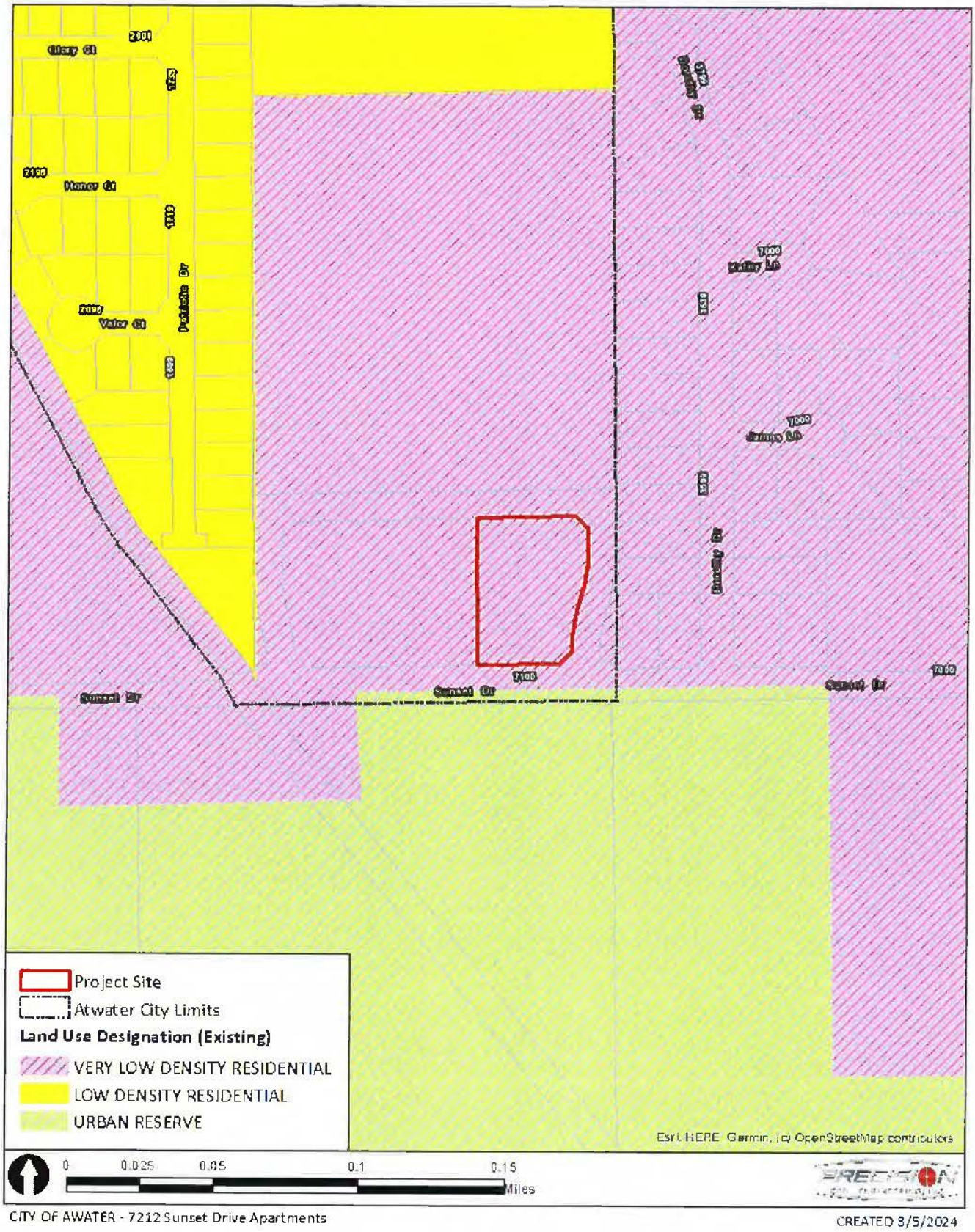
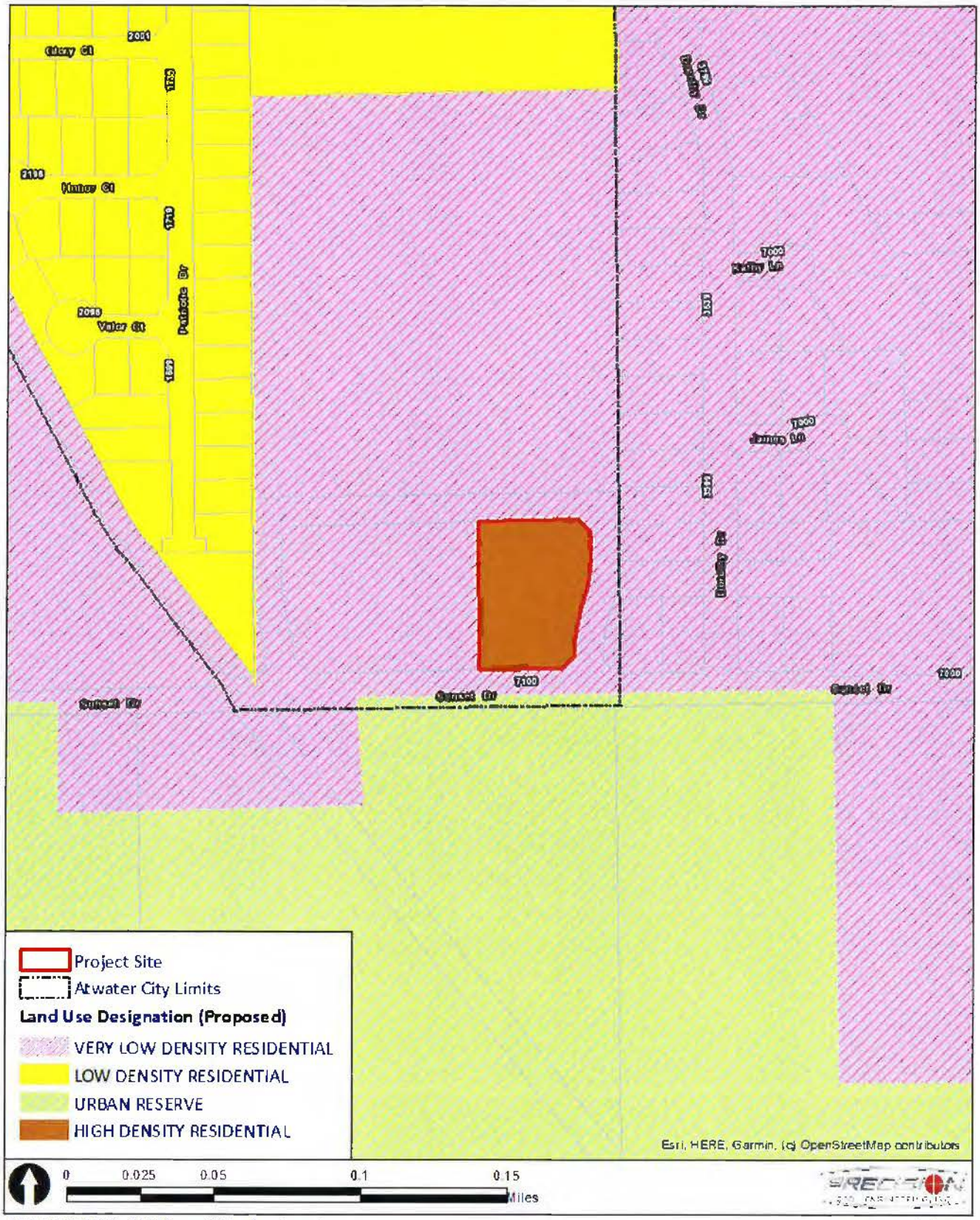


Figure 2-3 City of Atwater General Plan Land Use Designation (Existing)



CITY OF AWATER - 7212 Sunset Drive Apartments

CREATED 3/5/2024

Figure 2-4 City of Atwater General Plan Land Use Designation (Proposed)

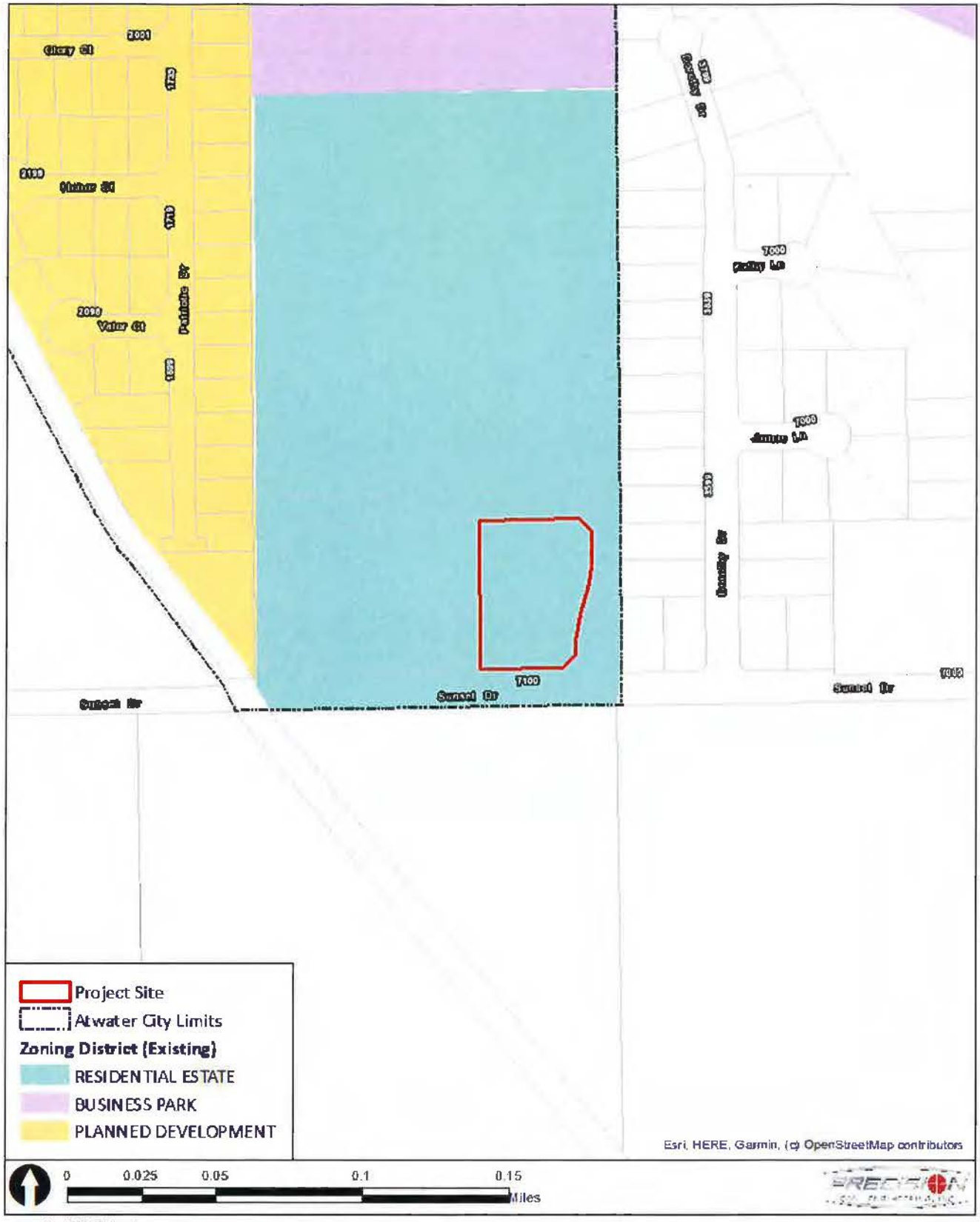


Figure 2-5 City of Atwater Zoning District (Existing)

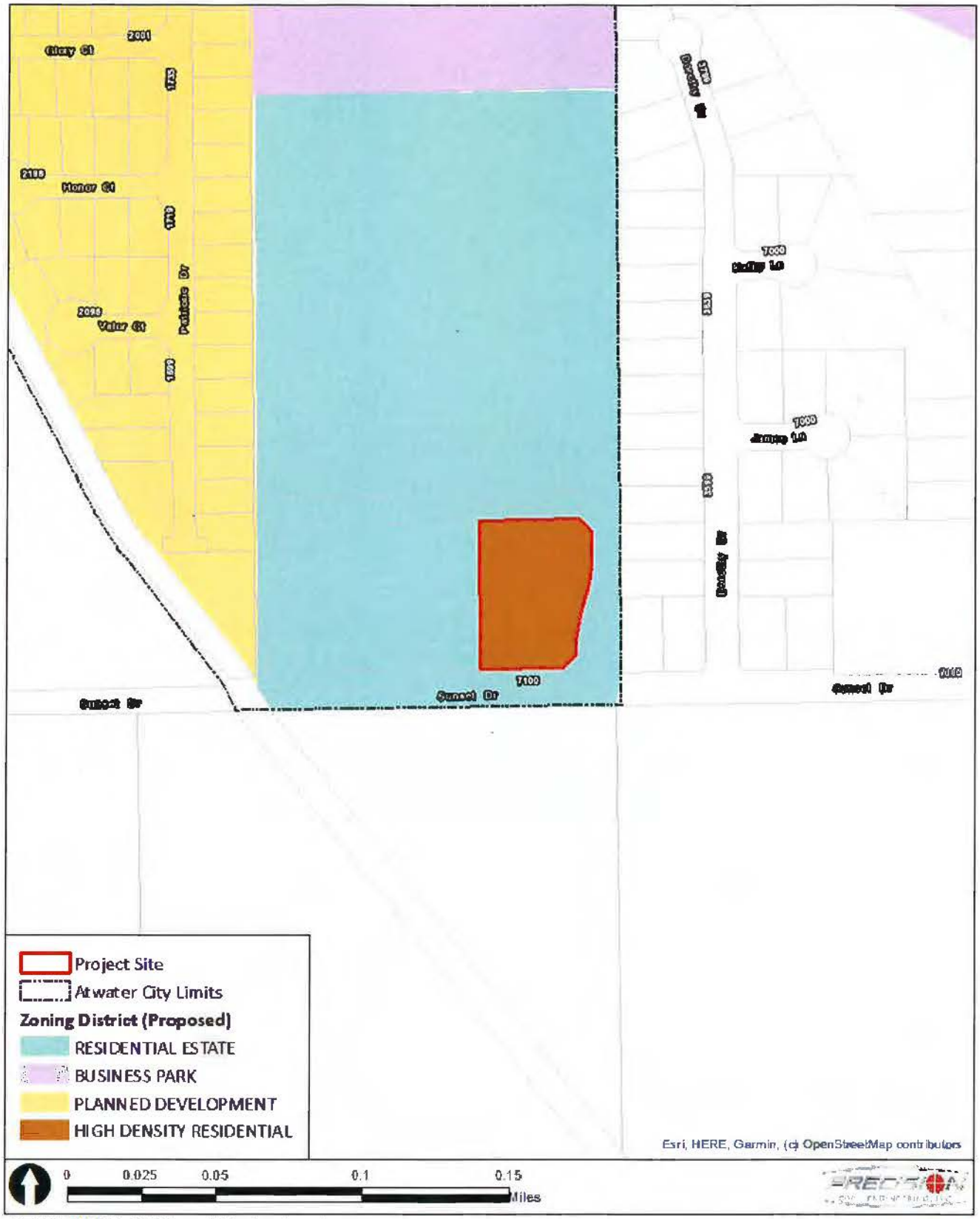


Figure 2-6 City of Atwater Zoning District (Proposed)

2.9 Description of Project

Apex Investment Group, LLC (Applicant) requests General Plan Amendment (GPA 23-19-0200), Zone Change (RZ 23-19-0200), Tentative Parcel Map (TPM 23-19-0300), Variance (VAR 23-19-0400), and Site Plan Review (SPR 23-19-0500) pertaining to a 1.13-acre parcel that is located on the northwest corner of Sunset Drive and Everett Drive at 7212 Sunset Dr, Atwater, CA 95301 (APN: 056-540-004-000).

General Plan Amendment (GPA) 23-19-0200 would change the land use designation from VLDR to HDR – High Density Residential (Figure 2-4). According to the General Plan, the HDR land use designation *"is intended to provide for multi-family units such as apartments, and/or condominiums in structures up to four stories in height."* The permitted density range is 15.1 to 35 units per acre.

Zone Change (RZ) 23-19-0100 would change the zoning from R-E to R-3-1.5 – High Density Residential (Figure 2-6). According to *Chapter 17.24* of the Atwater Municipal Code (AMC), the purpose of the R-3 zoning district is to *"provide for high residential density per acre, while protecting the value and charm of the existing residential areas, and to promote health, safety, comfort, convenience, and the general welfare."* Permitted uses include single-family dwellings, duplex, multi-family structures, supportive housing, transitional housing, and accessory uses customarily appurtenant to single-family residence (i.e., garage, parking, private swimming pools, sheds, home occupation). The proposed R-3-1.5 zoning district is consistent with the proposed HDR land use designation.

Tentative Parcel Map (TPM) 23-19-0300 would split the 1.13-acre parcel into three (3) parcels, including Parcel 1, 15,464 square feet (sf.), Parcel 2, 15,837 sf., and Parcel 3, 18,133 sf. (see Figure 2-7).

Variance (VAR) 23-19-0400 would allow a reduction of the rear yard setback from 15 feet to 10 feet.

Site Plan Review (SPR) 23-19-0500 would facilitate the development of a 2-story apartment structure on each parcel. Table 2-1 shows the structure size, landscaping, and dwelling units proposed on each parcel. Development would include paved drive aisles, 38 parking stalls, sidewalks, trash enclosures, landscaping, lighting, and underground utilities. Two (2) bioretention areas are proposed for stormwater collection as well as recreation purposes.

Table 2-1 Proposed Development

Proposed Development	Parcel 1	Parcel 2	Parcel 3
Parcel Size	15,464 sf.	15,837 sf.	18,133 sf.
Structure Size	8,140 sf.	7,260 sf.	7,260 sf.
Number of Dwelling Units	9 units	8 units	8 units
Landscaped Area	4,061 sf.	5,749 sf.	7,742 sf.
Lot Coverage	23.5%	22.9%	20.0%
Parking Stalls	12	11	15

2.10 Project Setting and Surrounding Land Uses

Project Setting

The Project site is currently vacant with no structures. The site contains existing improvements, including curb, gutter, sidewalks, overhead utilities, and streetlights, to its north, east, and south, along Sunset Drive and Matthew Street. Sunset Drive, a two-lane, east-west local road forms the southerly site boundary. Matthew Street, a two-lane loop, forms the eastern and northern site boundary. An aerial image of the Project site is shown in Figure 2-2.

The site is generally flat and does not contain any geologic formations. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. There are no trees, shrubs, or water features present on the site.

Surrounding Land Uses

The Project site is generally surrounded by institutional use (north), residential use (east and south), and vacant land (west). As referenced in Table 2-2, properties to the north, east, and west are planned and zoned for residential use, and properties to the south is zoned for agricultural use within the County and planned as urban reserve.

Table 2-2 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from the Project Site	Existing Land Use	Planned Land Use	Zone District
North	Atwater Valley Community School	Very Low Density Residential	R-E Residential Estate
South	Single-Family Residences	Urban Reserve	A-1 General Agricultural (County)
East	Single-Family Residences	Very Low Density Residential	R-1 Single Family Residential (County)
West	vacant	Very Low Density Residential	R-E Residential Estate

2.11 Site Preparation

Site preparation would include typical grading activities and minor excavation for installation of utility infrastructure for conveyance of water, sewer, stormwater, and irrigation. Demolition will be restricted to areas with newly proposed driveway approachs. Building, grading, encroachment, and site utilities permits would be subject to review and approval by the appropriate agency and/or department to ensure compliance with applicable codes and regulations.

2.12 Project Construction and Phasing

The Project would be constructed in three (3) phases. Phase 1 includes construction of the apartment building on Parcel 2 as well as two (2) ingress/egress points on Matthew Street and Everett Street. Phase 2 includes construction of the apartment building on Parcel 1. Phase 3 includes construction of the apartment building on Parcel 3 as well as the two (2) bioretention areas. Construction is expected to begin in x and conclude in x, with operations beginning in x.

2.13 Project Components

This section describes the overall components of the Project, such as the proposed buildings, landscaping, vehicle and pedestrian circulation, and utilities.

Site Layout and Elevations

As shown in Figure 2-8, the Project proposes a 25-unit multi-family residential development that consists of three (3) residential buildings, 38 parking stalls, two (2) bioretention areas, and associated improvements. The apartment buildings are 8,140 sf., 7,260 sf., and 7,260 sf., with 9 units, 8 units, and 8 units, respectively. Table 2-1 includes a breakdown of the proposed building size, landscaping, and number of parking stalls.

Site Circulation and Parking

The site would be accessible via one (1) point of ingress/egress on Matthew Street and one (1) point of ingress/egress on Everett Street. Existing 5-foot public sidewalks are located along the north, east, and west of the

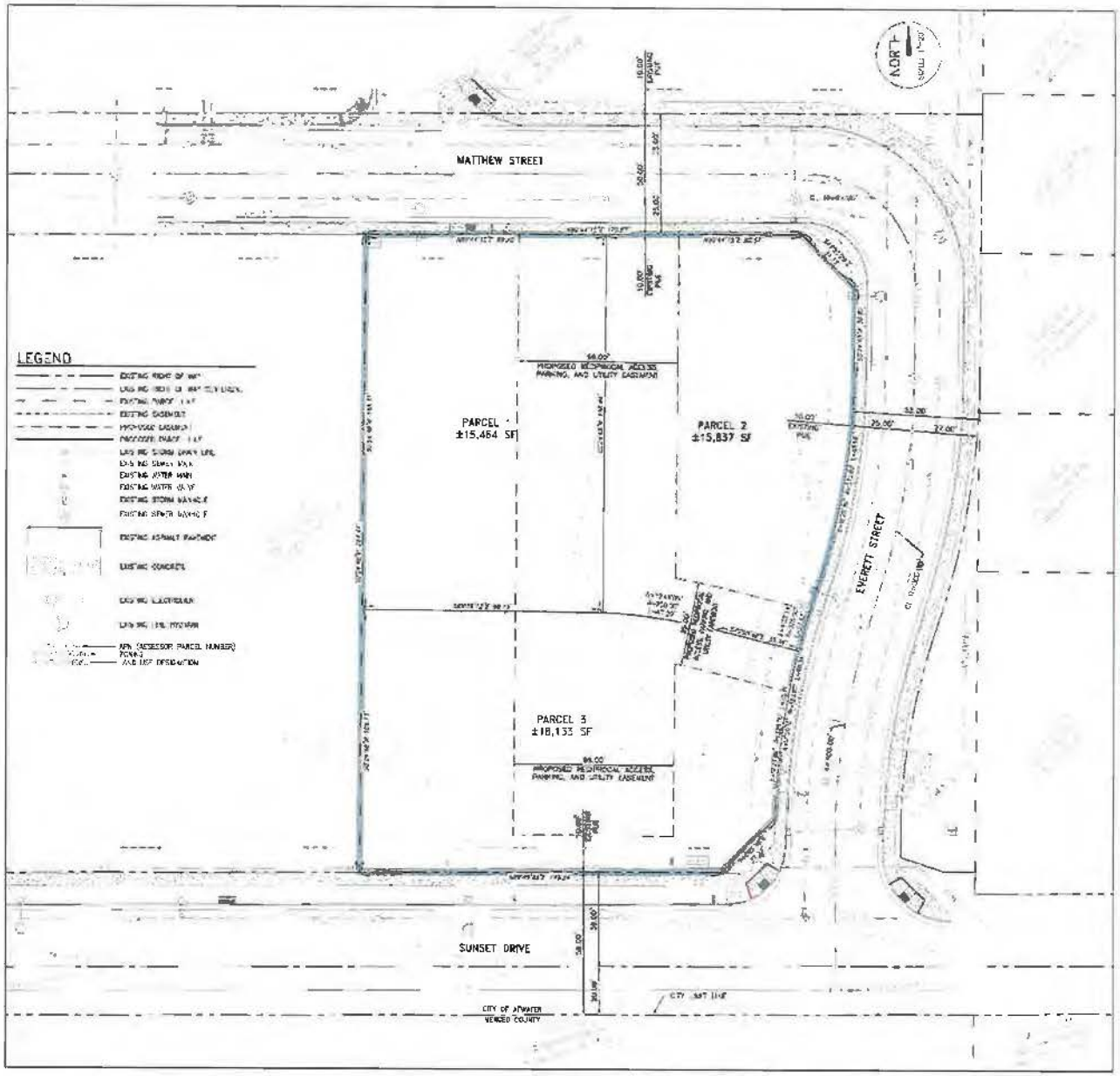
site, connecting to existing sidewalks to the adjacent property to the west. Internal circulation of the site would include a 25-foot drive aisle for automobiles and 5-foot wide concrete sidewalks for pedestrians. The Project proposes 38 parking stalls including 32 standard open parking stalls, 3 compact parking stalls, and 3 accessible parking stalls. Of the 38 parking stalls, 10% of stalls, or 4 stalls, would be required to be "EV capable" in accordance with the 2022 California Green Building Standards Code, Title 24, Part 11.

Open Space and Landscaping

Proposed open space and landscaping is depicted in Figure 2-8. The Project includes a total of 17,552 square feet of common open space throughout the site, including landscaping and areas for bioretention. 14 trees, shrubs, and ground cover are proposed throughout the interior of the site. Impervious area pre- and post-construction are estimated to be 49,425 square feet and 17,260 square feet, respectively.

Public Services and Utilities

The Project site is within city limits and thus, would be required to connect to water, wastewater, and stormwater services. Natural gas, electricity, telecommunications, and solid waste services are provided by private companies. In addition, the Project would be subject to fees for the construction, acquisition, and improvements for public services including but not limited to: Fire Protection Services, Police Protection Services, and Schools.



OWNER/DEVELOPER INFORMATION

EXISTING PROPERTY INFORMATION

PROPOSED DEVELOPMENT INFORMATION

LEGAL DESCRIPTION

VICINITY MAP

NOTES

BRISCO
BUILDING SYSTEMS
READY-MIX | TRUCKING | MATERIALS | CRUSHING
(209) 556-3275 | liftconcretepumps.com

REVISIONS
NO. DESCRIPTION DATE
1 ENGINEERING COMMENTS RECEIVED 09/18/2023 09/27/2023

PROJECT
GOLDEN STATE REALTY
MULTI-FAMILY RESIDENTIAL
APN: 056-540-004

SHEET TITLE
TENTATIVE PARCEL MAP

JOB: 21008
DRWN: ADAM REED
DATE: 10.25.2023
SHEET 1 OF 2

TPM.1

Figure 2-7 Tentative Parcel Map

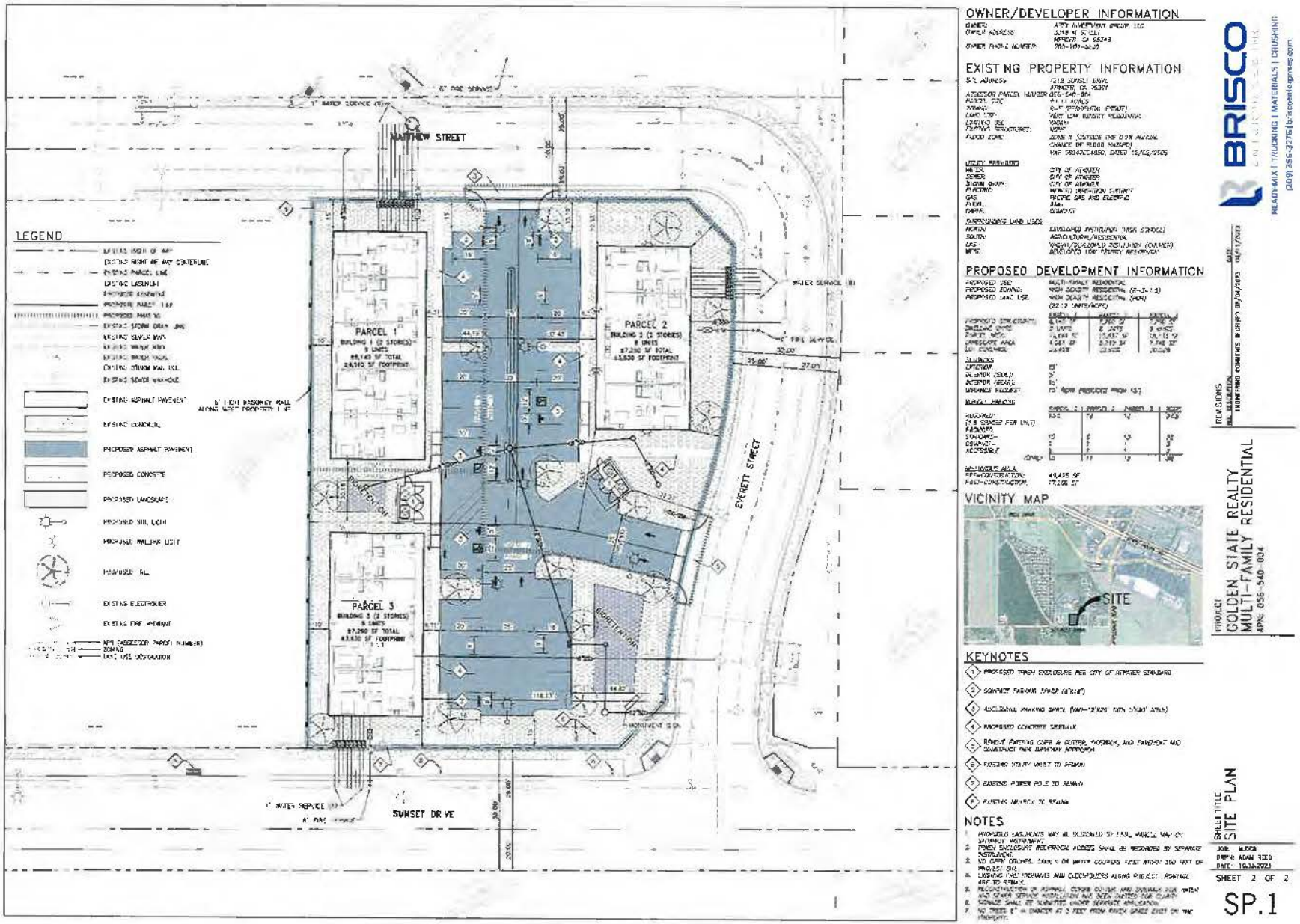


Figure 2-8 Project Site Plan

2.14 Other Public Agencies Whose Approval is Required

The Project would require approval by the City of Atwater City Council. The Project will require review, permits, and/or approvals, such as grading, building, and encroachment permits. Other approvals may be required as identified through the entitlement review and approval process.

2.15 Consultation with California Native American Tribes

The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the CEQA Guidelines. Pursuant to PRC *Section 21080.3.1*, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC *Section 21074(a)(1-2)*). According to the most recent census data, California is home to 109 currently recognized Indian tribes.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC *Section 21083.3.2*.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC *Section 21082.3(c)* contains provisions specific to confidentiality.

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on December 21, 2023. The listed tribes include Amah Mutsun Tribal Band, Dumna Wo-Wah Tribal Government, North Fork Rancheria of Mono Indians*, North Valley Yokut / Ohlone Tribe, Southern Sierra Miwuk Nation, Table Mountain Rancheria*, Tule River Indian Tribe*, and Wuksachi Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative. **Federally recognized tribe.*

The City of Atwater conducted formal tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on January 9, 2024, to the aforementioned tribes. Consultation for AB 52 ends on February 9, 2024, and consultation for SB 18 ends on April 8, 2024. No responses have been received to-date.

3 DETERMINATION

3.1 Environmental Factors Potentially Affected

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.

- ☐ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☒ Cultural Resources
- ☐ Energy
- ☐ Geology and Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology and Water Quality
- ☐ Land Use Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population and Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☒ Tribal and Cultural Resources
- ☐ Utilities and Service Systems
- ☐ Wildfire

For purposes of this Initial Study, the following answers have the corresponding meanings:

"No Impact" means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.

"Less Than Significant Impact" means there is an impact related to the threshold under consideration, but that impact is less than significant.

"Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study "mitigation incorporated into the project" means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant related to the threshold under consideration.

3.2 Determination

On the basis of this initial evaluation (to be completed by the Lead Agency):

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ 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 by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.

☐ 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 EIR is required, but it must analyze only the effects that remain to be addressed.

☐ 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.

Approved By:

4-2-24

Greg Thompson, City Manager/Community Development Director — Date
City of Atwater, Community Development Department

4 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

	Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?				X
b)	Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?				X
c)	In non-urbanized areas, substantially degrade the existing visual character or quality 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?			X	
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

4.1.1 Environmental Setting

Generally, aesthetics may include scenic vistas and scenic resources (e.g. trees, rock outcroppings, historic buildings, and highways). The City of Atwater's visual features predominately includes urbanized and agricultural land uses. The Atwater General Plan (General Plan) recognizes the city's scenic resources to be "open space areas" (i.e., agricultural lands) in addition to several transportation routes or "scenic corridors". The General Plan does not identify or designate "scenic vistas." The identified scenic corridors include Atwater Boulevard, First Street, Bellevue Road, Shaffer Road, Winton Way, Broadway from Winton Way to First Street, Buhach Road, Third Street, Part of Grove Avenue, and all entrances to the city. Although there are two (2) state-designated scenic highways in the County of Merced (SR 152 and Interstate 5), these highways are not within city limits and thus, the City does not designate them as scenic resources. Lastly, the General Plan identifies places of contemporary historical significance in the city including the Bloss Manson, Bloss Library, and Castle Air Museum.

The Project site is currently vacant with improvements along all street frontages. The site is generally flat and does not contain any geologic formations. The Project site is generally surrounded by institutional use (north), residential use (east and south), and vacant land (west).

California Scenic Highway Program

The California Scenic Highway Program was established in 1963 with the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site. [1]

4.1.2 Impact Assessment

Except as provided in PRC Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact. The Project site is vacant and surrounded by urban development. The site is not adjacent to scenic corridors identified in the General Plan. In addition, the site is not near state-designated scenic highways and does not contain any historic buildings or places of contemporary historical significance according to the General Plan. As a result, the Project would not adversely affect scenic vistas and no impact would occur because of the Project.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California State Scenic Highway Program, there are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site. As such, the proposed Project would not damage scenic resources, including trees, rock out-croppings, and historic buildings within a state scenic highway and no impact would occur as a result of the Project.

c) In non-urbonized 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?

Less than Significant Impact. The Project site is in an urbanized area surrounded by urban development, including institutional and residential uses. Development of the Project site, including three (3) 2-story apartment buildings, will not have a significantly different character from the surrounding area. Further, the proposed use is subject to compliance with applicable zoning and other regulations governing scenic quality, which will ensure the minimization of any visual impact by upholding the visual character or quality of public views of the site and its surroundings. Through the entitlement process, the Project would be subject to compliance with applicable policies and regulations that govern scenic quality including but not limited to the General Plan, AMC, and California Building

[1] Caltrans. California State Scenic Highway System Map. Accessed on December 12, 2023, https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa

Code (CBC). Compliance would ensure that development of the site would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, a less than significant impact would occur because of the Project.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Generally, lighting impacts are associated with artificial lighting in evening hours either through interior lighting from windows or exterior lighting (e.g., street lighting, parking lot lighting, landscape lighting, cars, and trucks). Development of the Project site would incrementally increase the amount of light from streetlights, exterior lighting, and vehicular headlights. Such sources could create adverse effects on day or nighttime views in the area.

As mentioned above, the Project would introduce new light sources into the area, including temporary light and glare resulting from construction activities that could adversely affect day or nighttime views. Although construction activities are anticipated to occur primarily during daylight hours, it is possible that some activities could occur during dusk or early evening hours (pursuant to Atwater Municipal Code *Section 8.44.050*, construction activities are allowed between 7:00 AM and 7:00 PM). Construction during these time periods could result in light and glare from construction vehicles or equipment. However, construction would occur primarily during daylight hours and would be temporary in nature. Once construction is completed, any light and glare from these activities would cease to occur.

Regarding operations, the Project includes lighting fixtures to provide interior lighting, lamps, outdoor lighting, etc. Lighting design would be required to comply with the AMC, which contains specific, enforceable requirements and/or restrictions intended to prevent light and glare impacts (pursuant to Atwater Municipal Code *Section 8.32.030*, the City does not allow lights, lighted signs, or other devices that direct or reflect glare onto public right-of-way or neighboring properties). The lighting design guide covers outdoor spaces including regulations for mounted luminaires (i.e., high efficacy, motion sensor controlled, time clocks, energy management control systems, etc.). As such, conditions imposed on the Project by the City of Atwater, in addition to Title 24 requirements, would reduce light and glare impacts to a less than significant impact.

4.1.3 Mitigation Measures

None required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farm-land), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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 51104(g))?				X
d)	Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?				X

4.2.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned and zoned for residential uses. The site is generally flat and does not contain any geologic formations. The Project site is generally surrounded by institutional use, residential use, and vacant land. The Project site is currently vacant with improvements including curb, gutter, sidewalks, overhead utilities, and streetlights, to its north, east, and south, along Sunset Drive and Matthew Street. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. There are no trees, shrubs, or water features present on the site. Lastly, the Project site does not contain any agricultural or forestry resources such as agricultural land, forest land, or timberland.

Farmland Monitoring and Mapping Program

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) that provides maps and data for analyzing land use impacts to farmland. The FMMP produces the Important Farmland Finder as a resource map that shows quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status, in addition to many other physical and chemical characteristics. The highest quality land is called "Prime Farmland" which is defined by the FMMP as *"farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.* [2] Maps are updated every two years. According to the FMMP, California Important Farmland Finder, the Project site, and all properties in its immediate vicinity are classified as "Urban and Built-Up Land." [3]

California Land Conservation Act

The California Land Conservation Act of 1965 (i.e., the Williamson Act) allows local governments to enter contracts with private landowners to restrict parcels of land agricultural or open space uses. In return, property tax assessments of the restricted parcels are lower than full market value. The minimum length of a Williamson Act contract is 10 years and automatically renews upon its anniversary date; as such, the contract length is essentially indefinite. The Project site is not subject to the Williamson Act.

4.2.2 Impact Assessment

Would the project:

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?

No Impact. According to the FMMP, the Project site is designated as "Urban and Built-Up Land." As such, the Project site is not located on lands designated as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance." Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

No Impact. The Project site is not zoned for agricultural use and is not subject to the Williamson Act. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and no impact would occur.

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 51104(g))?

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[2] California Department of Conservation. Important Farmland Categories. Accessed on December 12, 2023, https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx

[3] California Department of Conservation. (2018). California Important Farmland Finder. Accessed on December 12, 2023, https://maps.conservation.ca.gov/DLRP/CIFF/

No Impact. The Project site does is not planned or zoned for forest land or timberland. Further, the Project site would not cause the rezoning of forest land, timberland, or timberland zoned Timberland Production. As a result, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production and no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site does not contain forest land and is not planned or zoned for forest land or forest uses. Development of the Project site would therefore not result in the loss of forest land or conversion of forest land to non-forest use. As a result, no impact would occur.

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?

No impact. The Project site is planned and zoned for residential uses and does not contain agricultural or forestry uses or resources. The properties in the immediate vicinity of the Project site also do not contain agricultural or forestry uses or resources. According to the FMMP, California Important Farmland Finder, the Project site and the properties in its immediate vicinity are classified as "Urban and Built-Up Land." Therefore, future development of the Project site with residential development would be generally consistent with the existing environment of the surrounding, urbanized, and non-agricultural or forestry uses. As a result, the Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur because of the Project.

4.2.3 Mitigation Measures

None required.

4.3 AIR QUALITY

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c)	Expose sensitive receptors to substantial pollutant concentrations?			X	
d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

4.3.1 Environmental Setting

Atwater lies within the central portion of the San Joaquin Valley Air Basin that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality in eight counties including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The SJVAPCD oversees the SJVAB.

Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NOx and PM) from construction equipment and other mobile sources, and fugitive dust (PM) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Four main sources of air pollutant emissions in the SJVAB are motor vehicles, industrial plants, agricultural activities, and construction activities. All four (4) of the major pollutant sources affect ambient air quality throughout the SJVAB. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air. Air pollutants can remain in the atmosphere for long periods and can build to unhealthful levels when stagnant conditions that are common in the San Joaquin Valley occur. Pollutants are transported downwind from urban areas with many emission sources which are also recirculated back to the urban areas.

Further, the SJVAB is in non-attainment for ozone, PM_{10}, and $PM_{2.5}$, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. Air quality standards have been set to protect

public health, particularly the health of vulnerable people. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the project include but are not limited to the following:

> ***Rule 2010 – Permits Required.*** *The purpose of this rule is to require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting or falsifying any Permit to Operate.*
>
> ***Rule 2201 – New and Modified Stationary Source Review Rule.*** *The purpose of this rule is to provide for the following:*
>
> *The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and*
>
> *No net increase in emissions above specified thresholds from new and modified Stàtionary Sources of all nonattainment pollutants and their precursors.*
>
> ***Rule 4001 – New Source Performance Standards.*** *This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).*
>
> ***Rule 4002 – National Emission Standards for Hazardous Air Pollutants.*** *This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).*
>
> ***Rule 4102 – Nuisance.*** *The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.*
>
> ***Rule 4601 – Architectural Coatings.*** *The purpose of this rule is to limit VOC emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.*

Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. *The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.*

Regulation VIII – Fugitive PM10 Prohibitions. *The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.*

Rule 9510 – Indirect Source Review. *The purposes of this rule are to:*

1. Fulfill the District's emission reduction commitments in the PM10 and Ozone Attainment Plans.

2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.

3. Provide a mechanism for reducing emissians from the construction of and use of development projects through off-site measures.

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). SJVAPCD recommends a three (3)-tiered approach to air quality analysis based on project size to allow quick screening for CEQA impacts:

1. ***Small Project Analysis Level (SPAL):*** based on the District's New Source Review, the District pre-quantified emissions and determined values as thresholds of significance for criteria pollutants. Residential, commercial, retail, industrial, educational, and recreational land uses are eligible to use this for screening. The SPAL was published on November 13, 2020, by the SJVAPCD to determine potential impacts in GAMAQI.[4] SPAL is based on a CalEEMod version 2016.3.2.
2. ***Cursory Analysis Level (CAL):*** CAL is used to determine significance on projects that exceed the SPAL criteria. Analysis includes using CalEEMod to estimate emissions and air pollutants.
3. ***Full Analysis Level (FAL):*** this level of analysis is usually required for an EIR. It requires a full air quality report that describes impacts on the public.

GAMAQI also includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact on human health and welfare. The thresholds of significance are summarized, as follows:

[4] San Joaquin Valley Air Pollution Control District. (2020). "Small Project Analysis Levels (SPAL)". Accessed on December 12, 2023, https://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF

Criteria Air Pollutants

SJVAPCD adopted thresholds of significance for criteria air pollutants, as shown in Table 4-1. The thresholds of significance are based on a calendar year basis. For construction emissions, the annual emissions are evaluated on a rolling 12-month period. The following summarizes these thresholds:

Short-Term Emissions of Particulate Matter (PM_{10}): Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NOX): Construction impacts associated with the proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO_X that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM_{10}): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of PM_{10} that exceed 15 TPY.

Lang-Term Emissions of Ozone Precursors (ROG and NOX): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of ROG or NOX that exceeds 10 TPY.

Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance[5]

Pollutant	Significance Threshold	
	Construction Emissions (tons/year)	Operational Emission (tons/year)
CO	100	100
NO_X	10	10
ROG	10	10
SO_X	27	27
PM_{10}	15	15
$PM_{2.5}$	15	15

Conflict with or Obstruct Implementation of Applicable Air Quality Plan

Air Quality Plans (AQPs) are plans for reaching the attainment of air quality standards. The applicable AQP for the SJVAB is the GAMAQI. Due to the region's nonattainment status for ozone, $PM_{2.5}$, and PM_{10}, if the Project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM_{10} would exceed the SJVAPCD's significance thresholds, then the Project would be considered to be conflicting with the AQP. In addition, if the Project would result in a change in land use and corresponding increases in vehicle miles traveled, the Project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans. Vehicle Miles Traveled are analyzed in Section 4.17.

Local Mobile-Source CO Concentrations

[5] SJVAPCD. (2015). Guidance for Assessing and Mitigating Air Quality Impacts. Accessed on December 12, 2023, https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF

Local mobile source impacts associated with the proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Toxic Air Contaminants

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1).

As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two types of land use project that have the potential to cause long-term public health risk impacts. These project types are as follows:

- *Type A: Land use projects with toxic emissions that impact receptors, and*
- *Type B: Land use project that will place receptors in the vicinity of existing toxics sources.*

In this Guidance document, Type A projects examples are (project impacts receptors):

- *combustion related power plants,*
- *gasoline dispensing facilities,*
- *asphalt batch plants,*
- *warehouse distribution centers,*
- *quarry operations, and*
- *other stationary sources that emit toxic substances.*

Odor

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The SJVAPCD has identified these common types of facilities that have been known to produce odors in the SJVAB and has prepared screening levels for potential odor sources ranging from one to two miles of distance from the odor-producing facility to sensitive receptors. Odor impacts would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

Ambient Air Quality

The SJVAPCD applies the following guidance in determining whether an ambient air quality analysis should be performed: when assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the SJVAPCD recommends that an ambient air quality analysis be performed.

Small Project Analysis Level

The SPAL identifies pre-quantified emissions and determined values related to project type, size, and number of vehicle trips. According to the SPAL, projects that fit specified descriptions are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes.

Methodology

SJVACPD's Guidelines recommend using the CalEEMod software program to calculate project emissions. CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions from land use projects. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model also identifies mitigation measures to reduce criteria pollutant and GHG emissions. The Project's construction and operational emissions were estimated using the California Emissions Estimator Model (CalEEMod), version 2020.4.0.

4.3.2 Impact Assessment

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The Project would not conflict with the applicable air quality plan if the Project does not exceed the adopted quantitative thresholds for criteria pollutant emissions that are established in the GAMAQI, as demonstrated in the Thresholds of Significance above. As stated above, the SJVAPCD recommends a three (3)-tiered approach to analyze projects for significant impacts on air quality. The first tier is the Small Project Analysis Level (SPAL), which adopts a threshold of significance according to the use type, size, and number of vehicle trips of a project. As demonstrated below, the proposed Project would not have any significant effects relating to air quality pursuant to SPAL.

Based on the Project description, the most applicable land use type for the proposed Project is Low Rise Apartment. The Project proposes the development of three (3) apartment buildings totaling 25 dwelling units. The corresponding threshold for this land use compared to the Project is shown in Table 4-2. As shown, the Project is below all thresholds and therefore, the Project is assumed to result in air quality impacts that are below the identified thresholds of significance and thus, a less than significant impact would occur.

Table 4-2 SPAL Significance Thresholds

	SPAL Threshold	Proposed Project	Exceed Threshold?
Size/Unit	224 dwelling units	25 dwelling units	No
Average Daily One-way Trips for All Fleet Types (Except Heavy-Heavy Duty Trucks (HHDT)) *	800	168.5	No
Average Daily One-way for HHDT trips only (50-mile trip length)	15	0	No

** Average daily trips generated by the Project is estimated using ITE Trip Generation Manual 11th Edition. See detailed calculations in Section 4.17 TRANSPORTATION.*

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under on applicable federal or state ambient air quality standard?

Less than Significant Impact. The SJVAB is in non-attainment for ozone, PM_{10}, and $PM_{2.5}$, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. The requirements have been set to protect public health, particularly the health of vulnerable populations. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects as analyzed in criterion a) above, the Project would have a less than significant impact on air quality and are excluded from quantifying criteria pollutant emissions for CEQA purposes. Therefore, the Project would not result in significant cumulative health impacts because the emissions are not at a level that would be considered cumulatively significant. As such, the Project would have a less than significant impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The nearest sensitive receptors to the Project site are single-family residences located adjacent to Everett Street, approximately 90 feet east of the Project site, and Atwater Community School, approximately 150 feet north of the site (measured from the Project's property line to existing structures of the sensitive receptors. As stated under criterion a) above, emissions during construction or operation would not reach the significance thresholds and would not be anticipated to result in concentrations that reach or surpass ambient air quality requirements.

Further, anticipated development that would result from Project implementation would not be uses that would generate toxic emissions (i.e., Type A uses identified by the CAPCOA guidelines). Although emissions would be emitted during construction of the site (i.e., through diesel fuel and exhaust from equipment), emissions would be temporary and last only during construction activities. In addition, construction activities would be required to comply with all rules and regulations administered by the SJVAPCD including but not limited to Rule 9510 (Indirect Source Review), Regulation VIII (Fugitive PM_{10} Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Specific uses and operations that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The Project would not consist of such land uses; rather, implementation of the proposed Project would facilitate the development of three (3) apartment buildings with a total of 25 dwelling units, and thus is unlikely to produce odors that would be considered to adversely affect a substantial number of people. Therefore, a less than significant impact would occur.

4.3.3 Mitigation Measures

None required.

4.4 BIOLOGICAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?			X	
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?				X
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?				X
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?			X	
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f)	Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.				X

4.4.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned and zoned for residential use. The Project site is currently vacant with no structures. The site contains existing improvements, including curb, gutter, sidewalks, overhead utilities, and streetlights, to its north, east, and south, along Sunset Drive and Matthew Street. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. There are no trees, shrubs, or water features present on the site.

U.S. Fish and Wildlife -- Special-Status Species Database

The U.S. Fish and Wildlife Service (USFWS) operates an "Information for Planning and Consultation" (IPaC) database, which is a project planning tool for the environmental review process that provides general information on the location of special-status species that are "known" or "expected" to occur (**note:** the database does not provide occurrences; refer to the California Department of Fish and Wildlife – Natural Diversity Database below). [6] Specifically, the IPaC database identifies nine (9) special-status species that are potentially affected by activities in the Project site including: San Joaquin Kit Fox (endangered), Northwestern Pond Turtle (proposed threatened), California Tiger Salamander (threatened), Monarch Butterfly (candidate), Valley Elderberry Longhorn Beetle (threatened), conservancy fairy shrimp (endangered), vernal pool fairy shrimp (threatened), vernal pool tadpole shrimp (endangered), Colusa grass (threatened).

U.S. Fish and Wildlife – Critical Habitat Report

Once a species is listed under the federal Endangered Species Act, NOAA Fisheries is required to determine whether there are areas that meet the definition of Critical Habitat. Per NOAA Fisheries, Critical Habitat is defined as:

- *Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and*
- *Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.* [7]

The process of Critical Habitat designation is complex and involves the consideration of scientific data, public and peer review, economic, national security, and other relevant impacts.

According to the Critical Habitat for Threatened & Endangered Species Report updated November 28, 2023, the City of Atwater, inclusive of the Project site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat. [8] No critical habitats are identified in the city limits. The closest

[6] U.S. Fish and Wildlife Service. Information and Planning Consultation Online System. Accessed on December 12, 2023, https://ecos.fws.gov/ipac/

[7] National Oceanic and Atmospheric Administration (NOAA). Critical Habitat. Accessed on December 12, 2023, https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#key-regulations

[8] U.S. Fish & Wildlife. (2021). ECOS Environmental Conservation Online System - USFWS Threatened & Endangered Species Active Critical Habitat Report (updated March 23, 2023). Accessed December 12, 2023, https://ecos.fws.gov/ecp/report/table/critical-habitat.html

federally designated Critical Habitat is located approximately 5.7 miles southwest and 5.9 northeast of the Project site designated for the Colusa grass (Neostapfia colusana).

U.S. Fish & Wildlife Service – National Wetlands Inventory

The USFWS provides a National Wetlands Inventory (NWI) with detailed information on the abundance, characteristics, and distribution of U.S. wetlands. A search of the NWI shows no federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) on the Project site or within the immediate vicinity (0.5-mile radius) of the Project site. [9] The NWI does not identify any water features within the Project site. The closest water feature is the irrigation canal identified is a 25.5-acre R4SBCx riverine habitat, 0.1 miles southwest of the Project site. R4SBCx indicates Riverine System (R) with flowing water only part of the year (4) that is completely dewatered at low tide (SB) and seasonally flooded (C) and has been excavated by humans (x) (i.e., canal). Additionally, the Project site is not within or adjacent to a riparian area nor does the site contain water features.

Environmental Protection Agency – WATERS Geoviewer

The U.S. Environmental Protection Agency (EPA) WATERS GeoViewer provides a GeoPlatform based web mapping application of water features by location. According to the WATERS GeoViewer, there is a catchment within the Project site, where a catchment is defined as a local drainage area for a specific stream segment. An irrigation canal runs to the north of the Project site. There are no streams, canals, or waterbodies on the Project site. [10]

California Department of Fish and Wildlife – Natural Diversity Database

The California Department of Fish and Wildlife (CDFW) operates the California Natural Diversity Database (CNDDB), which is an inventory of the status and locations of rare plants and animals in California in addition to the reported occurrences of such species.[11] According to the CDFW CNDDB, there are 11 special-status species with a total of 24 occurrences that have been observed and reported to the CDFW in or near the Atwater Quad as designated by the United States Geological Survey (USGS). Of the 11 species, there are five (5) federally or state-listed species: tricolored blackbird, vernal pool fairy shrimp, Swainson's hawk, Colusa grass, and San Joaquin kit fox. [12] Appendix A lists the CNDDB-identified animal and plant species within the Atwater Quad, including their habitat and occurrences.

The CNDDB also provides CNDDB-known occurrences within a set geographic radius. Figure 4-1 shows the CNDDB-identified occurrences of animal and plant species within the five (5)-mile radius of the Project site. Table 4-3 lists all federally or state-listed special-status species CNDDB-known occurrences within the five (5)-mile radius of the Project site. As shown, the nearest occurrence is the San Joaquin kit fox occurrence 1.8 miles northeast of the Project site, dated 1999. Other species that are not federally or state-listed that are near the Project site include burrowing owl. The CNNDB ranks occurrences by the condition of habitat and ability of the species to persist over

[9] U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed December 12, 2023, https://www.fws.gov/wetlands/data/Mapper.html

[10] U.S. Environmental Protection Agency. WATERS GeoViewer. Accessed December 12, 2023, https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692

[11] California Department of Fish and Wildlife. California Natural Diversity Database. Accessed December 12, 2023, https://wildlife.ca.gov/Data/CNDDB

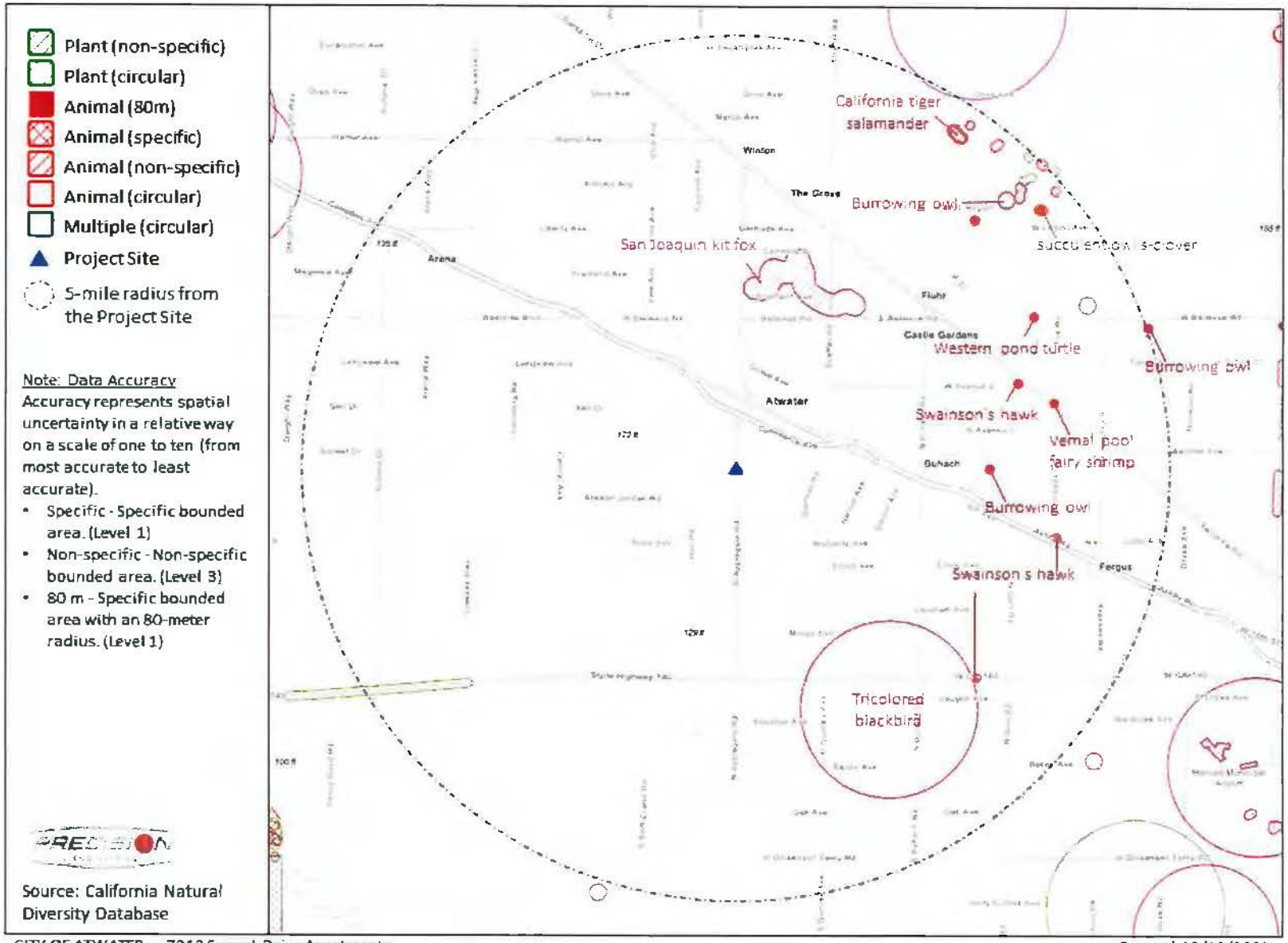
[12] California Department of Fish and Wildlife. Biogeographic Information and Observation System 6. Accessed December 12, 2023, https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx#

time. As shown, the occurrences within the five (5)-mile radius of the Project site are ranked as poor, fair, and good. Table 4-4 provides an analysis of essential habitats and the potential for the existence of the special-status species to exist on the Project site.

Table 4-3 Special-Status Species Occurrences within 5-mile radius of Project site

Species	Date	Rank	Distance to site
San Joaquin kit fox	1999/08/20	Poor	1.8 miles northeast
Swainson's hawk	2007/06/28	Good	3.4 miles northeast
Tricolored blackbird	1971/05/09	Unknown	3.4 miles southeast
Vernal pool fairy shrimp	1997/02/13	Fair	3.8 miles northeast
Western pond turtle	2006/10/13	Fair	3.8 miles northeast
Swainson's hawk	2008/05/14	Fair	3.8 miles southeast
Swainson's hawk	2008/05/14	Fair	3.9 miles southeast
California tiger salamander	2016/02/17	Fair	4.4 miles northeast
succulent owl's-clover	1997/04/19	Poor	4.5 miles northeast
succulent owl's-clover	1997/04/19	Poor	4.6 miles northeast

Only federally or state-listed threatened/endangered/candidate species are listed in the table.
Extirpated or possible extirpated occurrences are not shown in the table.



CITY OF ATWATER – 7212 Sunset Drive Apartments Created 12/12/2023

Figure 4-1 CNDDB Species Occurrences

Table 4-4 Essential Habitats and Potential Existence of Special-Status Species on Site

Special-Status Species	General Habitat	Micro Habitat	Assessment
San Joaquin kit fox	Annual grasslands or grassy open stages with scattered shrubby vegetation.	Need loose-textured sandy soils for burrowing, and suitable prey base.	The Project site consists of sand and sandy loam and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding institutional and residential development. In addition, the occurrence of the San Joaquin kit fox records movement along the irrigation canal north of the site, which is approximately 1.8 miles north of the Project site. As such, there is little potential for the existence of San Joaquin kit fox on the Project site.
Succulent owl's-clover	Vernal pools.	Moist places, often in acidic soils. 20-705 m.	The Project site does not contain water features. As such, the site does not provide suitable habitat.
California tiger salamander	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats.	Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	The Project site does not contain grassland, burrows, woodland, or waterbodies. As such, the site does not provide suitable habitat.
Vernal pool fairy shrimp	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools.	Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	The Project site does not contain grassland or waterbodies. As such, the site does not provide suitable habitat.
Swainson's hawk	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees.	Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	The Project site does not contain grassland, alfalfa, or grain fields. As such, the site does not provide suitable habitat.
Tricolored blackbird	Highly colonial species, most numerous in central valley and vicinity. Largely endemic to California.	Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The Project site does not contain any open water. As such, the site does not provide suitable habitat.
Western pond turtle	A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation.	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	The Project site does not contain any open water. As such, the site does not provide suitable habitat.

California Fish and Game Code

Sections 3503, 3503.5, and *3513* of the California Fish and Game Code specifically protect native birds and raptors. Mitigation for avoidance of impacts to nesting birds is typically necessary to comply with these Sections of the Fish and Game Code in CEQA. [13]

Section 3503: *It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.*

Section 3503.5: *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

Section 3513: *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.*

City of Atwater General Plan (2000)

The Atwater General Plan Open Space and Conservation Element identified 21 special-status species to have the potential to occur and five (5) species have been observed in or near the Atwater Planning Area. It maps the location of special-status species in the city's Planning area, and none are located within or in the immediate vicinity of the Project site. The Atwater General Plan[14] outlined policies related to the conservation of biological resources:

GOAL CO-6. *Minimize impacts of development on wildlife and wildlife habitat, particularly special status species.*

> ***Policy CO-6.1.*** *Consider opportunities for habitat preservation and enhancement in conjunction with public facility projects, particularly parks and storm drainage facilities.*
>
> ***Policy CO-6.2.*** *Encourage the preservation of corridors between natural habitat areas to allow for the movement of wildlife and to prevent the creation of "biological islands."*
>
> ***Implementation Program CO-6.a.*** *When new development or redevelopment activities are proposed in locations with the potential for special status species to occur, require the project applicant to submit a report by a qualified biologist addressing the presence or absence of any special status species on the development site. The report shall include recommendations for avoiding or minimizing impacts on any special status species or habitat found to be present.*

4.4.2 Impact Assessment

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 Wildlife or the U.S. Fish and Wildlife Service?

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[13] The California Biologist's Handbook. California Fish and Game Code. Accessed on December 12, 2023, https://biologistshandbook.com/regulations/state-regulations/state-fish-and-game-code/#:~:text=Section%203503,any%20regulation%20made%20pursuant%20thereto.%E2%80%9D

[14] City of Atwater, California. (2000). City of Atwater 2000 General Plan Open Space and Conservation Element. Accessed on December 12, 2023, https://www.atwater.org/docs/generalplan/CHAPTER_4__OPEN_SPACE_AND_C.PDF

Less than Significant Impact. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. There are no structures, trees, or shrubs on site. No water features are present.

As described in Table 4-4, the site conditions provide low suitability for habitat for special-status candidate, sensitive, or special-status species that may occur on the Project site or vicinity. However, there is one (1) recorded occurrence of San Joaquin kit fox located 1.8 miles northeast of the Project site, dated 1999. The Project site consists of sand and sandy loam and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding institutional and residential development. In addition, the occurrence of the San Joaquin kit fox records movement along the irrigation canal north of the site, which is approximately 1.8 miles north of the Project site. As such, the Project would not 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 CDFW or USFWS.

b) ***Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?***

No Impact. According to the General Plan and CDFW and USFWS databases, there are no known riparian habitats or other sensitive natural communities identified on the Project site or within the immediate vicinity of the Project. In addition, the site does not contain any water features that would provide habitat for riparian species. For these reasons, it can be determined that the Project site does not provide any riparian or sensitive natural community habitat and thus, no impact would occur because of the Project.

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?***

No Impact. Based on the search of the NWI, the Project site does not contain any federally protected wetlands. As a result, it can be determined that the Project site would not result in any impact on state or federally protected wetlands and no impact would occur because of the Project.

d) ***Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with estoblished notive resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

Less than Significant Impact. Wildlife movement corridors are linear habitats that function to connect two (2) or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wildlife from one area of suitable habitat to another, in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

According to the Figure 4-1, we can see that the occurrence of the San Joaquin kit fox near the Project site, dated 1999, moves along the irrigation canal. As such, the irrigation canal might be a movement corridor for the San Joaquin kit fox. However, that irrigation canal is approximately 1.8 miles north of the Project site. Additionally, as described in Table 4-4, the Project site does not contain habitat that could support wildlife species in nesting, foraging, or escaping from predators. This is based on the existing conditions of the site including the site's heavy disturbance and lack of cover, vegetation, water features, and surrounding urban development (i.e., institutional and residential development). Due to these conditions, it can be determined that the Project would not interfere with wildlife movement and a less than significant impact would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The Atwater General Plan Open Space and Conservation Element outlined policies related to conservation of biological resources, as listed in the Environmental Setting above. In addition, *Chapter 12.32* of the Atwater Municipal Code (AMC) identifies the city's tree policies and *Section 12.32.080* addresses new construction. Planting, maintenance, and removal of existing trees on the Project site would be subject to compliance with these standards and regulations. However, there are no trees within the Project site. As such, the Project would have a less than significant impact.

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?

No Impact. The Project site is within the planning area of the Recovery Plan for Upland Species of the San Joaquin Valley, which addresses recovery goals for several species. The Project would not conflict with the plan since the site does not provide appropriate habitat for the species mentioned and would comply to applicable General Plan policies regarding habitat conservation. The City, County, and Regional Planning Agency do not have any other adopted or approved plans for habitat or natural community conservation. For these reasons, the Project would have no impact.

4.4.3 Mitigation Measures

None required.

4.5 CULTURAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c)	Disturb any human remains, including those interred outside of formal cemeteries?		X		

4.5.1 Environmental Setting

Generally, the term 'cultural resources' describes property types such as prehistoric and historical archaeological sites, buildings, bridges, roadways, and tribal cultural resources. As defined by CEQA, cultural resources are considered "historical resources" that meet criteria in *Section 15064.5(a)* of the CEQA Guidelines. If a Lead Agency determines that a project may have a significant effect on a historical resource, then the project is determined to have a significant impact on the environment. No further environmental review is required if a cultural resource is not found to be a historical resource.

California Historical Resource Information System Record Search

The Central California Information Center (CCIC) was requested to conduct a California Historical Resources Information System (CHRIS) Record Search for the Project site and surrounding "Project Area" (0.5-mile radius from perimeter of Project site). Results of the CHRIS Record Search were provided on December 12, 2023 (Record Search File Number 12747I). Full results are provided in Appendix B.

The CHRIS Record Searches generally review file information based on results of Class III pedestrian reconnaissance surveys of project sites conducted by qualified individuals or consultant firms which are required to be submitted, along with official state forms properly completed for each identified resource, to the Regional Archaeological Information Center. Guidelines for the format and content of all types of archaeological reports have been developed by the California Office of Historic Preservation, and reports will be reviewed by the regional information centers to determine whether they meet those requirements.

The results of the CCIC CHRIS Record Search indicate:

(1) There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
(2) The project area is within the overall boundary of the proposed "Merced Irrigation District" (P-24-001909), listed in the Office of Historic Preservation Built Environment Resource Directory (BERD) for Merced County

with a National Register of Historic Places (NRHP) rating of "6Y", determined ineligible for the NRHP by consensus through the Section 106 process, not evaluated for the California Register of Historical Resources or for local listing. There do not appear to be any contributing water conveyance features to the district within the project area.

(3) The General Land Office survey plat for T7S R12E (dated 1855) does not reference any historical land divisions or features with Section 11.

Further, the CCIC provided the following comments and recommendations:

(1) Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

(2) If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

(3) Mitigate archaeological resources that could potentially be encountered during construction.

California Native American Heritage Commission (NAHC)

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on December 21, 2023. The listed tribes include Amah Mutsun Tribal Band, Dumna Wo-Wah Tribal Government, North Fork Rancheria of Mono Indians*, North Valley Yokut / Ohlone Tribe, Southern Sierra Miwuk Nation, Table Mountain Rancheria*, Tule River Indian Tribe*, and Wuksachi Indian Trib/Eshom Valley Band. **Federally recognized tribe.* The NAHC also conducted a Sacred Lands File (SFL) check which received negative results. Correspondence is provided in Appendix C.

AB 52 and SB 18 Tribal Consultation

The City of Atwater conducted formal tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on January 9, 2024, to the aforementioned tribes. Consultation for AB 52 ends on February 9, 2024, and consultation for SB 18 ends on April 8, 2024. No responses have been received to-date.

4.5.2 Impact Assessment

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less than Significant Impact. According to the CHRIS Record Search conducted on December 13, 2023, there are no local, state, or federal designated historical resources on the Project site or within the Project area. Further, the Project site has been highly disturbed as it has been used for agricultural operations. As such, the Project would not cause a change to a historical resource pursuant to *Section 15064.5* and therefore, the Project would have no impact.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant Impact with Mitigation Incorporated. Based on the CHRIS Records Search conducted on December 13, 2023, there are no known archeological resources pursuant to *Section 15064.5* on the Project site.

While there is no evidence that archeological resources exist on the Project site, there is some possibility that existing structures qualify as historical resources or hidden and buried resources may exist with no surface evidence that may be impacted by future physical development of the site. In the event of the accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate ***Mitigation Measure CULT-1*** to assure construction activities do not result in significant impacts to any potential archeological resources discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

> ***Mitigation Measure CULT-1:*** *In the event of the accidental discovery and recognition of previously unknown resources before or during grading activities, construction shall stop in the immediate vicinity and a consultation with a qualified historical resources specialist shall be held to determine whether further study is required. Recommendations by the qualified historical resources specialist shall be made to the City on the necessary implementation measures to protect the resources discovered. If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, then protection measures shall be recommended to the City by the qualified historical resources specialist. The Lead Agency shall approve the protection measures before any further grading shall occur. Historical resources recovered as a result of mitigation shall be provided to an institution approved by the City in order to provide preservation and further study as required.*

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact with Mitigation Incorporated. There is no evidence that human remains exist on the Project site. Nevertheless, there is some possibility that a non-visible buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. If any human remains are discovered during construction, then the Project would be subject to CCR *Section 15064.5(e)*, PRC *Section 5097.98*, and California Health and Safety Code *Section 7050.5*. Regulations contained in these sections address and protect human burial remains. Compliance with these regulations would ensure impacts to human remains, including those interred outside of formal cemeteries, are less than significant. The Project incorporates ***Mitigation Measure CULT-2*** to mitigate the event of accidental discovery or recognition of any human remains on the Project site during construction. As such, the Project would have a less than significant impact with mitigation incorporated.

> ***Mitigation Measure CULT-2:*** *In the event of the accidental discovery or recognition of any human remains on the Project site during construction, the following steps in accordance with Section 15064.5 of the CEQA Guidelines shall be taken prior to the continuation of, and during, construction activities, in order to mitigate potential impact:*
>
> - *There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*
> - *The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required; and,*
> - *If the coroner determines the remains to be Native American:*
> - *The coroner shall contact the Native American Heritage Commission within 24 hours.*
> - *The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.*

- *The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.*

4.5.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measures CULT-1 and CULT-2 as identified above and in the MITIGATION MONITORING AND REPORTING PROGRAM contained in SECTION 5.

4.6 ENERGY

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.6.1 Environmental Setting

Appendix F – Energy Conservation of the CEQA Guidelines requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy resources (Public Resources Code *Section 21100(b)(3)*). Per Appendix F, a project would be considered inefficient, wasteful, and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirements for additional capacity, had a negative effect on peak and base period demands for electricity and other energy forms, and effected energy resources.

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in an effort to reduce the state's energy consumption. They apply to new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.[15] The California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations, was developed in 2007 to meet the state goals for reducing Greenhouse Gas emissions pursuant to AB32. CALGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.[16] The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and programs ensures that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources. Lastly, the Energy Action Plan

[15] California Energy Commission. 2019 Building Energy Efficiency Standards. Accessed on December 12, 2023, https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency

[16] California Department of General Services. (2020). 2019 California Green Building Standards Code. Accessed on December 12, 2023, https://codes.iccsafe.org/content/CGBC2019P3

(EAP) for California was approved in 2003 by the California Public Utilities Commission (PUC). The EAP established goals and next steps to integrate and coordinate energy efficiency demand and response programs and actions.[17]

4.6.2 Impact Assessment

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?

Less than Significant Impact. The Project proposes the construction of three (3) apartment buildings totaling 25 dwelling units. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities. All construction equipment shall conform to current emissions standards and related fuel efficiencies. In addition, through compliance with applicable CARB regulations (Airborne Toxic Control Measure), California Code of Regulations (Title 13, Motor Vehicles), and Title 24 standards, it can be determined that the proposed Project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. For these reasons, the Project would result in a less than significant impact.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact. As discussed under criterion a), the construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations. Thus, applicable state and local regulations and programs would be implemented to reduce energy waste from construction and operations. Table 4-5 demonstrates that the Project does not conflict with or obstruct with the energy conservation/efficiency policies identified in the General Plan.

Table 4-5 Consistency with General Plan Energy Conservation Policies

General Plan Energy Conservation Policies	Consistency/Applicability Determination
Policy CO-7.1. Encourage the incorporation of energy conservation features into new development, such as high-density development, bikeways and pedestrian paths, proper solar orientation, and transit routes and facilities.	**Consistent.** The development of the Project proposes a General Plan Amendment and Zone Change to increase the density of residential development on the site. In addition, the Project proposes sidewalks and is near existing urban development, including Atwater Valley Community School (adjacent) and commercial/services (0.2 miles northeast of the Project site). As such, the Project incorporates energy conservation features, including high-density development and proximity to amenities.

Therefore, through compliance, the Project would not conflict with or obstruct any state or local plan for energy efficiency and a less than significant impact would occur because of the Project.

4.6.3 Mitigation Measures

[17] State of California. (2008). Energy Action Plan 2008 Update. Accessed on December 12, 2023, https://docs.cpuc.ca.gov/word_pdf/REPORT/28715.pdf

None required.

4.7 GEOLOGY AND SOILS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	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.				X
	ii. Strong seismic ground shaking?			X	
	iii. Seismic-related ground failure, including liquefaction?				X
	iv. Landslides?				X
b)	Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				X

f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

4.7.1 Environmental Setting

Atwater is located within the San Joaquin Valley which is part of the Great Valley Geomorphic Providence that is bounded to the east by the Sierra Nevada Mountain range, to the west by the Coastal Range, and to the south by the Tehachapi mountains. Atwater has infrequent and low historic seismic activity. In addition, the city has no known active earthquake faults (i.e., faults showing activity within the last 11,000 years) and is not in any Alquist-Priolo Special Studies Zones. [18] [19]

The nearest faults are approximately 20 miles to the northeast in the Sierra Nevada Range (i.e., the Bear Mountain Fault) and approximately 30 miles to the southwest in the Diablo/Coastal Range (i.e., the San Joaquin, O'Neill, and Ortigalita Faults). The Ortigalita Fault is the nearest fault within the Alquist-Priolo earthquake fault zone; the fault has not been historically active. Earthquakes from nearby faults would most likely generate ground motion of shaking, but there is no history of this causing damage in the area. Compliance with the California Building Code (CBC) would be sufficient to prevent significant damage during seismic events.

Subsurface Soils

A search of the Web Soil Survey by the USDA Natural Resources Conservation Service indicates that the following soils comprise the Project site: [20]

> ***AnA:*** Atwater sand, 0 to 3 percent slopes, well drained, and negligible runoff. The depth to water table is more than 80 inches, with no flooding or ponding. The AnA soils account for 100% of the Project site.

California Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. About one-third of the text within the California Building Standards Code has been tailored for California earthquake conditions. Construction within the City of Atwater is governed by the seismic safety standards of Chapter 16 of the Code. These standards are applicable to all new buildings and are required to provide the necessary safety from earthquake related effected emanating from fault activity.

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[18] According to the California Department of Conservation, *"An active fault, for the purposes of the Alquist-Priolo Act, is one that has ruptured in the last 11,000 years."*

[19] California Department of Conservation. "CGS Seismic Hazard Program: Alquist-Priolo Fault Hazard Zones." Accessed on December 12, 2023, https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=37.213952%2C-117.946341%2C7.19

[20] United States Department of Agriculture Natural Resources Conservation Service. "Web Soil Survey." Accessed on December 12, 2023, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

4.7.2 *Impact Assessment*

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

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.

No Impact. There are no known active earthquake faults in the City of Atwater, inclusive of the Project site, nor is the City of Atwater within an Alquist-Priolo earthquake fault zone as established by the Alquist-Priolo Fault Zoning Act. As such, development of the Project in an area void of earthquake faults would not cause rupture of a known earthquake fault. Therefore, no impact would occur as a result of the Project.

ii. Strong seismic ground shaking?

Less than Significant Impact. The Project site is in an area that is traditionally characterized by relatively low seismic activity. Additionally, development of the Project site would be required to comply with current seismic protection standards in the California Building Code (CBC), which would limit potential damage to structures and thereby reduce potential impacts including the risk of loss, injury, or death. Compliance with the CBC would ensure a less than significant impact.

iii. Seismic-related ground failure, including liquefaction?

No Impact. No liquefaction nor lateral spreading have been observed in Atwater from any historic earthquake. Liquefaction and lateral spreading potential in Atwater are considered very low as due to the nature of the underlying soils, relatively deep-water table, and history of low ground shaking potential. In addition, there are no geologic hazards or unstable soil conditions known to exist on the Project site. The site is relatively flat with stable soils and no apparent unique or significant landforms. As CEQA requires an analysis of a Project's impact on the environment rather than the environment's impacts on a Project, no impacts would occur. Therefore, because the Project does not have any aspect that could result in seismic-related ground failure, including liquefaction, the Project would have no impact.

iv. Landslides?

No Impact. Landslides are not expected to affect the Project site as the City of Atwater is not located in a zone where landslides, subsidence, or liquefaction could possibly occur. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. The Project site is relatively flat, which limits the potential for substantial soil erosion. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance

during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Development of the Project would be required to comply with AMC *Chapter 12.22 – Stormwater Management and Discharge Control Ordinance*, which requires that any person performing construction activities in the City shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State, and local laws, ordinances or regulations, including but not limited to, the current California NPDES general permit for storm water discharges associated with construction activity (construction general permit). All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement best management practices (BMPs) for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges. Implementation of the BMPs minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. In addition, the City's Public Works and Building Departments prepare a standard set of conditions for proposed development to the control of dust emissions during grading and other earth moving activities.

The likelihood of erosion would be further reduced through compliance with regulations set by the State Water Resources Control Board (SWRCB). Namely, the SWRCB requires sites larger than one (1) acre to comply with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2009-0009-DWQ). The General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. With these provisions in place, impacts on soil and topsoil by the Project would be considered less than significant.

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?***

Less than Significant Impact. Ground subsidence is the settling or sinking of surface soil deposits with little or no horizontal motion. Soils with high silt or clay content are subject to subsidence. Subsidence typically occurs in areas with groundwater withdrawal or oil or natural gas extraction. The topography of the site is relatively flat with stable, native soils and no apparent unique or significant landforms. Future development of the Project site would be required to comply with current seismic protection standards in the CBC which would significantly limit potential seismic-related hazards such as landslides, lateral spreading, subsidence, liquefaction, or collapse. Compliance with the CBC would ensure a less than significant impact.

d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantiol direct or indirect risks to life or property?***

No Impact. The Project site is relatively flat with native soils of sand and sandy loam, which is not expansive. As such, the Project would result in a less than significant impact.

e) ***Have soils incapable of odequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposol of wastewater?***

No Impact. The Project site is within Atwater's city limits and thus, would be required to connect to the city's wastewater services. Thus, no permanent septic tanks or alternative wastewater disposal systems would be installed, and no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. As discussed in the Cultural Resources section above, there are no known paleontological resources or unique geological features known to the City of Atwater on this site. In addition, the Project site is heavily disturbed as it has been previously developed. Nevertheless, there is some possibility that a non-visible, buried resource site, or feature may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. As such, the Project will incorporate ***Mitigation Measure CUL-1*** as described in Section 4.5. Therefore, if any paleontological resources or geologic features were discovered, implementation of *CUL-1* would reduce the Project's impact to less than significant.

4.7.3 Mitigation Measures

None required.

4.8 GREENHOUSE GAS EMISSIONS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

4.8.1 Environmental Setting

In assessing the significance of impacts from GHG emissions, *Section 15064.4(b)* of the CEQA Guidelines states that a lead agency may consider the following:

- *The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting;*
- *Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;*
- *The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.*

The California Air Resources Board (CARB) 2022 Climate Change Scoping Plan, guidance from the SJVAPCD, and City of Atwater General Plan are discussed below and are utilized as thresholds of significance.

2022 Climate Change Scoping Plan

The CARB 2022 Climate Change Scoping Plan is the adopted statewide plan for reduction and mitigation of GHGs to implement Assembly Bill (AB) 1279. AB 1279 was issued on August 12, 2022 to require California to achieve "net zero greenhouse gas emissions" as soon as possible and to further reduce anthropogenic GHG emissions thereafter. It sets a statewide goal to reduce emissions 85% below 1990 levels no later than 2045.

Consequently, the Scoping Plan involves several measures for cost-effective reduction of GHG emissions, including continuing existing programs such as Renewable Portfolio Standard, Advanced Clean Cars, Low Carbon Fuel Standard, etc., and achieving new mandates to decarbonize several sectors. Along with reducing emissions, environmental justice policies are included to address the ongoing air quality disparities.

Appendix D of the 2022 Scoping Plan include recommendations to build momentum for local government actions to align with State goals, including through CEQA review. The Appendix outlines the priority GHG reduction

strategies for local governments, including transportation electrification, VMT reduction, and building decarbonization. [21]

SJVAPCD CEQA Air Quality Guidelines

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance. [22,23] These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- *Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:*
- *Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then*
- *Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?*

Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). However, the 29% GHG emission reductions compared to BAU threshold is outdated since it is aimed to meet AB 32's 2020 goals, thus this threshold would not be used for analysis.

The City of Atwater does not have an adopted Climate Action Plan or GHG Reduction Plan. Because BPS have not yet been adopted and identified for specific development projects, and because the City of Atwater has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the California Air Resources Board (CARB) 2022 Climate Change Scoping Plan and guidance from the San Joaquin Valley Air Pollution Control District (SJVAPCD) will be used as the threshold of significance.

San Joaquin Valley Air Pollution Control District

SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy *District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency* in 2009. It recognized that project-specific emissions are cumulative and could be considered cumulatively considerable without mitigation. SJVAPCD suggested that the requirement to reduce GHG emissions for all projects is the best method to address this cumulative impact.

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[21] California Air Resources Board. (2022). 2022 Scoping Plan Appendix D. Accessed on December 13, 2023, https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf

[22] San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed December 13, 2023, http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf.

[23] San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed December 13, 2023, http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf

The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required. Although an EIR is not required for the Project, the GHG emissions are quantified below. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (v.2020.4.0). (See Appendix D). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO_2 equivalent units of measure (i.e., $MTCO_2e$), based on the global warming potential of the individual pollutants.

City of Atwater General Plan

At the local level, while the City of Atwater General Plan does not meet criteria of the CEQA Guidelines 15064.4(b)(3) for an appropriate GHG emissions reduction plan or program, the General Plan does have goals and policies relevant to climate change and minimizing GHG emissions and other pollutants, with an overall aim to reduce air quality impacts on the environment. These goals and policies are outlined in the Open Space and Conservation Element (CO), "Air Quality", and Safety Element (SF), "Wind Erosions and Dust Storms".

GOAL CO-3. *Strive to reduce air emissions and obtain goals set in local and regional air quality attainment plans.*

> ***Policy CO-3.1.*** *Cooperate with the San Joaquin Valley Unified Air Pollution Control District (APCD) in implementing air quality improvement plans prepared by the District.*
>
> ***Policy CO-3.2.*** *Encourage land use development projects that would result in fewer adverse air quality impacts, such as mixed use and pedestrian-oriented projects.*
>
> ***Policy CO-3.3.*** *Encourage the use of modes of transportation other than automobiles.*

GOAL SF-7. *Prevent activities that contribute to increased wind erasion.*

> ***Policy SF-7.1.*** *Require all projects that involve grading or other earth moving activities to implement dust control measures to reduce dust emissions.*

4.8.2 Impact Assessment

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The 2023 CEQA Guidelines do not establish a quantitative threshold of significance for GHG impacts, leaving lead agencies the discretion to establish such thresholds for their respective jurisdictions. Since the SJVAPCD does not have established GHG significance emissions thresholds and the City of Atwater does not have an adopted CAP for CEQA tiering purposes, the following utilizes qualitative analysis for greenhouse gas emission impacts. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (v.2020.4.0). See Appendix D for output files.

Construction Emissions

In regard to construction, the SJVAPCD does not recommend assessing pollution associated with construction, as pollution-related construction will be temporary. These construction GHG emissions are a one-time release. As such, it can be anticipated that these construction emissions would not generate a significant contribution to global climate change over the lifetime of the Project.

Operational Emissions

Regarding the long-term operational related GHG emissions, the estimated operational emissions for buildout of the Project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. The South Coast Air Quality Management District (SCAQMD) adopted the staff proposal for an interim GHG significance threshold of 10,000 MT CO_2e per year for GHG for construction and operational emissions. The BAAQMD also adopted the 10,000 MT CO_2e per year threshold. Utilizing this as the threshold, annual operational emissions below 10,000 $MTCO_2e$ would have a less than significant cumulative impact on GHGs. The annual operational GHG emissions associated with buildout of the Project is 231.2964 MT CO_2e based on the CalEEMod run. This is less than the 10,000 $MTCO_2e$ threshold of the SCAQMD and BAAQMD.

Further, the Project would not exceed the thresholds of significance for construction or operational emissions as discussed in Section 4.3. Additionally, as discussed in more detail below, the Project would be generally consistent with the applicable goals and policies related to GHG reduction measures, including CARB's 2022 Scoping Plan and SJVAPCD guidelines, and the City of Atwater General Plan goals and policies that aim to reduce air emissions and improve air quality, which reduces GHG emissions as a result. Cumulatively, these emissions would not generate a significant contribution to global climate change over the lifetime of the proposed Project. As such, it can be determined that the Project would not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions and therefore the impact would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. The compatibility of the Project with the 2022 Scoping Plan and MCAP, MCAG RTP/SCS, SJVAPCD CCAP, and applicable goals in the Atwater General Plan.

Consistency with the 2022 Climate Change Scoping Plan

Based on the evaluation shown in Table 4-6, the Project is consistent with the reduction measures identified in the 2022 Scoping Plan. The reduction measures are derived from the 2022 Scoping Plan Table 1 – Priority GHG Reduction Strategies, which provides 3 priority areas to assist jurisdictions with developing local climate action plans.

Table 4-6 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis

Priority Areas	Priority GHG Reduction Strategies	Consistency/Applicability Determination
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	**Not Applicable.** The Project proposes residential units and is thus not intended to be accessible to the public. However, the Project is subject to provide 10% of the total number of parking spaces to provide electric vehicle (EV) charging spaces.

	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project.
VMT Reduction	Reduce or eliminate minimum parking standards.	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.	**Not Applicable.** No roadways are proposed as part of the Project.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	**Consistent.** The Project proposes multi-family residential development approximately 0.4 miles from the Atwater Target bus stop (Stop ID 4305). As such, the Project increases access to public transit by increasing density of development near transit.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.	**Consistent.** The Project proposes pedestrian facilities (i.e., sidewalks) within the site and connecting to adjacent properties. In addition, as described above, the Project is near an existing bus stop. As such, it increases public access to clean mobility options.
	Implement parking pricing or transportation demand management pricing strategies.	**Not Applicable.** The Project proposes residential development; thus, parking spaces are provided at no cost for residents.
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project.
	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert "greenfield" land to urban uses (e.g., green belts, strategic conservation easements)	**Consistent.** The Project is proposed on a site surrounded by existing urban development.
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on privately owned land uses (e.g., permit streamlining, information sharing)	**Not Applicable.** This is a city-wide strategy thus is not applicable to the Project.
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on	**Consistent.** The Project will be subject to the installation of solar photovoltaic systems on

	rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)	rooftops pursuant California's 2019 Energy Code.

Consistency with the MCAG RTP/SCS

The Merced CAG's 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes a series of goals for the region that would reduce GHG emissions based on the land use consistency and the reduction of vehicle trips. Relevant goals and policies include:

Goal 12 Sustainable Communities: *Reduce per capita greenhouse gas emissions through compact growth and alternative transportation strategies. Protect and enhance the natural environment. Support vehicle electrification and the provision of electrification infrastructure in public and private parking facilities and structures.*

Policy 12.1. *Prioritize infill and growth in existing communities.*

Most goals and policies are implemented at the regional or city level. Since the proposed Project is an infill development (i.e., within city limits and generally surrounded by urban development) in an urbanized area and will be subject to local regulations, the Project would be consistent with goals and policies identified in the RTP/SCS.

Consistency with the Atwater General Plan

The Project complies with the General Plan goals and policies as listed in the Environmental Settings since it is generally compliant with the SJVAPCD air quality attainment plans.

In conclusion, the Project contains features that would reduce GHG emissions in compliance with CARB 2022 Climate Change Scoping Plan, MCAG RTP/SCS, and the General Plan. As such, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and therefore the impact would be less than significant.

4.8.3 Mitigation Measures

None required.

4.9 HAZARDS AND HAZARDOUS MATERIAL

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?			X	
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 for people residing or working in the project area?				X
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

4.9.1 Environmental Setting

For the purposes of this section, the term "hazardous materials" refers to "injurious substances," which include flammable liquids and gases, poisons, corrosives, explosives, oxidizers, radioactive materials, and medical supplies and waste. These materials are either generated or used in various commercial and industrial activities. Hazardous

wastes are injurious substances that have been or will be disposed of. Potential hazards arise from the transport of hazardous materials, including leakage and accidents involving transporting vehicles. There also are hazards associated with the use and storage of these materials and waste. Hazardous materials are grouped into the following four categories based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

"Hazardous wastes" are defined in California Health and Safety Code *Section 25141(b)* as wastes that: "...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed." Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, *Sections 66261.20-24* contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. The release of hazardous materials would be subject to existing federal, state, and local regulations and is similar to the transport, use, and disposal of hazard materials.

Regulatory Setting

The California Environmental Protection Agency (CalEPA) was established in 1991 to protect the environment. CalEPA oversees the Unified Program through Certified Unified Program Agencies (CUPAs), which consolidates six (6) environmental programs to ensure the handling of hazardous waste and materials in California. The local CUPA in Merced County, Department of Public Health, Division of Environmental Health (MCDEH), is responsible for administering the following six (6) CUPA programs:

- *Hazardous Materials Business Plan (HMBP)*
- *California Accidental Release Program (CalARP)*
- *Underground Storage Tank Program (UST)*
- *Aboveground Storage Tank Program (APSA)*
- *Hazardous Waste Generator Program*
- *Tiered Permitting Program*

The Department of Toxic Substances Control (DTSC) is another agency in California that regulates hazardous waste, conducts inspections, provide emergency response for hazardous materials-related emergencies, protect water resources from contamination, removing wastes, etc. DTSC acts under the authority of Resource Conservation and Recovery Act (RCRA) and California Health and Safety Code. The DTSC implements the California Code of Regulations (CCR) Title 22 Division 4.5 to manage hazardous waste. Government Code *Section 65962.5* requires that DTSC shall compile and update at least annually a list of:

(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC").

(2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

(3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land.

(4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

(5) All sites included in the Abandoned Site Assessment Program.

This list of hazardous waste sites in California, referred to as the Cortese List, is then distributed to each city and county. According to the CCR Title 22, soil excavated from a site containing hazardous materials is considered hazardous waste, and remediation actions should be performed accordingly. Cleanup requirements are determined case-by-case by the jurisdiction.

Record Search

The United States Environmental Protection Agency (EPA) Superfund National Priorities List (NPL) [24], California Department of Toxic Substance Control's EnviroStor database [25], and the State Water Resources Control Board's GeoTracker database [26] include hazardous release and contamination sites. A search of each database was conducted on December 13, 2023. The searches revealed no sites are present on the Project site.

4.9.2 Impact Assessment

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or dispasal of hazardous materials?

Less than Significant Impact. The Project proposes a residential development. The type of hazardous materials that would be associated with Project operations are those typical of residential uses such as cleaning supplies and HVAC equipment. Because of the proposed residential use, it is not expected that the Project would routinely transport,

[24] United States Environmental Protection Agency. Superfund National Priorities List. Accessed December 13, 2023, https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1

[25] California Department of Toxic Substances Control. Envirostor. Accessed December 13, 2023, https://www.envirostor.dtsc.ca.gov/public/

[26] California State Water Resources Control Board. GeoTracker. Accessed December 13, 2023, https://geotracker.waterboards.ca.gov/

use, or dispose of hazardous materials other than those typical of residential uses and such materials would not be of the type of quantity that would pose a significant hazard to the public.

Some appliances and electronics used or stored by residents may contain hazardous components (e.g., refrigerants, oils, etc.); however, these hazardous components are regulated by the EPA under the Toxic Substances Control Act and Clean Air Act and transport of such components are regulated by the U.S. Department of Transportation, Office of Hazardous Materials Safety as implemented in California by Title 13 of the California Code of Regulations (CCR), California Building Code, and Uniform Fire Code, as adopted by the City. Through compliance with regulations, appliances and electronics associated with the Project are not expected to create a significant hazard to the public or the environment.

While demolition and construction activities may include the temporary transport, storage, use or disposal of potentially hazardous materials (e.g., fuels, lubricating fluids, cleaners, solvents, etc.), such activities would be regulated by the Department of Toxic Substances Control through the California Hazardous Waste Control Law and Hazardous Waste Control Regulations as well as by MBARD through Rule 424 (i.e., asbestos-containing materials). Compliance would ensure that construction-related impacts would be less than significant. For these reasons, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and a less than significant impact would occur.

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?

Less than Significant Impact. As described under criterion a), it is not anticipated that the Project itself would involve any operations that would require routine transport, use, or disposal of hazardous materials and therefore is not anticipated to create a significant hazard to the public or the environment through release of hazardous materials, including any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. While potential impacts would occur through construction-related transport and disposal of hazardous materials, such impacts would be short-term and temporary, and would be reduced to less than significant levels through compliance with local, state, and federal regulations in addition to standard equipment operating practices as described under criterion a). Therefore, the Project would have a less than significant impact.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. Atwater Valley Community School is approximately 190 feet north of the Project site. As described under criteria a) and b) above, the Project is not anticipated to emit hazard emissions or handle hazardous materials, substances, or water that would pose a risk or threat to the school or surrounding area. Therefore, a less than significant impact would occur.

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?

Less than Significant Impact. According to NPL, EnviroStor, and GeoTracker, the Project site does not include a hazardous material release site. Since there are no active hazardous material release sites on the Project site pursuant to Government Code *Section 65962.5*, the Project would not create a significant hazard to the public of the environment and there would be a less than significant impact.

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 for people residing or working in the project area?

No Impact. The nearest public airport or public use airport is the Castle Air Force Base located approximately 2.8 miles northeast of the Project site. The airport was closed in 1995. Because there is not an airport within two (2) miles of the Project site, there would not be a safety hazard for people residing or working in the Project Area and no impact would occur.

f) Impoir implementotion of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not involve any new or altered infrastructure associated with evacuation, emergency response, and emergency access routes within the City of Atwater or County of Merced. Construction may require lane closure; however, these activities would be short-term and access through Sunset Drive and/or Matthew Street would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Furthermore, the Project would be subject to compliance with applicable standards for on-site emergency access including turn radii and fire access. Therefore, through the compliance, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to o significant risk of loss, injury, or death involving wildland fires?

Less than Significant Impact. The Project site is located in an urbanized area surrounded by urban uses. In addition, the site is not identified by Cal Fire to be in a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ). Future development of the site would result in the construction of structures and installation of infrastructure that would be reviewed and conditioned by the City for compliance with all applicable standards, specifications, and codes. In addition, any structure occupied by humans would be required to be constructed in adherence to the Wildland Urban Interface Codes and Standards of the CBC Chapter 7A. Compliance with such regulations would ensure that the Project meets standards to help prevent loss, injury, or death involving wildland fires. For these reasons, the Project would have a less than significant impact.

4.9.3 Mitigation Measures

None required.

4.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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: *i. Result in a substantial erosion or siltation on- or off-site;*			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site:			X	
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			X	
iv. Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

4.10.1 Environmental Setting

The Project site is within city limits and would be connected to the city's water and stormwater services. The city's water and stormwater services are described as follows.

Water

The City provides water service for residences, commercial establishments, manufacturing plans, institutional facilities, and parks within the city limits. The City operates nine (9) wells to provide water to its customers. All wells are located within the City except for Well #21, which is located at the northeast corner of the Castle Airport facility adjacent to the U.S. Federal prison. [27] In 2016, the City produced an average of eight million gallons per day (mgd). The system has a capacity to pump 15,388 gallons per minute (gpm) and two (2) million gallons of storage. As of 2016, the system serves approximately 6,800 residential connections, 520 commercial connections, six (6) industrial connections, and 45 irrigation connections. [28] The water is distributed through a grid system of pipelines ranging from four (4) to 14 inches in diameter. The system supplies the City with drinking water and provides water for fire protection through fire hydrants.

The City has an overall Supervisory Control and Data Acquisition (SCADA) system that allows for remote monitoring and control of the water system via radio control. This system enhances quick response times to problem situations and fathers real-time, accurate data. The system can accurately determine water production quantities. To protect groundwater resources and minimize the future need to import water from other sources, the City and MID are engaged in efforts to reduce water consumption. New Atwater connections are metered, and per State law, un-metered connections will be metered in the future. [29]

The city's water supply is obtained from the Merced Subbasin, which is part of the larger San Joaquin River Groundwater Basin and is regulated under the Sustainable Groundwater Management Act by the Merced Irrigation-Urban Groundwater Sustainability Agency GSA). The Merced Groundwater Subbasin Groundwater Sustainability Plan (GSP), adopted in December 2019, was developed to address the subbasin's critical overdraft and bring it into balance by 2040. The Subbasin is heavily reliant on groundwater. Of note, the City and MID are working to reduce water consumption. The City has met Assembly Bill No. 2572 requirements for water meter installation in all residences built in/after 1992; such requirements seek to reduce consumption. Implementation of the Merced Groundwater Subbasin GSP will ensure that groundwater supply is sustainability managed.

In an effort to ensure future growth on the eastern side of the City , in 2016 the City negotiated a settlement with the private Meadowbrook Water Company to relocate their "service area" from the area east of Buhach Road, north of State Highway 99 located within the City Sphere of Influence, to an area north of Santa Fe Drive and south of Cardella Road further to the northeast (the Meadowbrook Water Company was sold to Cal American Water Company in late 2016).

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[27] City of Atwater. (2018). Drinking Water Quality Report. Accessed December 13, 2023, https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf

[28] City of Atwater; EMC Planning Group, Inc. (2017). 2014-2043 5th Cycle Housing Element Update. Accessed December 13, 2023, https://www.atwater.org/city-of-atwater-2014-2023-5th-cycle-housing-element/

[29] City of Atwater. (July 2018). Drinking Water Quality Report. Accessed December 13, 2023, https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf

Atwater General Plan established goals and policies related to groundwater use that would potentially influence implementation of the GSP, as listed below. The GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein.

GOAL CO-1. *Support efforts to monitor and remediate existing groundwater contamination within the planning area.*

> ***Policy CO-1.1.*** *Encourage responsible agencies to continue monitoring and remediation of contamination of the aquifer underneath the CAADC site.*
>
> ***Policy CO-1.2.*** *Encourage the County of Merced to pursue remediation of groundwater contamination in the unincorporated portions of the Planning Area.*

GOAL CO-2. *Prevent the creation of new groundwater contamination or the spread of existing contamination.*

> ***Policy CO-2.1.*** *Work with the Regional Water Quality Control Board (RWQCB) to protect, improve, and enhance groundwater quality in the region.*
>
> ***Policy CO-2.2.*** *Educate the public on the proper handling and disposal of hazardous materials and household hazardous waste.*

According to the Atwater General Plan, most of the city of Atwater lies outside the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). The Seismic and Public Safety Element addresses flood hazards and dam inundation areas through several goals and policies, as listed below.

GOAL SF-4. *Avoid damage to persons and property resulting from flooding.*

> ***Policy SF-4.1.*** *Restrict development within the 100-year floodplain in a manner that effectively prevents damage to persons and property.*

GOAL SF-5. *Reduce potential flood impacts resulting from dam failures.*

> ***Policy SF-5.1.*** *Ensure that the City's Emergency Plan is updated to include dam failure inundation as a potential emergency and procedures for the efficient and orderly notification and evacuation of potential dam inundation areas.*
>
> ***Policy SF-5.2.*** *Request that the U.S. Army Corps of Engineers provide information relative to the potential dam inundation area associated with Castle Reservoir.*

Stormwater

The City of Atwater, County of Merced, City of Merced, and MID together form a Storm Water Management Group with the purpose to develop a plan to share costs in order to assure the continuity of program elements between agencies and fulfill the requirements set forth by the RWQCB General Permit. The City's storm drainage system generally consists of retention basins with a discharge to a natural drain or MID canal. There are 13 detention basins and 16 storm water lift stations in the city, with pumping capacities ranging from 75 gpm to 8,000 gpm. The City has an agreement with MID for storm water discharge that includes a fee for maintenance of the canal system. MID sets a maximum rate of discharge for each development. In some situations, where service is not available, the City requires private basins to be constructed on Project sites.

4.10.2 Impact Assessment

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. Because the Project site is greater than one (1) acre in size, the developer is required to prepare a SWPPP (Section 4.7) in compliance with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2012-0006-DWQ). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. These provisions minimize the potential for the Project to violate any waste discharge requirements or otherwise substantially degrade surface or ground water quality. Further, runoff resulting from the Project would be managed in compliance with the approved grading and drainage plans. Thus, compliance with existing regulations including the General Construction Permit, BMPs, and AMC in addition to approved plans would reduce potential impacts related to water quality and waste discharge to less than significant levels.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact. The City's long-term water resource planning for existing and future demand is addressed in the City's 2020 Urban Water Management Plan (UWMP). [30] This plan is intended to serve as a tool for planning and phasing the construction of future domestic water supply infrastructure for the projected buildout of the City of Atwater, in accordance with the General Plan.

According to the UWMP, the City uses groundwater wells as the sole source of supply; the City does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. The Merced Subbasin Groundwater Sustainability Plan (GSP), adopted in 2019 and revised in 2022, has a goal to achieve sustainable groundwater management on a long-term average basis by increasing recharge and/or reducing groundwater pumping, while avoiding undesirable results. [31] The implementation of the GSP is expected to improve the long-term water supply reliability for the City. Along with the adoption of the UWMP and GSP, the City adopted its Water Shortage Contingency Plan, which consists of four (4) stages to allow the City to reduce its water demand in addition to several restrictions and prohibitions on end users.

Projected water use for each sector is included in Table 4-7. Residential water uses account for approximately 57% of potable water used citywide.

Table 4-7 Projected Potable Water Demand by Sector, 2025 – 2040

Use Type	Water Use by Volume (AF)			
	2025	2030	2035	2040
Single-Family	4,582	4,907	5,254	5,626

[30] City of Atwater (2022). 2020 Urban Water Management Plan. Accessed January 4, 2024, https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf

[31] Merced SGMA. (2022). Resources. Accessed January 4, 2024, https://mercedsgma.org/resources#documents

Multi-Family	951	1,018	1,090	1,167
Commercial	2,449	2,622	2,808	3,007
Other	1,660	1,777	1,903	2,038
Total	**9,642**	**10,324**	**11,056**	**11,838**

Source: *City of Atwater, 2020 Urban Water Management Plan, 2022*

According the UWMP, the Project site is located within the City's current service area. The Project has been reviewed by the City and is required to connect to the available water facilities and install water meter box(es) for service. A Water Connection Fee, including Service Connection Fee, Water Capacity Fees, and Water Meter Fee, would be charged for the installation of new water services and meters to serve the property would be assessed based on the number of residential units proposed. Water services would be read and billed monthly on a volume-of use basis.

Potable water demands for the Project were estimated using UWMP's target/unconstrained per capita water use, which is 254 gallons per capita per day (gpcd). It should be noted that the actual water use recorded in 2020 was less than this target at 241 gpcd. The Project site has an existing General Plan land use designation of VLDR – Very Low Density Residential and proposes a GPA to the HDR – High Density Residential land use designation. Table 4-8 summarizes the total water demands to be expected. As shown, the existing land use would utilize approximately 2.6 acre-feet per year (AFY) compared to an estimated 22.0 AFY under the proposed use. Development of the Project site would account for a less than 1% increase above the City's 2020 water demand of 8,559 acre-feet (AF).[32] In addition, the minimal increase in demand would not exceed available groundwater supplies during a normal year water supply estimate of 24,195 AFY (according to pumping capacity). Therefore, the Project would be accommodated by existing groundwater supplies and impacts would be less than significant.

Table 4-8 Summary of Total Water Demands by Land Use

Land Use	# of Units	Water Demand Factor	Household Size *	Water Demand (Gallon per Day) **	Water Demand (Acre-Feet per Year)
VLDR – Very Low Density Residential	3 (maximum)	254 gpcd	3.09	2,354.58	2.6
HDR – High Density Residential	25 (proposed)	254 gpcd	3.09	19,621.50	22.0

** Source: U.S. Census Bureau. 2023. QuickFacts: Atwater city, California. Accessed on January 2, 2024, https://www.census.gov/quickfacts/fact/table/atwatercitycalifornia/PST120222*

*** Water Demand = # of Units * Household Size * Water Demand Factor.*

Furthermore, adherence to connection requirements and recommendations pursuant to the City's water conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the Project would be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 4.304 – Outdoor Water Use and verified through the building

[32] City of Fresno (2021). 2020 Urban Water Management Plan. Accessed February 24, 2023, https://www.fresno.gov/publicutilities/wp-content/uploads/sites/16/2021/06/Fresno-2020-UWMP_Public-Draft_2021-06-29.pdf

permit process. As a multi-family residential development that would contain landscaping, the Project shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the building permit process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

In addition, development of the Project site would increase impervious surfaces which could increase stormwater runoff and reduce groundwater recharge. However, the Project proposes the construction of two (2) bioretention areas to collect and retain groundwater recharge. Therefore, potential for the Project to interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin is limited and impacts would be less than significant.

Overall, the proposed Project would not generate significantly greater water demand than would otherwise occur with a higher intensity land use. As a result, it can be presumed that the existing and planned water distribution system and supplies should be adequate to serve the Project, and the Project would thereby not decrease groundwater supplies, interfere substantially with groundwater recharge, or impede sustainable groundwater management of the basin. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City's water provision. For these reasons, a less than significant impact would occur as a result of the Project.

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 surfoces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. Erosion is a natural process in which soil is moved from place to place by wind or from flowing water. The effects of erosion within the Project site can be accelerated by ground-disturbing activities associated with development. Siltation is the settling of sediment to the bed of a stream or lake which increases the turbidity of water. Turbid water can have harmful effects to aquatic life by clogging fish gills, reducing spawning habitat, and suppressing aquatic vegetation growth.

Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. Bare soils, common within agricultural land, are more susceptible to erosion than an already developed urban land, thus it is not expected that erosion could occur on-site. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Future development of the Project site would be required to comply with the Project's SWPPP, construction-related erosion controls and BMPs would be implemented to reduce potential impacts related to erosion and siltation. These BMPs would include, but are not limited to, covering and/or binding soil surfaces to prevent soil from being detached and transported by water or wind, and the use of barriers such as straw bales and sandbags to control sediment. Together, the controls and BMPs are intended to limit soil transportation and erosion. As such, the likelihood of

erosion would be further reduced through compliance with regulations including the General Construction Permit, BMPs, and approved grading and drainage plans as described under criterion a). With these provisions in place, the impact on soil and topsoil by the Project would be considered less than significant.

ii. Substontially increase the rate or amount af surface runoff in a manner, which would result in floading on- or off-site?

Less than Significant Impact. Development of the site would result in an increase in the amount of impervious surface, which could increase the volume of runoff. Impervious area pre- and post-construction are estimated to be 49,425 sf. and 17,260 sf., respectively. The Project proposes two (2) bioretention areas to manage surfer runoff to prevent flooding. As previously discussed, development of the site would require compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control and direct runoff. Compliance would ensure that construction impacts related to the alteration of the site's natural hydrology and the potential increase in runoff that would result in flooding on- or off-site would be less than significant.

iii. Create or cantribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantiol additional sources of polluted runoff?

Less than Significant Impact. Development of the site would disturb the site's vegetation and soil and temporarily alter the natural hydrology of the site. However, compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control, and direct runoff would reduce construction impacts related to alteration of the site's natural hydrology and the potential increase in runoff or polluted runoff in excess of existing or planned stormwater drainage systems. Therefore, construction would not result in the creation or contribution of additional sources of runoff or polluted runoff in exceedance of the existing or planned stormwater drainage systems and impacts would be less than significant.

Regarding operational impacts, development of the site would result in an increase in the impervious surface area which would increase runoff from the site. However, compliance with the approved grading and drainage plans would reduce the potential for the Project to cause substantial additional polluted runoff or runoff in excess of existing or planned stormwater drainage systems. A less than significant impact would occur.

iv. Impede or redirect flood flows?

Less than Significant Impact. Although the construction of the proposed Project would increase impervious surfaces, the Project would be required to maintain the site's drainage pattern through Project-specific grading and drainage plans that would be reviewed and approved by the City prior to the issuance of building permits. Through compliance, the potential for the Project to impede or redirect flood flows would be minimized or eliminated and a less than significant impact would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project site is designated as Zone X on the most recent Flood Insurance Rate Map (FIRM) No. 06047C0405G, dated December 2, 2008. [33] Zone X is a flood hazard area with a 0.2 percent annual

[33] FEMA. FEMA Flood Map Service Center: Search by Address. Accessed December 13, 2023, https://msc.fema.gov/portal/search?AddressQuery=255%20E%20Bellevue%20Rd%20Atwater%2C%20CA%2095301#searchresultsanchor

chance of flood hazard and one (1) precent annual chance flood with average depth less than one foot or with drainage areas of less than one (1) square mile. In addition, the City, inclusive of the Project site, has historically been subject to low to moderate ground shaking and has a relatively low probability of shaking. Seiches are unlikely to form due to the low seismic energy produced in the area. Therefore, as a low-risk area, the Project would have a less than significant impact as it relates to the risk release of pollutants due to project inundations.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is located within the jurisdiction of the Merced Irrigation-Urban GSA and is therefore subject to the Merced Groundwater Subbasin GSP adopted in 2019 and revised in 2022. As described under criterion (b) above, the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge. In addition, the GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein. Therefore, based on compliance with such plans, it can be determined that the Project would not conflict with or obstruct implementation of water quality control plans or sustainable groundwater management plans. For these reasons, a less than significant impact would occur because of the Project.

4.10.3 Mitigation Measures

None required.

4.11 LAND USE PLANNING

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Physically divide an established community?			X	
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?			X	

4.11.1 Environmental Setting

The Project proposes a General Plan Amendment to change the Atwater General Plan land use designation from VLDR – Very Low Density Residential to HDR – High Density Residential. A Zone Change is also proposed to change the zoning of the site from R-E – Residential Estate to R-3-1.5 – High Density Residential. A Tentative Parcel Map (TPM) is proposed to split the 1.13-acre site into three (3) parcels, and a Site Plan Review (SPR) would facilitate the development of a 2-story apartment structure on each parcel, totaling 25 dwelling units.

4.11.2 Impact Assessment

Would the project:

a) Physically divide an established community?

Less than Significant Impact. Typically, physical division of an established community would occur if a Project introduced new incompatible uses inconsistent with the planned or existing land uses or created a physical barrier that impeded access within the community. Typical examples of physical barriers include the introduction of new, intersecting roadways, roadway closures, and construction of new major utility infrastructure (e.g., transmission lines, storm channels, etc.).

Surrounding Land Uses

The Project site is generally surrounded by institutional use, residential use and vacant land. Properties to the east, and west are planned and zoned for residential uses, and properties to the south are zoned for agricultural use within the County and planned as Urban Reserve. The Project site is currently vacant with improvements along street frontages and proposes to be developed with multi-family residential use. Proposed site improvements are regulated by development standards and zoning regulations, including height, landscaping, setbacks, improvements, right-of-way dedications, open space, and parking, etc. Review of SPR 23-19-0500 ensures that the Project is consistent and therefore compatible with the existing residential use surrounding the Project site. Therefore, implementation of the Project would be generally consistent with the existing and planned land uses within the Project area.

Circulation System

Access to the site would be provided via one (1) point of ingress/egress on Matthew Street and one (1) point of ingress/egress on Everett Street. Existing 5-feet public sidewalks are located along the north, east, and west of the

site, connecting to existing sidewalks to the adjacent property to the west. Internal circulation of the site would include a 25-feet drive aisle for automobiles and 5-feet wide concrete sidewalks for pedestrians. As such, the Project would be served by the existing circulation system and related infrastructure. Therefore, implementation of the Project would not include the introduction of new, intersecting roadways.

Utility Infrastructure

The Project site would be required to connect to the City's water, wastewater, and stormwater services. Natural gas, electricity, telecommunications, and solid waste services are provided by private companies. Utility systems are described and analyzed in Section 4.10 and Section 4.15. Based on the analysis, implementation of the Project would not result in the construction of new, major utility infrastructure.

As such, the Project does not represent a significant change in the surrounding area as it would develop a vacant and undeveloped site with residential uses that are consistent and compatible with existing uses surrounding the Project site. In addition, the Project does not propose new roadways and does not include major utility infrastructure. For these reasons, the Project would not result in the physical division of an established community and would thereby have a less than significant impact.

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?

Less than Significant Impact. The Project proposes to construct a 25-unit multi-family development with the approval of the associated General Plan Amendment, Zone Change, Tentative Subdivision Map, and Site Plan Review. Approval of the General Plan Amendment and Zone Change would increase the residential density that is permitted on the Project site.

Generally, policy conflicts are environmental impacts when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this document under specific topical sections, such as Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Project includes a General Plan Amendment and Zone Change to provide increased density for residential development. A discussion of land use policies that are applicable to the Project are included in Table 4-9. As discussed below, the Project is generally consistent with the proposed General Plan residential land use designation.

Table 4-9 Discussion on Land Use Policies in the General Plan for Residential Development

General Plan Policy	Project Consistency
Policy LU-1.4 Limit Residential Development Along Highways. *The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure public safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.*	**Consistent.** The Project site does not front and is not within the vicinity of any State Highways.

4.11.3 Mitigation Measures

None required.

4.12 MINERAL RESOURCES

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?				X
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?				X

4.12.1 Environmental Setting

For the purposes of CEQA, mineral resources are land areas or deposits deemed significant by the California Department of Conservation (DOC). Mineral resources include oil, natural gas, and metallic and nonmetallic deposits, including aggregate resources. The California Geological Survey (CGS) classifies and designates areas within California that contain or potentially contain significant mineral resources. Lands are classified into Aggregate and Mineral Resource Zones (MRZs), which identify known or inferred significant mineral resources. According to the California Department of Conservation, CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the Project site is in the "MRZ-4" zone, which are "areas where available geologic information is inadequate to assign to any other mineral resource zone category". [34] In addition, the City of Atwater, inclusive of the Project site, is not within a CalGEM-recognized oilfield and there are no oil and gas wells on-site. [35]

4.12.2 Impact Assessment

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?

No Impact. The Project site is not located in an area designated for mineral resource preservation or recovery. Therefore, the Project would not 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. Therefore, no impact would occur as a result of the Project.

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?

No Impact. As described above, the Project site is not located in an area designated for mineral resource preservation or recovery and as a result, the Project would not result in the loss of availability of a known mineral

[34] California Department of Conservation. (2021). Mineral Lands Classification. Accessed on January 2, 2024, https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc

[35] California Department of Conservation. Well Finder. Accessed on January 2, 2024, https://maps.conservation.ca.gov/doggr/wellfinder/

resource that would be of value to the region and the residents of the state. Further, the site is not delineated in the General Plan, a Specific Plan, or other land use plan as a locally important mineral resource recovery site, thus it would not result in the loss of availability of a locally important mineral resource. Therefore, no impact would occur as a result of the Project.

4.12.3 Mitigation Measures

None required.

4.13 NOISE

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?			X	
b)	Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?				X

4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sounds. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Two (2) noise generating activities of the Project would include construction (short-term, temporary) and operational (long-term) noise.

Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space/recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residential subdivisions adjacent to the Project site on the east and west, in addition to the mobile home parks to the south of the site.

The Atwater General Plan Noise Element and Atwater Municipal Code *Chapter 8 – Health and Safety* outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable. [36]

Existing Ambient Noise Environment

[36] General Plan, Figure 13.1 Land Use Compatibility Guidelines for Development, 1990

The Project site's existing noise environment is impacted by various noise sources. As previously discussed, the Project site is bounded by single-family residences to the east and south, and a community school to the north. Associated noise from residential uses includes vehicles and typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.), which are usually minimized by trees and landscaping. The Project site is also bounded by vacant land to the west. The Project site is not located within the Airport Influence Area of the Castle Airport, nor is it within the Airport's CNEL noise contour. Other sources of noise include the vehicular traffic on Sunset Drive, a local road.

4.13.2 Impact Assessment

Would the project:

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 in other applicable local, state, or federal standards?

Less than Significant Impact. Noise generating activities of the Project would include traffic noise and stationery-source noise, such as operations and construction as described below. It is not anticipated that Project would generate 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 in other applicable local, state, or federal standards, given the type of development proposed (i.e., residential).

Traffic Noise Exposure

Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space-recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residences to the east and south of the Project site and the community school to the north of the Project site.

According to the General Plan Noise Element, the Project site is not within the 60 dB L_{dn} contour under existing conditions. However, the Project site is projected to be within the 60 dB L_{dn} contour for projected future conditions on major roadways within the City. The primary source of on-going noise from the future residential project will be from vehicles traveling to and from the site. The Project will generate an increase in traffic on some roadways in the Project vicinity. However, the relatively low number of new trips (i.e., 168.5 ADTs) associated with the Project is not likely to increase the ambient noise levels by a significant amount as the area is active with vehicles. As such, it is expected that the traffic noise levels will increase minimally and will not cause a significant impact.

Operational Noise Exposure

The proposed residential use is expected to generate typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.). These noises are expected to be minimal due to the relatively low number of units proposed (i.e., 25 units), and will not introduce a new significant source of noise that isn't already occurring in the area. In addition, household machinery sounds (e.g., HVAC systems, refrigerators, etc.) will be confined within the interior of the buildings. As such, it is expected that the operational noise generated by the Project will be minimal and most likely not cause significant impact to existing uses.

Construction Noise Exposure

Construction Noise Exposure

Construction noise will result from construction activities through the use of construction equipment for grading the site and building the proposed structures. Construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise.

Construction noise was estimated using the FHWA Roadway Construction Noise Model (RCNM) Version 1.0. For the purpose of this noise assessment, general construction equipment, including air compressors, mixers, cranes, forklifts, generator sets, graders, pavers, paving equipment, rollers, dozers, tractors, and welders, are included in the construction noise modeling. According to existing and anticipated land use within and around the Project site, the baseline and receptors that are analyzed in the RCNM are shown in Table 4-10.

Table 4-10 Receptors and Baseline Analyzed in the RCNM

Location	Land Use	Total dB L_{eq} *
165 feet to the north	School	76.7
100 feet to the east	Residential	81.0

** This number estimates noise when all equipment is used at the same time.*

Short-term construction noises include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. According to modeling of the FHWA RCNM Version 1.0, construction noise generated from the offroad equipment is estimated to be 76.7 and 81.0 dB L_{eq} if all equipment was used at the same time. Ambient noise from construction activities would cease upon completion of construction. Since the City of Atwater does not have a threshold for construction noise, the construction noise assessment is done for informational purposes.

Although the nearby residential uses would experience elevated noise levels from construction, these activities would be temporary and would generally take place in accordance with AMC *Section 8.44.050* which regulates permissible hours of construction between the hours of 7:00 am and 7:00 pm, Monday through Friday, and 9:00 am and 5:00 pm, Saturdays and Sundays.

Overall, Project construction is not expected to result in a significant impact because the noise would be regulated by the AMC. Noise would thereby be generated during daylight hours and not during evening or more noise-sensitive time periods; and the increase in noise would cease upon completion of the Project. For these reasons, a less than significant impact would occur.

Although the Project would result in increased ambient noise level at the Project site, compliance with the General Plan policies and AMC requirements would result in the Project's compliance with applicable standards. Overall, the Project would result in a less than significant impact in regard to noise.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Ground borne vibration may result from operations and/or construction, depending on the use of equipment (e.g., pile drivers, bulldozers, jackhammers, etc.), distance to affected structures, and soil type. Depending on the method, equipment-generated vibrations could spread through the ground and affect nearby buildings. It is not anticipated that the Project would generate excessive ground borne vibration or ground borne noise levels, given the type of development. Further, construction or operation of the Project would not involve equipment that would generate substantial groundborne vibration of ground borne noise levels. As

discussed under criterion project-generated stationary noise sources would be regulated by the AMC. Through compliance with the AMC, the Project would result in a less than significant impact.

c) *For a project located within an airport lond 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 expase people residing or working in the project orea to excessive noise levels?*

No Impact. The nearest public airport to the Project site is the Merced County Castle Airport which is 3.4 miles northeast of the site. According to the Merced County Airport Land Use Compatibility Plan (2012) and the Castle Airport Master Plan (2011), the Project site is located outside of the airport's Airport Influence Area and is therefore not subject to land use compatibility policies. [37] [38] Therefore, the Project would have no impact.

4.13.3 Mitigation Measures

None required.

[37] County of Merced. (2021). Merced County Airport Land Use Compatibility Plan. Accessed on January 2, 2024, https://www.co.merced.ca.us/406/Airport-Land-Use-Commission

[38] County of Merced. (2011). Castle Airport Master Plan. Accessed on January 2, 2024, http://web2.co.merced.ca.us/pdfs/env_docs/castle/CAED/Castle_AMP_full.pdf

4.14 POPULATION AND HOUSING

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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)?			X	
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

4.14.1 Environmental Setting

CEQA Guidelines *Section 15126.2(d)* requires that a CEQA document discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines provide an example of a major expansion of a wastewater treatment plant that may allow for more construction within the service area. The CEQA Guidelines also note that the evaluation of growth inducement should consider the characteristics of a project that may encourage or facilitate other activities that could significantly affect the environment. Direct and Indirect Growth Inducement consists of activities that directly facilitate population growth, such as construction of new dwelling units. A key consideration in evaluating growth inducement is whether the activity in question constitutes "planned growth."

City of Atwater General Plan

The City of Atwater General Plan estimates the capacity of existing residential uses to hold a total of 64,172 people at full buildout of the city's Planning Area.

U.S. Census Bureau

According to the U.S. Census Bureau, the population of Atwater is 32,372 with an average household size of 3.09 in 2022. [39]

4.14.2 Impact Assessment

Would the project:

[39] U.S. Census Bureau. 2023. QuickFacts: Atwater city, California. Accessed on January 2, 2024, https://www.census.gov/quickfacts/fact/table/atwatercitycalifornia/PST120222

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)?

Less than Significant Impact. The Project includes a General Plan Amendment and Rezone that requests a land use change from VLDR – Very Low Density Residential to HDR – High Density Residential and a rezone from R-E – Residential Estate to R-3-1.5 – High Density Residential, consistent with the proposed land use designation.

The Project proposes the development of a 25-unit multi-family residential development. Based on an average household size of 3.09, 25 units could generate approximately 77 new residents thereby increasing the city's population from 32,372 to 32,449.

Overall, the population and housing units generated by the proposed Project would be within the Atwater General Plan projections for Atwater. Therefore, the Project would not induce substantial unplanned population growth and a less than significant impact would occur.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project site is currently vacant with no structures. The site does not contain any existing housing or residential uses. Since the site does not currently provide housing, future development of the Project site would not result in the physical displacement of people or housing. No impact would occur because of the Project.

4.14.3 Mitigation Measures

None required.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?			X	
iv. Parks?			X	
v. Other public facilities?			X	

4.15.1 Environmental Setting

The Project is located within Atwater city limits and thus, would receive public services provided by the City of Atwater and will be subject to fees to provide such services, as applicable. Services provided are described as follows.

Fire Protection Services

Fire protection services in the city are provided by Cal Fire; the City also has a mutual aid agreement with the City of Merced that was established in 1993. The City of Atwater operates two (2) fire stations: Station 41 at 699 Broadway Avenue and Station 42 at 2006 Avenue Two. In 2017, the City updated the Municipal Service Review and cited a response time of less than seven (7) minutes for 90 percent of responses. The Project would be reviewed by Cal Fire and is subject to regulations and standards such as the California Uniform Fire Code (UFC), which includes regulations on construction, maintenance, and building use.

Police Protection Services

Police protection services within the city are provided by the Atwater Police Department. The Police Department currently operates from the main police station located at Bellevue Road. The Police Department divides the city into two (2) sectors, north and south. The Police Department reviews all projects to ensure that building and site designs consider utilization of crime prevention features and techniques.

Schools

Educational services within the Project area are primarily served by Atwater Elementary School District and the Merced Union High School District. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code *Section 65995 et. Seq.*, which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed "full and complete mitigation."

Parks and Recreation

Park and Recreational facilities are overseen by the Atwater Recreation Department. According to the Atwater General Plan, the City's park standard is a minimum of 3.0 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

4.15.2 Impact Assessment

Would the project:

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:***

i. Fire protection?

Less than Significant Impact. The Project will be served by Cal Fire. Atwater Fire Station 41 is approximately 0.9 miles northeast of the Project site. The Project's proximity to the existing fire station would support adequate service ratios, response times, and other performance objectives for fire protection services. In addition, Cal Fire will review the Project for requirements related to water supply, fire hydrants, and fire apparatus access to the structures proposed on site. For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

ii. Police protection?

Less than Significant Impact. The Project will be served by the Atwater Police Department. The Project site is approximately 1.7 miles southwest of the city's Police Department. The Project is subject to the Police Facilities Fee for construction and acquisition costs for improvements to police protection services and facilities. For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

iii. Schools?

Less than Significant Impact. Since the Project proposes the development of 25 residential units, the Project is subject to school fees. The development and management of school sites are the responsibility of school districts and elected governing school boards. Funding for schools and school facilities impacts is outlined in Education Code *Section 17620* and Government Code *Section 65995 et. Seq.*, which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed "full and complete mitigation." In addition, the site is planned and zoned for

residential development and has been previously accounted for in siting school facilities. Therefore, a less than significant impact would occur.

iv. Parks?

Less than Significant Impact. Park and recreational facilities are typically impacted by an increase in use from residential development. The Project proposes residential development that would introduce residents to the area and therefore increase the demand for and use of existing neighborhood and regional parks or other recreational facilities. The nearest parks to the Project site include Bloss Park (0.8 miles northeast), Atwater Memorial Ballpark (0.9 miles northeast), Ralston Park (0.9 miles northeast), and Heller Park (0.9 miles north). As a multi-family residential development, the Project would be subject to providing on-site open space pursuant to AMC *Section 17.24* in addition to the Park and Recreation Facilities Tax and in-lieu fee requirements to mitigate any potential impacts to municipally owned parks. The Project includes approximately 17,552 sf. of landscaped area throughout the site including two (2) bioretention areas. Compliance with these requirements would reduce any impacts resulting from increased residential demand for park and recreational facilities so as to not cause substantial physical deterioration of the facilities. For these reasons, the Project would have a less than significant impact.

v. Other public facilities?

Less than Significant Impact. The Project introduces residences to the area, thus increasing the demand for other public services, such as courts, libraries, hospitals, etc., which could result in development or expansion of public facilities. Typical environmental impacts associated with the development of these facilities include air quality, greenhouse gas emissions, noise, traffic, etc. The expansion of these facilities would be subject to CEQA as they are proposed. In addition, future development would be subject to the payment of the Development Impact Fee in order to mitigate any potential impacts to these public facilities. As a result, the Project would have a less than significant impact.

4.15.3 Mitigation Measures

None required.

4.16 RECREATION

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	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?			X	
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?			X	

4.16.1 Environmental Setting

Park and Recreational facilities are overseen by the Atwater Recreation Department. According to the Atwater General Plan, the City's park standard is a minimum of 3.0 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

Atwater General Plan

The Atwater General Plan Land Use, Public Facilities and Community Infrastructure Element includes the following objectives and policies related to park and recreational facilities and services:

GOAL LU-23. *Develop a comprehensive strategy for parkland acquisition, construction, and maintenance which meets the community's adopted standards for recreation facilities.*

> ***Policy LU-23.1.*** *Strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.*
>
> ***Policy LU-23.2.*** *Ensure that park and recreation facilities are distributed equitably throughout the community.*
>
> ***Policy LU-23.3.*** *Identify areas of the City that are deficient in park and recreational facilities and assign top priority for future park construction to these areas.*
>
> ***Policy LU-23.4.*** *Incorporate park and recreation facilities within the CAADC into the City's park system, as appropriate.*
>
> ***Policy LU-23.5.*** *Encourage private ownership and operation of park and recreation facilities located within the CAADC that are not incorporated into the City's system.*

4.16.2 Impact Assessment

Would the project:

a) *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?*

Less than Significant Impact. Park and recreational facilities are typically impacted by an increase in use from residential development. The Project proposes residential development that would introduce residents to the area and therefore increase the demand for and use of existing neighborhood and regional parks or other recreational facilities. The nearest parks to the Project site include Bloss Park (0.8 miles northeast), Atwater Memorial Ballpark (0.9 miles northeast), Ralston Park (0.9 miles northeast), and Heller Park (0.9 miles north). As a multi-family residential development, the Project would be subject to providing on-site open space pursuant to AMC *Section 17.24* in addition to the Park and Recreation Facilities Tax and in-lieu fee requirements to mitigate any potential impacts to municipally owned parks. The Project includes approximately 17,552 sf. of landscaped area throughout the site including two (2) bioretention areas. Compliance with these requirements would reduce any impacts resulting from increased residential demand for park and recreational facilities so as to not cause substantial physical deterioration of the facilities. For these reasons, the Project would have a less than significant impact.

b) *Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

Less than Significant Impact. The Project includes on-site recreational facilities as described under criterion a). Other than the on-site facilities, the Project would not require the construction or expansion of recreational facilities. The on-site recreational facilities would be developed in accordance with on-site open space requirements pursuant to AMC *Section 17.24*. Compliance would ensure that the facilities would not be in an area or be built to a scale that would cause an adverse physical effect on the environment. As a result, a less than significant impact would occur.

4.16.3 Mitigation Measures

None required.

4.17 TRANSPORTATION

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b)	Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			X	
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d)	Result in inadequate emergency access?			X	

4.17.1 Environmental Setting

The Project site is currently vacant with no structures. The site contains existing improvements, including curb, gutter, sidewalks, overhead utilities, and streetlights, to its north, east, and south, along Sunset Drive and Matthew Street. Sunset Drive, a two-lane, east-west local road forms the southerly site boundary. Matthew Street, a two-lane loop, forms the eastern and northern site boundary. The Project proposes the development of three (3) apartment buildings totaling 25 dwelling units.

CEQA Guidelines

Under Senate Bill 743 (SB743), traffic impacts are related to Vehicle Miles Traveled (VMT). The VMT metric became mandatory on July 1, 2020. Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual automobile travel (additional miles driven) a proposed Project would create on California roads. If the project adds excessive automobile travel onto roads, then the project may cause a significant transportation impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

To implement SB 743, the CEQA Guidelines were amended by adding *Section 15064.3*. According to *Section 15064.3*, VMT measures the automobile travel generated from a proposed project (i.e., the additional miles driven). Here, 'automobile' refers to on-road passenger vehicles such as cars and light-duty trucks. If a proposed project adds excessive automobile travel on California roads thereby exceeding an applicable threshold of significance, then the project may cause a significant transportation impact.

Among its provisions, *Section 15064.3(b)* establishes criteria for analyzing transportation impacts. Specifically, *Section 15064.3(b) (1)* establishes a less than significant presumption for certain land use projects that are proposed

within ½-mile of an existing major transit stop or along a high-quality transit corridor. If this presumption does not apply to a land use project, then the VMT can be qualitatively or quantitatively analyzed.

In the case that quantitative models or methods are not available to the lead agency to estimate the VMT for the project being considered, provisions of CEQA Guidelines *Section 15064.3(b)(3)* permits the lead agency to conduct a qualitative analysis. The qualitative analysis may evaluate factors including but not limited to the availability of transit, proximity to other destinations, and construction traffic.

Lastly, *Section 15064.3(b)(4)* of the CEQA Guidelines states that *"[a] lead agency has discretion to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section."*

SB 743 Technical Advisory

In April 2018, the Governor's Office of Planning and Research (OPR) issued the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (revised December 2018) to provide technical recommendations regarding VMT, thresholds of significance, and mitigation measures for a variety of land use project types.

The Technical Advisory includes screening thresholds for agencies to use in order to identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.

- *Screening Thresholds for Small Project.* Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. This threshold is based on a CEQA categorical exemption for existing facilities, including additions to existing structures of up to 10,00 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area.
- *Map-Based Screening Threshold for Residential and Office Projects.* Residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.
- *Presumption of Less Than Significant Impact Near Transit Thresholds.* Proposed CEQA Guideline *Section 15064.3*, subdivision (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.

- *Presumption of Less Than Significant Impact for Affordable Residential Development.* Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

According to the Technical Advisory, lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types. The Merced County Association of Governments (MCAG) adopted VMT Thresholds and Guidelines in 2022 for seven (7) jurisdictions, including the City of Atwater.

MCAG VMT Thresholds and Guidelines

MCAG VMT Thresholds and Guidelines includes project screening criteria, methodologies for estimating project specific VMT, regional and local thresholds, and VMT mitigation strategies. Similar to the OPR, a project is presumed less than significant with no further VMT analysis necessary if it meets one of the project screening criteria, including

- *Project is within a Transit Priority Area/High Quality Transit Corridor: within 0.5 miles of a transit stop, consistent with RTP/SCS, FAR >0.75, limited parking, does not reduce the number of affordable housing units.*
- *Project is a Local-Serving Retail less than 50,000 sf.*
- *Project is a Low Trip Generator: less than 1,000 ADT for projects consistent with the General Plan and less than 500 ADT for projects inconsistent with the General Plan.*
- *Project is 100% Affordable Housing Units.*
- *Project is Institutional or Government and Public Service Uses.*
- *Project is located in Low VMT Zones.*

If the project does not meet any of the screening criteria listed above, the project is subject to further analysis using the MCAG Travel Demand Model (TDM).

Atwater General Plan

The Atwater General Plan establishes a street classification system to categorize roadways and transportation facilities. [40] The classification system is used for engineering design and traffic operation standards. The following roadway classifications are applicable to the Project site, as defined by the General Plan:

> **Urban Local Roads.** These roads provide access to abutting property and link properties to the collector system.

The General Plan identifies the following objective and policy related to analyzing transportation impacts.

GOAL CIRC-1. *Maintain adopted Level of Service (LOS) for City streets and intersections.*

> ***Policy CIRC-1.1*** *Establish and maintain a minimum LOS of D for all arterial and collector streets within the City.*

[40] City of Atwater. (2000). General Plan. 3. Circulation. Accessed January 4, 2024, https://www.atwater.org/docs/generalplan/CHAPTER_3__CIRCULATION.PDF

Policy CIRC-1.2. *Establish intersection LOS standards when more specific intersection traffic data becomes available.*

Policy CIRC-1.3. *Design roadway improvements and evaluate development projects using established LOS standards.*

Policy CIRC-1.4. *Develop the City's roadway system in conformance with the planned roadway system shown on the Circulation Plan and the City's adopted cross section standards.*

Policy CIRC-1.5. *Access for land uses adjacent to Castle Parkway will be provided by frontage roads which parallel the Parkway. Direct access to the Parkway will be limited to the primary east-west corridors in the area.*

GOAL CIRC-2 *Creation of a comprehensive financing strategy far local roadway improvements.*

Policy CIRC-2.1 *Consider financing strategies required to implement the "local" traffic portion of the Merced/Atwater Corridor Major Investment Study (MIS).*

Policy CIRC-2.2 *Provide "fair share" City funding for regional transportation improvements at a level equal to the contribution of Atwater-generated traffic on the roadway or intersection. Seek regional, state, or other funding for improvements whose need is generated by traffic originating outside Atwater.*

GOAL CIRC-3 *Support efforts to improve vehicular connections between Atwater and the UC Merced access system.*

Policy CIRC-3.1 *Support efforts to obtain funding for the projects proposed in the MIS and any subsequent documents approved on a regianal basis.*

Policy CIRC-3-2 *Explore improvements to other roadways connecting the City with UC Merced.*

GOAL CIRC-4 *Creation of new entrances into Atwater north of the Applegate interchange.*

Policy CIRC-4.1 *Support efforts to implement the projects proposed in the MIS, which includes improvements to the 99/Applegate interchange, extension of Bellevue Road to the west, and the creation of a new interchange at SR 99/Westside Boulevard.*

Policy CIRC-4.2 *Support the implementation of the Atwater Redevelopment Agency's Implementation Plan, which includes improvements to the Applegate interchange.*

GOAL CIRC-5 *Provide sufficient parking for all commercial, industrial, residential, and other uses, either off-street or on-street as appropriate.*

Policy CIRC-5.1 *Require that all new development provides sufficient on- or offstreet parking to meet the standards of the City's Zoning Code or any other applicable planning document (such as the Downtown Specific Plan).*

GOAL CIRC-8 *Provide a safe and efficient pedestrian circulation system which connects residential areos, schools, and commercial areas with parking lots and public transportation.*

Policy CIRC-8.1 *Require new public and private development and infrastructure projects to include sidewalks or on-site pedestrian features.*

Policy CIRC-8.2 *Ensure that pedestrian circulation within commercial development projects is considered and that safe walkways separated from parking stalls and drive aisles are provided.*

4.17.2 Impact Assessment

Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. The Project would be required to comply with all project-level requirements implemented by a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Compliance is further discussed below. Overall, the Project would not conflict with a program plan, ordinance, or policy addressing the circulation system and a less than significant impact would occur.

Roadway Facilities

The Project site is a vacant site with existing street improvements, including curb, gutter, sidewalks, overhead utilities, and streetlights, to its north, east, and south boundary of the site, along Sunset Drive and Matthew Street. Sunset Drive, a two-lane, east-west local road forms the southerly site boundary. Matthew Street, a two-lane loop, forms the eastern and northern site boundary. These roadways are local and not shown on the General Plan Circulation Plan.

While street improvements are existing, the Project would construct new driveway approaches on the east and north boarder of the site per City of Atwater Public Works standards. The Project would be required to submit Improvement Plans for the required off-site improvements through the Building Permit process, for review and approval by the City to ensure improvements would be consistent with the city's standards.

The Project also proposes 38 parking stalls, including 32 standard stalls, 3 compact stalls, and 3 accessible stalls. This meets the requirement of 1.5 spaces per unit, i.e., 37.5 parking stalls in total. As such, the Project is compliant with General Plan *Policy CIRC-5.1*. Overall, the Project would be generally consistent with the General Plan's goals and policies and would not conflict with a program plan, ordinance, or policy addressing roadway facilities.

Pedestrian and Bicycle Facilities

There are existing pedestrian facilities (i.e., sidewalks) adjacent north, east, and south of the Project site. There are no existing or proposed bicycle facilities adjacent to or in proximity to the Project site as identified in the General Plan. The Project proposes a six-ft. wide concrete sidewalk for onsite pedestrian circulation. The proposed facilities would help achieve the General Plan's goal by providing on-site pedestrian features (*Policy CIRC-8.1*).

Transit Facilities

There are no existing or planned transit facilities adjacent to or in proximity to the Project site as identified by the General Plan. The nearest transit bus stop to the Project site is the Atwater Target (Stop ID: 4305) stop on Route A1 – Atwater Loop, which is approximately 0.4 mile from the site. Therefore, the Project would not conflict with a program, plan, ordinance, or policy addressing transit facilities.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. SB 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as VMT instead of LOS. MCAG VMT Thresholds and Guidelines (2022) adopted a screening criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis. According to the Guidelines, the proposed Project screens out as a Low Trip Generator, which has a threshold generating less than 500 ADT for projects that are inconsistent with the General Plan. Since the project is inconsistent with the General Plan because it proposes a General Plan Amendment to change the land use designation from VLDR – Very Low Density Residential to HDR – High Density Residential the 500 ADT threshold is appropriate. Trip generation is estimated using generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. ITE Land Use 220, Low-Rise Multifamily Housing, is used for the proposed development. Low-Rise Multifamily Housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have two or three floors (levels). Table 4-11 provides the Project's trip generation estimates. The proposed Project is anticipated to generate 168.5 ADT.

Table 4-11 Project Trip Generation

ITE Land Use	Dwelling Units	Average Rate (ADT)	Trip Generation (ADT)
Low-Rise Multifamily Housing (220)	25	6.74	168.5

***Source**: Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition*

Since the Project is expected to generate 168.5 ADT, it is under the threshold of 500 ADT that is set forth in the MCAG VMT Thresholds and Guidelines. Therefore, the Project would not conflict with CEQA Guidelines *Section 15064.3(b)* and impacts would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The Project design does not contain any geometric design features that would create hazards. Implementation of the Project would not require the improvement and expansion of the roadway network serving the Project site. The site would be accessible via two (2) point of ingress/egress on the north and east boundary of the site. An internal turning radius is also proposed per City of Atwater standards for fire and solid waste vehicle access. In addition, the Project would be required to submit Improvement Plans through the Building Permit process for review and approval by the City to ensure offsite improvements (i.e., driveway approach) would be consistent with adopted City of Atwater standards. Compliance with such standards, specifications, and plans would ensure that any traffic hazards are minimized. Lastly, the Project proposes a residential development of a site that is planned and zoned for residential use within an area comprising existing and planned residential uses. Therefore, the Project does not propose an incompatible use because it is consistent with the existing development in the area and is similar in nature to the surrounding uses. As a result, implementation of the Project would result in a less than significant impact related to hazards due to roadway design features or incompatible uses.

d) Result in inadequate emergency access?

Less than Significant Impact. The Project does not involve a change to any emergency response plan. In addition, the Project site is subject to review by the City to ensure adequate site access including emergency access. In the case that Project construction requires lane closures, access through existing roadways would be maintained through standard traffic control and therefore, potential lane closures would not affect emergency evacuation plans. Thus, a less than significant impact would occur because of the Project.

4.17.3 Mitigation Measures

None required.

4.18 TRIBAL CULTURAL RESOURCES

Would the project: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k), or,		X		
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 PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

4.18.1 Environmental Setting

See Section 4.5.

4.18.2 Impact Assessment

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

Less than Significant Impact with Mitigation Incorporated. Based on the CHRIS Records Search conducted on December 12, 2023, there are no known local, state, or federal designated historical resources pursuant to *Section 5020.1(k)* on the Project site. While there is no evidence that historical resources exist on the Project site, there is some possibility that existing structures qualify as historical resources or hidden and buried resources may exist with no surface evidence that may be impacted by future physical development of the site. In the event of the accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate ***Mitigation Measure CULT-1*** to assure construction activities do not result in significant impacts to any potential historical resources discovered above or below ground surface. Thus, if such

resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

b) *A resource determined by the lead agency, in its discretion ond supported by substantial evidence, to be significant pursuont 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 Resource Code Section 5024.1, the lead ogency shall consider the significance of the resource to a California Native American tribe.*

Less than Significant Impact with Mitigation Incorporated. The Project site and its resources have not been determined by the City to be significant pursuant to *Section 5024.1*. However, as discussed in Section 4.5, there is some possibility that a non-visible, buried site may exist and may be uncovered during ground disturbing construction activities which could constitute a significant impact. Therefore, the Project shall incorporate ***Mitigation Measure CUL-1*** and ***Mitigation Measure CUL-2*** to assure construction activities do not result in significant impacts to any potential resources of significance to a California Native American tribe discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

4.18.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measures CUL-1 and CUL-2 as identified above and in the MITIGATION MONITORING AND REPORTING PROGRAM contained in SECTION 5.

4.19 UTILITIES AND SERVICE SYSTEMS

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effect?			X	
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
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?				X
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?				X
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

4.19.1 Environmental Setting

The Project is within the City of Atwater limits and thus, will be connected to water, sewer, stormwater, and wastewater services provided by the City of Atwater and may be subject to fees to be provided such services. The Project would be served by private companies for the provision of solid waste collection and disposal and electricity and natural gas, as needed. Each utility system is described below.

Water

Water supply, usage, and services are described in Section 4.10.

Wastewater

The City provides sewage disposal and treatment using a pipeline system, pump stations, and a wastewater treatment plant (WWTP) facility. The new WWTP, constructed in 2012, is located west of State Route 99 on Bert

Crane Road and handles an average flow of six (6) million gallons per day (MGD). The wastewater treatment plant (WWTP) is owned by the City but operated by a private contractor, Veolia Water North America, West. The 2020 average daily flow was 3.3 mgd, which is approximately 54% of the current average daily permitted flow. The WWTP receives and treats wastewater from the City as well as the Winton Water and Sanitary District (WWSD) and Castle Airport. [41]

Solid Waste

Solid waste in the city is collected by a private contractor, Mid Valley Disposal, and then transported and disposed in one (1) of two (2) Merced County Landfills. The Merced County Association of Governments (MCAG) is responsible for managing and implementing regional solid waste disposal services, known as the Merced County Regional Waste Management Authority (RWA). The RWA owns and operates the two (2) regional landfills within Merced County and administers integrated waste management contracts and grants on behalf of member jurisdictions.

Stormwater

Stormwater services are described in Section 4.10.

Natural Gas and Electricity

Major electrical transmission lines run through the northern and southern portions of the city. Electrical and natural gas service is largely provided by MID, primarily from fossil fuel and hydroelectric sources. State Route 99 contains a major natural gas main and crude oil pipeline. The gas main pipeline has an offshoot line running directly north through down, beginning approximately at Atwater Boulevard and First Street.

4.19.2 Impact Assessment

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relacotion of which could cause significant environmental effects?

Less than Significant Impact. The Project site is within city limits and thus, would be required to connect to water, stormwater, solid waste, and wastewater services. Natural gas, electricity, and telecommunications would be provided by private companies. The Project also proposes the construction of two (2) bioretention areas within the site boundaries to collect and treat on-site stormwater discharge. The City and responsible agencies have reviewed the Project to determine adequate capacity in these systems and ensure compliance with applicable connection requirements. In addition to connections to water, stormwater, solid waste, and wastewater services, the Project would be served by MID for natural gas and electricity and by the appropriate telecommunications provider for the Project Area. Therefore, all wet and dry public utilities, facilities, and infrastructure are in place and available to serve the Project site without the need for relocated, new, or expanded facilities. While new utility and service connections would need to be extended to and from the Project site (e.g., sewer, stormwater runoff, electrical),

[41] City of Atwater (2022). 2020 Urban Water Management Plan. Accessed January 4, 2024, https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf

these new connections would not result in a need to modify the larger off-site infrastructure. Therefore, the Project would not require or result in the relocation or construction of new or expanded facilities and as such, and impact would be less than significant.

b) Have sufficient water supplies available to serve the project ond reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. As discussed in detail in Section 4.10, the City's long-term water resource planning is addressed in the City's 2020 UWMP. According to these plans, the city uses groundwater wells as the sole source of supply; the city does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. As concluded in Section 4.10, it can be presumed that existing groundwater water supplies should be adequate to serve the Project's anticipated demand.

The UWMP projects normal water year, single dry water year, and five-year consecutive drought period supplies based on historic water allocations, sustainable yields, and utilization of recycled water. Based on these projections, the UWMP found that groundwater supplies remain reliable in all hydrologic conditions. The projections also show that the City will have greater than 10,000 AF available supply in normal years after meeting demands. In a single dry year and five-year consecutive drought periods, groundwater supplies will be reduced but the City would still be able to meet all potable demands. Based on these projections, it can be inferred that future development, such as the proposed Project, will not negatively impact the City's ability to provide water assuming adherence to requirements and recommendations from the City's water resources planning efforts.

Overall, based on the information collected from the UWMP, the Project would not generate significantly greater water demand as to substantially decrease groundwater supplies. As a result, it can be presumed that the existing and planned water distribution system should be adequate to serve the Project during normal, dry, and multiple dry years. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City's water provision. For these reasons, a less than significant impact would occur as a result of the Project.

c) Result in a determinotion 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?

Less than Significant Impact. The City's long-term wastewater planning is addressed in the City's 2010 Sewer Master Plan (Master Plan). Land use types are important to determine projected demand and adequate sizing and capacity for pipes and facilities to maintain effective sanitary sewer system facilities. The land use assumptions in the Master Plan were based on the General Plan and projected future development within the City's proposed growth boundary. The Master Plan estimates the future quantity of wastewater generated at build out of the collections system. Wastewater flows associated with build out are projected to be approximately 7.08 millions of gallons per day (mgd).

The Project proposes a GPA to change the planned land use designation from VLDR – Very Low Density Residential to HDR – High Density Residential. Therefore, as a higher density residential development, the Project is anticipated to generate additional wastewater beyond existing conditions. As shown in Table 2-1 of Master Plan, the Very Low

Density residential land use type is projected to generate a wastewater flow coefficient (gpd/ac) of 300 gpd/ac and the High Density residential land use type is projected to generate 1,500 gpd/ac. Table 4-12 summarizes the total wastewater flows to be expected for the Project. Additionally, payment of Sewer Connection Fees and ongoing user fees would ensure that the Project's impacts on existing wastewater facilities are adequately offset (i.e., ensuring that sufficient capacity is available). The developer is also conditioned to provide sewer loading calculations and report for the development.

Table 4-12 Summary of Total Wastewater Flows by Land Use

Land Use Type	Area (ac)	Wastewater Flow Coefficient (gpd/ac)	Daily Average (GPD)
Very Low Density Residential	1.13	300	339
High Density Residential	1.13	1,500	1,695

Source: *City of Atwater Sewer Master Plan (2010)*

According to the Master Plan, the City manages and maintains gravity sewer lines ranging from 4 to 36 inches in diameter, 18 active lift stations, and force mains ranging from 4 to 14 inches in diameter. Wastewater generated in the sewer service area is conveyed to the Atwater's Wastewater Treatment Plant (WWTP). However, sewage from Castle Airport does not flow through the City's sewer network. Atwater's WWTP has a capacity of 6.0 mgd (millions of gallons per day) and the current average daily flow is 3.43 mgd. It is expected that future sewer mains need to be primarily 10 to 24 inches in diameter, based on capacity levels.

In summary, the Project is anticipated to generate additional wastewater beyond existing conditions. However, there are existing facilities available to convey wastewater generated from the Project subject to the installation of a new sewer house branch(es) and payment of Sewer Connection Fees and ongoing user fees. Payment of the required Sewer Connection Fees and ongoing user fees would ensure that sufficient capacity is available and that the Project's impacts on existing facilities are adequately offset. For these reasons, it can be determined that the wastewater treatment provider has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. Therefore, the Project would have a less than significant impact.

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?

Less than Significant Impact. Solid waste collection services provided within the City of Atwater are in compliance with the California Integrated Waste Management Act of 1989 (AB 939), which requires each jurisdiction in California to divert at least 50% of its waste stream away from landfills either through waste reduction, recycling, or other means. In addition, Mid Valley Disposal complies with SB 1383, which requires reduction of organic waste disposal by 75% by 2025. [42]

Construction

CALGreen mandates locally permitted new residential building construction and demolition to recycle and/or salvage for reuse a minimum 65% of the nonhazardous construction and demolition debris generated during the Project. Further, the recycling of construction and demolition materials is required for any City-issued building or demolition permit that generates at least eight (8) cubic yards of material by volume. Therefore, the Project would

[42] Mid Valley Disposal. Compliance and Regulation. Accessed January 4, 2023, https://www.midvalleydisposal.com/sustainability/compliance-and-regulation/

be required to implement techniques to reduce and recycle waste during construction activities in accordance with mandatory requirements under CALGreen as implemented through the building permit process. Compliance would be ensured through the building permit process. Therefore, through compliance, solid waste generated through construction activities is not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

Operations

The Project is anticipated to generate 100 to 215 pounds of solid waste per day (18.25 to 39.24 tons per year) as estimated using CalRecycle's generation rates. [43] According to the review of the Project by the City of Atwater Engineering Department, trash enclosures are required to be shown on the Final Map to ensure provision. As such, Project operations are not anticipated to generate solid waste in excess of state or local standards, in excess of the capacity of the local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, the Project would have a less than significant impact.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. As described under criterion d), Project construction and operational activities that generate solid waste would be handled, transported, and disposed of in accordance with AB 939 and CALGreen regulations related to solid waste. As a multi-family development, the Project would also be subject to AB 341, the state's mandatory commercial recycling law, AB 827, the state's customer access to recycling law. AB 341 requires all businesses that generate four cubic yards or more of solid waste per week and multi-family properties with five or more units to arrange for recycling services. AB 827 requires recycling and organics recycling containers at the "front-of-house" to collect waste generated. These containers are required to be placed adjacent to trash containers and be visible, easily accessible, and clearly marked. Compliance would be ensured through the building permit process. Therefore, through compliance, the Project would comply with laws and regulations that would ensure impacts related to solid waste are reduced to less than significant levels.

4.19.3 Mitigation Measures

None required.

[43] CalRecycle. Estimated Solid Waste Generation Rates. Accessed January 4, 2024, https://www2.calrecycle.ca.gov/wastecharacterization/general/rates

4.20 WILDFIRE

If located in or near state responsibility or lands classified as very high fire hazard severity zones, **Would the project:**		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
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?				X
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?				X
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?				X

4.20.1 Environmental Setting

The Project site is located on a relatively flat property within the city limits and is in an area planned for urban uses, including residential development. According to the Atwater General Plan, grass and brush lands are the most likely places for wildlands in Merced County; however, Atwater lies outside of these areas and as a result, the risk of wildland fire is low. [44] Further, the Project site is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Atwater as a Very High Fire Hazard Severity Zone (VHFHSZ); rather, the site is within an "area of local responsibility" as defined by Cal Fire and is considered an area of low fire risk.[45] Lastly, the Project would be required to be developed and operated in compliance with all regulations of the current California Fire Code.

4.20.2 Impact Assessment

[44] City of Atwater, California. (2000). City of Atwater 2000 General Plan.
[45] Cal Fire, "FHSZ Viewer." Accessed on January 4, 2024, https://egis.fire.ca.gov/FHSZ/

If located in or near state responsibility or londs classified as very high fire hazard severity zones, ***would the project:***

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not impair access to the existing roadway network. Construction may require lane closure; however, these activities would be short-term and access through Sunset Drive would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Safe and convenient vehicular and pedestrian circulation would be provided in addition to adequate access for emergency vehicles. To determine and ensure adequate vehicular and pedestrian circulation and emergency vehicle access, the Project has been reviewed and conditioned by the City of Atwater Police Department and Fire Department for compliance with applicable code and regulations including applicable emergency response and evacuation plans. Therefore, the Project would not substantially impair any emergency response plan or emergency evacuation plan and no impact would occur.

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?

No Impact. The Project site is located on a relatively flat property with minimal slope and is not in an area that is subject to strong prevailing winds or other factors that would exacerbate wildfire risks. The site is highly disturbed and is not located within a wildland (i.e., wild, uncultivated, and uninhabited land), which precludes the risk of wildfire. Further, the Project site is within an "area of local responsibility" and is not identified by Cal Fire to be in a VHFHSZ. For these reasons, no impact would occur as a result of this Project.

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?

No Impact. The Project is located within city limits in an area with existing infrastructure such as roads and utilities that are maintained accordingly. As previously discussed, all proposed project components (including utilities, roadway, buildings, walls, and landscaping) would be located within the boundaries of the Project site and have been reviewed and/or conditioned by the City of Atwater for compliance with applicable codes and regulations. Through compliance, such infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and no impact would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding ar landslides, as a result of runoff, post-fire slope instobility, ar drainage changes?

No Impact. The Project site is not located in or near state responsibility or lands classified as very high fire hazard severity zones. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

4.20.3 Mitigation Measures

None required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a)	Does the project have the potential to 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 self-sustaining levels, threaten to eliminate a plant or animal community, 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?			X	
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)?			X	
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

4.21.1 Impact Assessment

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 self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Standard requirements that will be implemented through the entitlement process and the attached

mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant. Therefore, the Project would have a less than significant impact.

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.)*

Less than Significant Impact. CEQA Guidelines *Section 15064(i)* states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. All Project-related impacts were determined to be less than significant. The Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). The Project is generally compliant with the AMC and General Plan, which indicates that the anticipated impacts from the Project are, to an extent, compliant and previously analyzed within the General Plan. As such, Project impacts are not considered to be cumulatively considerable given the insignificance of project induced impacts. The impact is therefore less than significant.

c) *Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant Impact. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Standard requirements and conditions have been incorporated in the project to reduce all potentially significant impacts to less than significant. Therefore, the Project would have a less than significant impact.

4.21.2 Mitigation Measures.

None required.

5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

January 2024

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Atwater is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initials
Cultural Resources					
Mitigation Measure CULT-1: In the event of the accidental discovery and recognition of previously unknown resources before or during grading activities, construction shall stop in the immediate vicinity and a consultation with a qualified historical resources specialist shall be held to determine whether further study is required. Recommendations by the qualified historical resources specialist shall be made to the City on the necessary implementation measures to protect the resources discovered. If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, then protection measures shall be recommended to the City by the qualified historical resources specialist. The Lead Agency shall approve the protection measures before any further grading shall occur. Historical resources recovered as a result of mitigation shall be provided to an institution approved by the City in order to provide preservation and further study as required.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		
Mitigation Measure CULT-2: In the event of the accidental discovery or recognition of any human remains on the Project site during construction, the following steps in accordance with Section 15064.5 of the CEQA Guidelines shall be taken prior to the continuation of, and during, construction activities, in order to mitigate potential impact: • There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		