DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

GREENZONE, LLC-

INDUSTRIAL BUSINESS PARK

SCH NO. 2023010565

JULY 2023

DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

GREENZONE, LLC INDUSTRIAL BUSINESS PARK

Prepared for:

City of Livingston
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July 2023

Project #190209

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This is to advise that the City of Livingston has prepared a Mitigated Negative Declaration for the Project identified below that is scheduled to be considered by the City of Livingston.

PLEASE BE ADVISED that the City Council will consider the Mitigated Negative Declaration at the Council's meeting to be held on [Date]. The meeting will be held at the City Council Chamber, 1416 C Street, Livingston, CA.

Project Name

Greenzone, LLC - Industrial Business Park

Project Location

The Project site is located approximately 0.4 miles west of Main Street, just north of Bird Street as it turns north to the Police Department Shooting Range in the northern-most part of the City of Livingston, California, which is one of six incorporated cities in Merced County (Figures 2-1 and 2-2). State Route (SR) 99 is approximately one mile west of the site. The Project parcel is identified by the assessor's parcel number (APN) 047-090-004. The site is predominately surrounded by agricultural land. Presently, the site predominantly consists of fallow agricultural land. A canal trends southwest-northeast through the site.

Project Description

The applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66 acres to 1.46 acres in size, and a dedicated stormwater detention basin (Lot A). The Project would ultimately result in a secured, gated Industrial Business Park with a future 25-foot-wide internal road being privately owned and maintained. The site is bisected by the Merced Irrigation District (MID) Stoddard Lateral that runs diagonally through the site and will be piped and undergrounded.

According to Section 5-3-15, Land Use Regulations (Zoning Matrix) from the City's Municipal Code, the following cannabis-related uses could be included within the proposed Industrial Business Park with approval of a Conditional Use Permit:

- Commercial cannabis cultivation – indoor
- Commercial cannabis cultivation – mixed light (enclosed)
- Commercial cannabis distribution
- Commercial cannabis manufacturing (volatile/nonvolatile)
- Commercial cannabis – microbusiness (no retail; no outdoor cultivation)
- Commercial cannabis nursery – indoor or mixed light/greenhouse
- Commercial cannabis testing

. Although the ultimate intent for the TSM is to construct an Industrial Business Park, if cannabis-related uses are not forthcoming, then the 22 lots may result in the construction of other non-cannabis industrial uses as permitted in the Zoning Ordinance. Therefore, according to Municipal Code Title 5, Chapter 2, if cannabis-related uses are not established, the following uses could be either a permitted use or a conditionally permitted use within the M-1 zone:

- Auto body repair
- Auto storage
- Auto wrecking
- Body art establishment
- Finished goods assembly
- Heavy terminal
- Kennel
- Manufacturing, beverage/bottling plant
- Manufacturing, heavy general
- Manufacturing, light general
- Recycling facility
- Salvage yards
- Smoke shop and/or smoking lounge

The ultimate buildout of the 22 lots and basin lot (Lot A), whether it includes cannabis-related uses or not, would need to be consistent with City's General Plan, Zoning Ordinance, and would need to meet the intent of the M-1 zone district.

Site plan and design review approvals are required for all uses involving new construction, significant exterior alterations to existing structures, or significant site plan alterations in the M-1 zone..

As noted above, some of these uses listed may require conditional use permits or other discretionary review, subject to the determination of compliance with the development, parking, landscaping, and other standards of the Zoning Ordinance. All future cannabis-related uses will be subject to the City's two-step cannabis permitting process. Due to the size, complexity, unusual features or other concerns, any project subject to administrative or conditional approval, may be further reviewed under CEQA at the discretion of the Planning Director.

The document and documents referenced in the Initial Study/Mitigated Negative Declaration are available for review at Livingston City Hall located at 1416 C Street, Livingston, CA 95334 and at the Livingston Branch Library located at 1212 Main Street Livingston, CA 95334.

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document is 30 days (CEQA Section 15073[b]). The public review period began on January 20 and ended on February 26, 2023. For further information, please contact the Contract City Planner at (209) 394-8041.

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ACRONYMS AND ABBREVIATIONS

MITIGATED NEGATIVE DECLARATION

As Lead Agency under the California Environmental Quality Act (CEQA), the City of Livingston reviewed the Project described below to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, "[s]ignificant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Project Name

Greenzone, LLC – Industrial Business Park

Project Location

The Project site is located approximately 0.4 miles west of Main Street, just north of Bird Street as it turns north to the Police Department Shooting Range in the northern-most part of the City of Livingston, California, which is one of six incorporated cities in Merced County (Figures 2-1 and 2-2). State Route (SR) 99 is approximately one mile west of the site. The Project parcel is identified by the assessor's parcel number (APN) 047-090-004. The site is predominately surrounded by agricultural land. Presently, the site predominantly consists of fallow agricultural land. A canal trends southwest-northeast through the site. A PG&E electrical power line is located along the northern boundary line of the subject property.

Project Description

The Applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66 acres to 1.46 acres in size, and a dedicated stormwater detention basin (Lot A). The basin would be privately owned and maintained if the proposed subdivision is private and gated. The Project would ultimately result in a secured, gated Industrial Business Park with a future 25-foot-wide internal road being privately owned and maintained. The site is bisected by the Merced Irrigation Distirct (MID) Stoddard Lateral that runs diagonally through the site and will be piped, realigned, and undergrounded.

The Tentative Subdivision Map (TSM) would ultimately consist of the buildout of a Industrial Business Park. Specific future uses on the property have not been determined at this time, but could include what is currently permitted within the City of Livingston Zoning Code for the Limited Industrial (M-1) zone.

According to Section 5-3-15, Land Use Regulations (Zoning Matrix) from the City's Municipal Code, the following cannabis-related uses could be included within the proposed Industrial Business Park with approval of a Conditional Use Permit:

- Commercial cannabis cultivation – indoor
- Commercial cannabis cultivation – mixed light (enclosed)

- Commercial cannabis distribution
- Commercial cannabis manufacturing (volatile/nonvolatile)
- Commercial cannabis – microbusiness (no retail; no outdoor cultivation)
- Commercial cannabis nursery – indoor or mixed light/greenhouse
- Commercial cannabis testing

Although the ultimate intent for the TSM is to construct an Industrial Business Park, if cannabis-related uses are not forthcoming, then the 22 lots may result in the construction of other non-cannabis industrial uses as permitted in the Zoning Ordinance. Therefore, according to Municipal Code Title 5, Chapter 2, if cannabis-related uses are not established, the following uses could be either a permitted use or a conditionally permitted use within the M-1 zone:

- Auto body repair
- Auto storage
- Auto wrecking
- Body art establishment
- Finished goods assembly
- Heavy terminal
- Kennel
- Manufacturing, beverage/bottling plant
- Manufacturing, heavy general
- Manufacturing, light general
- Recycling facility
- Salvage yards
- Smoke shop and/or smoking lounge

The ultimate buildout of the 22 lots and basin lot, whether it includes cannabis-related uses or not, would need to be consistent with City's General Plan, Zoning Ordinance, and would need to meet the intent of the M-1 zone district.

Site plan and design review are required for all uses involving new construction, significant exterior alterations to existing structures, or significant site plan alterations in the M-1 zone. Also included with the application is a site plan, floor plan, and elevation depicting typical buildout of the proposed lots. It is the staff's intention to seek the City Council's approval of the sample site plan and to obtain the Council's authorization for staff-level approval of future site plans deemed sufficiently consistent with the sample going forward.

As noted above, some of these uses listed may require conditional use permits or other discretionary review, subject to the determination of compliance with the development, parking, landscaping, and other standards of the Zoning Ordinance. All future cannabis-related uses will be subject to the City's two-step cannabis permitting process. Due to the size, complexity, unusual features, or other concerns, any project subject to administrative or conditional approval, may be further reviewed under CEQA at the discretion of the Planning Director.

Mailing Address and Phone Number of Contact Person

City of Livingston
1416 C Street
Livingston, CA 95334
Phone: (209) 394-8041

Findings

As Lead Agency, the City of Livingston finds that the Project will not have a significant effect on the environment. The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Environmental Checklist*) identified one or more potentially significant effects on the environment, but revisions to the Project have been made before the release of this Mitigated Negative Declaration (MND) or mitigation measures would be implemented that reduce all potentially significant impacts to less-than-significant levels. The Lead Agency further finds that there is no substantial evidence that this Project would have a significant effect on the environment.

Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

MM AQ-1: Prior to issuance of grading or building permits, the developer shall provide the City with evidence from the SJVAPCD of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM_{10} Prohibitions. The subdivision project may be subject to other rules including Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted.

MM BIO-1: Within 14 days of the start of Project activities on-site and in adjacent habitat, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of this species. The surveys shall cover the canal plus surrounding upland habitat within 50 feet of the canal. Pedestrian surveys achieving 100 percent visual coverage will be conducted. If a western pond turtle is found on-site, the qualified biologist may relocate the animal downstream more than 500 feet from the Project disturbance footprint.

MM BIO-2: Within 14 days of the start of Project activities in any specific area, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys shall cover the Project site plus a 500-foot buffer. Pedestrian surveys achieving 100 percent visual coverage shall be conducted. Multiple surveys are anticipated to be needed, which would be phased with the construction of the Project. If no evidence of these species is detected, no further action is required.

MM BIO-3: If dens/burrows that could support any of these species are discovered during the pre-activity surveys conducted under BIO MM-2, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity.

San Joaquin Kit Fox
- Potential Den – 50 feet
- Atypical Den – 50 feet (includes pipes and other manmade structures)
- Known Den – 100 feet
- Natal/Pupping Den – 500 feet

American Badger Dens (occupied)
- Natal Den (February 1–July 1) – 250 feet
- Non-natal Den – 50 feet

Burrowing Owl (active burrows)
- April 1–October 15 – 500 feet
- October 16–March 31 – 100 feet

MM BIO-4: The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the US Fish and Wildlife Service *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) and apply to all three species.

- Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways. Nighttime construction speed limits shall be 10 mph.
- Off-road traffic outside of designated Project areas shall be prohibited.
- All Project activities shall occur during daylight hours.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction of the Project, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed.
- Before holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted before proceeding with the work.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more

overnight periods shall be thoroughly inspected for kit foxes and burrowing owls before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox or burrowing owl is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox or owl has escaped.

- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
- No firearms shall be allowed on the Project site, except by authorized law enforcement personnel.
- No pets, such as dogs or cats, shall be permitted on the Project site.
- Use of rodenticides and herbicides in Project areas shall be restricted.
- A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or burrowing owl or who finds a dead, injured, or entrapped kit fox, or burrowing owl. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the US Fish and Wildlife Service and California Department of Fish and Wildlife.
- An employee education program shall be developed and presented to Project personnel. The program shall consist of a brief presentation by persons knowledgeable in kit fox, and burrowing owl, biology, and the legislative protections in place. The program shall include the following: a description of each species' natural history and habitat needs; a report of the occurrence of each species in the Project area; an explanation of the status of each species and its protections under federal and state laws; and a list of measures being taken to reduce impacts to each species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.
- Upon completion of the Project, all areas subject to temporary ground disturbances (including storage and staging areas, temporary roads, pipeline corridors, etc.) shall be recontoured if necessary and revegetated to promote restoration of the area to pre-project conditions. An area subject“to "tempoary" disturbance means any area that is disturbed during the Project, but after project completion, will not be subject to further disturbance and has the potential to be revegetated.
- Any Project personnel who are responsible for inadvertently killing or injuring one of these species should immediately report the incident to their representative. This representative shall contact the CDFW and USFWS immediately in the case of a dead, injured, or entrapped listed animal.

- The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.
- New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.

MM BIO-5: If Project activities must occur during the nesting season (February 15 to August 31), pre-activity nesting bird surveys shall be conducted within seven days prior to the start of construction at the construction site plus a 250-foot buffer for songbirds and a 500-foot buffer for raptors (other than Swainson's hawk). The surveys shall be phased with the construction of the Project. If no active nests are found, no further action is required, however, nests may become active at any time throughout the summer, including when construction activities are occurring. If active nests are found during the survey or at any time during the construction of the Project, an avoidance buffer ranging from 50 feet to 350 feet may be required, as determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist. The biologist shall have the ability to stop construction if nesting adults show sign of distress.

MM BIO-6: If Project activities must occur during the nesting season (February 15 to August 31), pre-activity surveys shall be conducted for Swainson's hawk nests in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Swainson's Hawk Technical Advisory Committee (CDFW 2000). The surveys would be conducted on the Project site plus a half-mile buffer. To meet the minimum level of protection for the species, surveys shall be conducted during at least two survey periods. The survey will be conducted in accordance with the methodology outlined in existing protocols and shall be phased with the construction of the Project.

If no Swainson's hawk nests are found, no further action is required.

MM BIO-7: If an active Swainson's hawk nest is discovered at any time within one-half mile of active construction, a qualified biologist will complete an assessment of the potential for current construction activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this Project. Based on this assessment,

the biologist will determine if construction activities can proceed and the level of nest monitoring required. Minimally, construction activities should not occur within 100 feet of an active nest and may require monitoring if within 500 feet of an active nest. The qualified biologist should have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and the discretion of the qualified biologist.

MM BIO-8: Prior to start of construction activities, a qualified biologist shall conduct a preconstruction survey with special attention to trees and manmade structures, including a daytime inspection and a flyout inspection at dusk. The survey shall be conducted within 14 days prior to the construction activities. If no bats are detected, no further action is required.

If bats are detected, acoustical sampling shall be conducted to identify the species present. If pallid bats, western mastiff bats, or hoary bats are identified to be roosting in the trees or structures, work shall not commence until all of the following have been implemented:

- Bats have been passively excluded from the tree or structure by progressively boarding up any entrances at night while bats are foraging away from the tree or structure. Relocation of bats may not be performed during the breeding season (March 1 to September 15).
- Permanent, elevated bat houses have been installed outside of, but near the construction area, preferably in designated open space areas. Placement and height shall be determined by a qualified biologist, but the height of a bat house shall be at least 15 feet. Bat houses shall be multi-chambered. The number of bat houses required shall be dependent upon the size and number of colonies present, but at least one bat house shall be installed for each pair of bats (if occurring individually) or each colony of bats found.
- If a tree or structure containing a roost for pallid, western mastiff, or hoary bats shall be removed or may lead to roost abandonment during construction, a qualified biologist shall design and determine an appropriate location for an alternate roost structure.

BIO-9 Prior to issuance of any grading or building permit, the applicant or developer shall submit a final Delineation report and evidence of the pertinent permits to the City of Livingston. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

1. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form.
2. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction and permits/authorizations from the appropriate regulating agencies (Central Valley Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features.

   If it is determined that canal is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement from the CDFW, if required prior to impacting any waters.

   As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location.

3. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP).
4. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.

Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified

MM CUL-1: Although there is no recorded evidence of historic or archaeological sites within the Project area, there is the potential during Project-related excavation and construction for the discovery of these types of resources. The Applicant shall incorporate into the construction contract(s) for the Project a provision that if a potentially significant historical or archaeological resource is encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under CEQA, the archaeologist shall recommend a feasible protocol, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.

MM CUL-2: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:

There shall be no further excavation or disturbance of the area where the human remains were found until the County Coroner/Sheriff's Office is contacted. Duly authorized representatives of the Coroner shall be permitted onto the Project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Section 27460, et seq. Excavation or disturbance of the area where the human remains were found, or within 50 feet of the find, shall not be permitted to recommence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD 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 PRC Section 5097.98.

MM GEO-1: Prior to Project implementation, the Applicant shall submit an approved copy of (1) the approved Storm Water Pollution Prevention Plan (SWPPP), and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and the NPDES

shall be incorporated into the design specifications and construction contracts.

MM GEO-2: The applicant or developer will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the Applicant, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the Applicant shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.

MM TRA-1: The applicant or developer shall be responsible for the following improvements:

Intersections:

Main Street at Campbell Boulevard

- Near-Term Plus Project scenario:
  - Install traffic signal
- Cumulative Year 2042 Plus Project scenario:
  - Install traffic signal
  - Widen the westbound approach to one left turn lane, one through lane, and one right turn lane (adding one right turn lane)

Winton Parkway at SR 99 NB Ramps

- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)

Winton Parkway at SR 99 SB Ramps

- Existing Plus Project and Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the eastbound approach to one left turn lane and one right turn lane (adding one left turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal

- Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
- Widen the eastbound approach to one left turn lane and two right turn lanes (adding one left turn lane and one right turn lane)

Hammatt Avenue at SR 99 NB Ramps

- Existing Plus Project scenario:
  - Install Traffic Signal
- Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the westbound approach to one left-through lane and two right-turn lanes (adding one right turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the westbound approach to one left-through lane and two right turn lanes (adding one right lane)

Hammatt Avenue at SR 99 SB Ramps

- Near-Term Plus Project scenario:
  - Install Traffic Signal
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right lane (adding one right turn lane)

MM TRA-2: The applicant or developer shall be required to contribute a fair share towards the costs of improvements that are identified for the Cumulative Year 2042 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2042 scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts.

The formula used to calculate the equitable share responsibility to the study area is as follows:

Equitable Share = (Project Trips)/(Future Year Plus Approved Project Traffic – Existing Traffic)

Equitable Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2042 PLUS PROJECT	FAIR SHARE PERCENTAGE

Main Street / Campbell Boulevard	AM	1,189	22	1,701	4.3%
	PM	946	28	1,396	6.2%
Winton Parkway / SR 99 NB Ramps	AM	1,284	4	1,727	0.9%
	PM	1,243	6	1,675	1.4%
Winton Parkway / SR 99 SB Ramps	AM	1,711	3	2,301	0.5%
	PM	1,727	2	2,323	0.3%
Hammatt Avenue / SR 99 NB Ramps	AM	1,322	6	2,208	0.7%
	PM	1,262	7	2,131	0.8%
Hammatt Avenue / SR 99 SB Ramps	AM	1,160	1	1,873	0.1%
	PM	1,236	5	2,010	0.6%

MM UTL-1: During construction of future commercial Industrial facilities, the Project Applicant shall not store construction waste on-site for longer than the duration of the construction activity or transport any waste to any unpermitted facilities. The Project Applicant shall also reduce construction waste transported to landfills by ensuring construction and demolition waste is hauled to one of the six City-approved construction and demolition disposal facilities.

MM UTL-2: In order to reduce the amount of waste generated from Industrial-related operations being taken to the landfill, the following shall be incorporated into the CUP conditions of approval for each Project:

Businesses generating four cubic yards or more of commercial solid waste per week are required to recycle and take one, or any combination, of the following actions:

- Subscribe to source-separated recycling service with a regional franchise hauler authorized to provide service for the area in which the business is located.
- Subscribe to a mixed solid waste recycling service with a regional franchise hauler authorized to provide service for the areas in which the business is located.
- Self-recycle and certify compliance.
- Undertake a combination of such measures, or such alternate measures, as may be approved by the City to reduce the amount of waste from the commercial sector being taken to a landfill.

MM UTL-3: Prior to issuance of grading or building permits, the Project Applicant shall construct, adequate, segregated, on-site screened storage for collection of commercial solid waste and source separated recyclable materials if constructing new facilities or if existing facilities do not provide such areas. The area shall be designed to be architecturally compatible with the development and shall not prevent security of the recyclables. Driveways

and/or travel aisles shall provide, at a minimum, unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling/solid waste collection and loading areas and the materials accepted shall be posted adjacent to all points of direct access to the area.

SECTION 1 - INTRODUCTION

1.1 - Overview

The Applicant is seeking to subdivide an 18.8-acre parcel into 22 lots with one drainage basin (Lot A) for the creation of a secured, gated Industrial Business Park in the City of Livingston. Aside from the drainage basin and one lot, all other lots are less than one acre in size.

Although there will not be any development of buildings for future occupants, the Project would result in the creation of a secured, gated area for businesses, internal privately owned roads, and an extension of City waterlines to the Project site for the businesses that will occupy the area.

The Tentative Map will be recorded under a single Final Map.

1.2 - California Environmental Quality Act

The City of Livingston is the Lead Agency for this Project pursuant to the California Environmental Quality Act (CEQA) Guidelines (Public Resources Code Section 15000 et seq.). The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Initial Study*) provides analysis that examines the potential environmental effects of the construction and operation of the Project. Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an IS to determine whether a discretionary project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) is appropriate when an IS has been prepared and a determination can be made that no significant environmental effects will occur because revisions to the Project have been made or mitigation measures will be implemented that reduce all potentially significant impacts to less-than-significant levels. The content of an MND is the same as a Negative Declaration, with the addition of identified mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP) (see *Appendix A – Mitigation Monitoring and Reporting Program*).

Based on the IS, the Lead Agency has determined that the environmental review for the proposed application can be completed with an MND.

1.3 - Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of "no impact" is appropriate if the analysis concludes that the Project would not affect a topic area in any way.
- An impact is considered "less than significant" if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered "less than significant with mitigation incorporated" if the analysis concludes that it would cause no substantial adverse change to the

environment with the inclusion of environmental commitments that have been agreed to by the Applicant.
- An impact is considered "potentially significant" if the analysis concludes that it could have a substantial adverse effect on the environment.

1.4 - Document Organization and Contents

The content and format of this IS/MND is designed to meet the requirements of CEQA. The report contains the following sections:

- *Section 1 – Introduction*: This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description*: This section describes the Project and provides data on the site's location.
- *Section 3 – Environmental Checklist*: This section contains the evaluation of 18 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include no impact, less-than-significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 18 environmental resource factors, then an Environmental Impact Report will be required.
- *Section 4 – List of Preparers*: This section identifies the individuals who prepared the IS/MND.
- *Section 5 – Bibliography:* This section contains a full list of references that were used in the preparation of this IS/MND.
- *Appendix A – Mitigation Monitoring and Reporting Program:* This appendix contains the Mitigation Monitoring and Reporting Program.

1.5 - Incorporated by Reference

The following documents and/or regulations are incorporated into this IS/MND by reference:

- City of Livingston General Plan (December 1999)
- Zoning Ordinance Section 5-3-15: Land Use Regulations and Section 5-5-14: Commercial Cannabis Activity
- See *Section 5 – Bibliography* for a full list of references

SECTION 2 - PROJECT DESCRIPTION

2.1 - Introduction

The applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66 acres to 1.46 acres in size, and dedicated stormwater detention basin (Lot A). The Project would ultimately result in a secured, gated Industrial Business Park with a future 25-foot-wide internal road being privately owned and maintained. The Applicant is applying for a Master Conditional Use Permit, as well as seeking approval of a General Plan Map Amendment re-designating the project site from Industrial Reserve to Limited Industrial.

2.2 - Project Location

The Project site is located approximately 0.4 miles west of Main Street, just north of Bird Street as it turns north to the Wastewater Treatment Plant in the northern-most part of the City of Livingston, California, which is one of six incorporated cities in Merced County (Figures 2-1 and 2-2). State Route (SR) 99 is approximately one mile west of the site. The Project parcel is identified by the assessor's parcel number (APN) 047-090-004. The site is predominately surrounded by agricultural land. Presently, the site predominantly consists of fallow agricultural land. A canal trends southwest-northeast through the site with an electrical power line along the northern boundary.

The Livingston City Limits extend to the eastern boundary of the Bird Street right-of-way that fronts the project site. The properties and the rest of Bird Street east of the project site are located in the unincorporated area of Merced County.

The Project site has a General Plan designation of Industrial Reserve (IR) (Figure 2-3) and is zoned Limited Industrial (M-1) (Figure 2-4).

2.3 - Surrounding Land Uses

North and west of the Project site is zoned for Public/Quasi-Public Facility and Limited Industrial while south of the Project site is zoned as General Industrial. The east side of the Project site is on the border of the city limits and the sphere of influence.

The surrounding lands predominantly consist of agricultural production to the east, south, and west, and a drainage basin to the north.

2.4 - Proposed Project

The Applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66 acres to 1.46 acres in size (Figure 2-5), and a dedicated stormwater detention basin (Lot A). The project site will be developed in four phases. The Project would ultimately result in a secured, gated Industrial Business Park with a future 25-foot-wide internal road being privately owned and maintained. The site is bisected by the MID

Stoddard Lateral that runs diagonally through the site and will be piped and undergrounded. The Applicant is also proposing a General Plan Map Amendment to redesignate the Project site from Industrial Reserve to Limited Industrial.

Figure 2-1
Regional Location Map

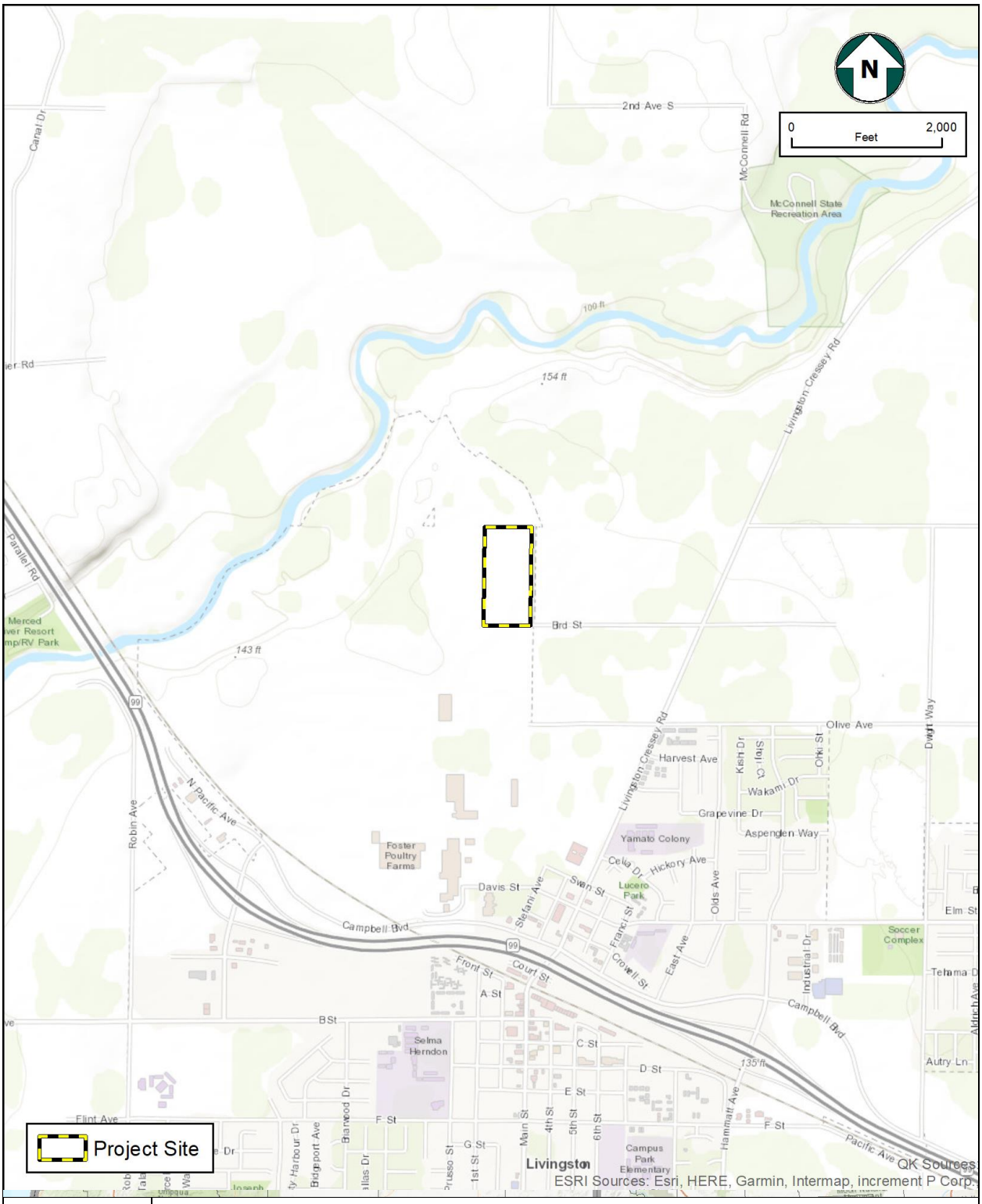


Figure 2-2
Vicinity Map

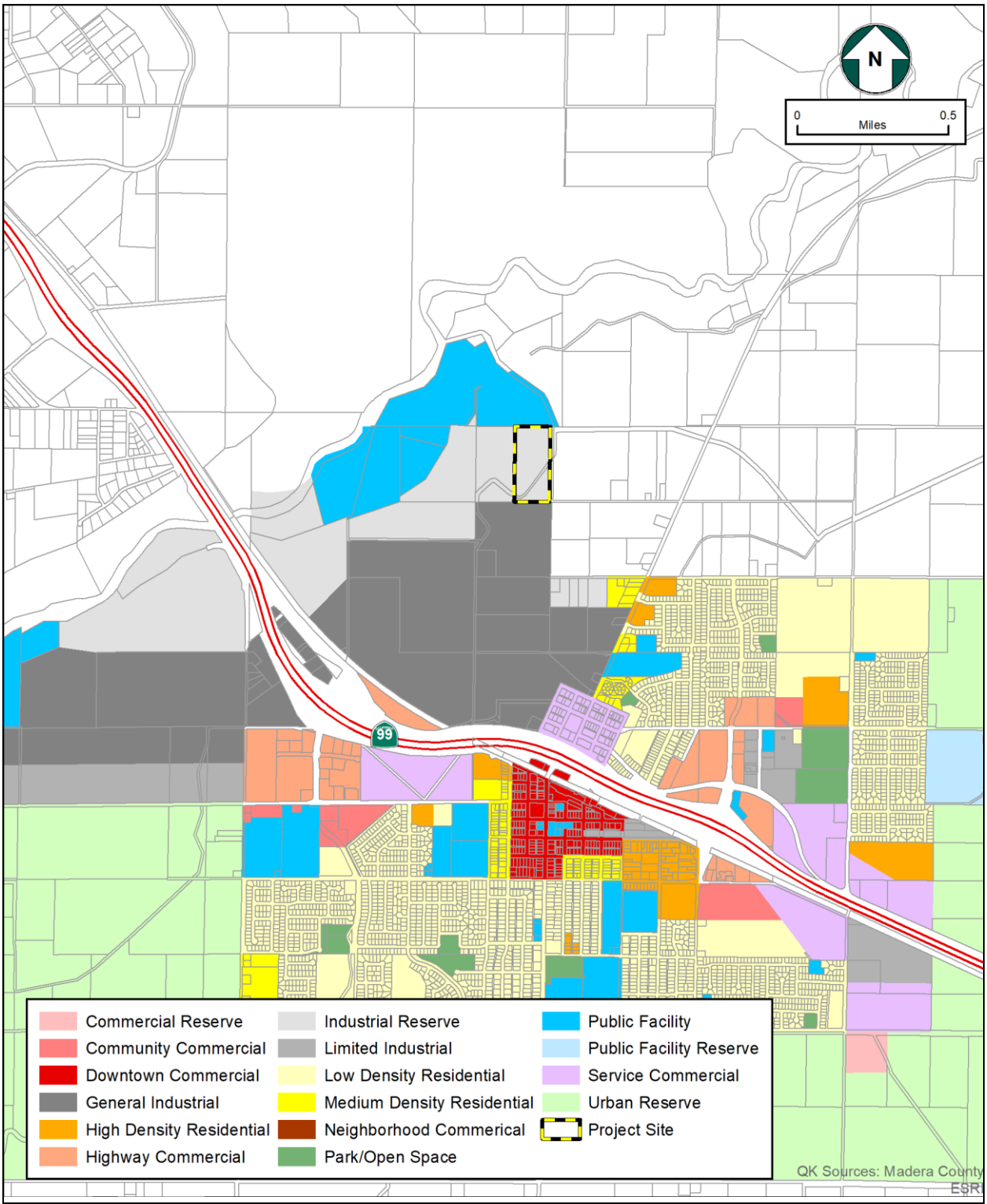


Figure 2-3
General Plan Designation Map

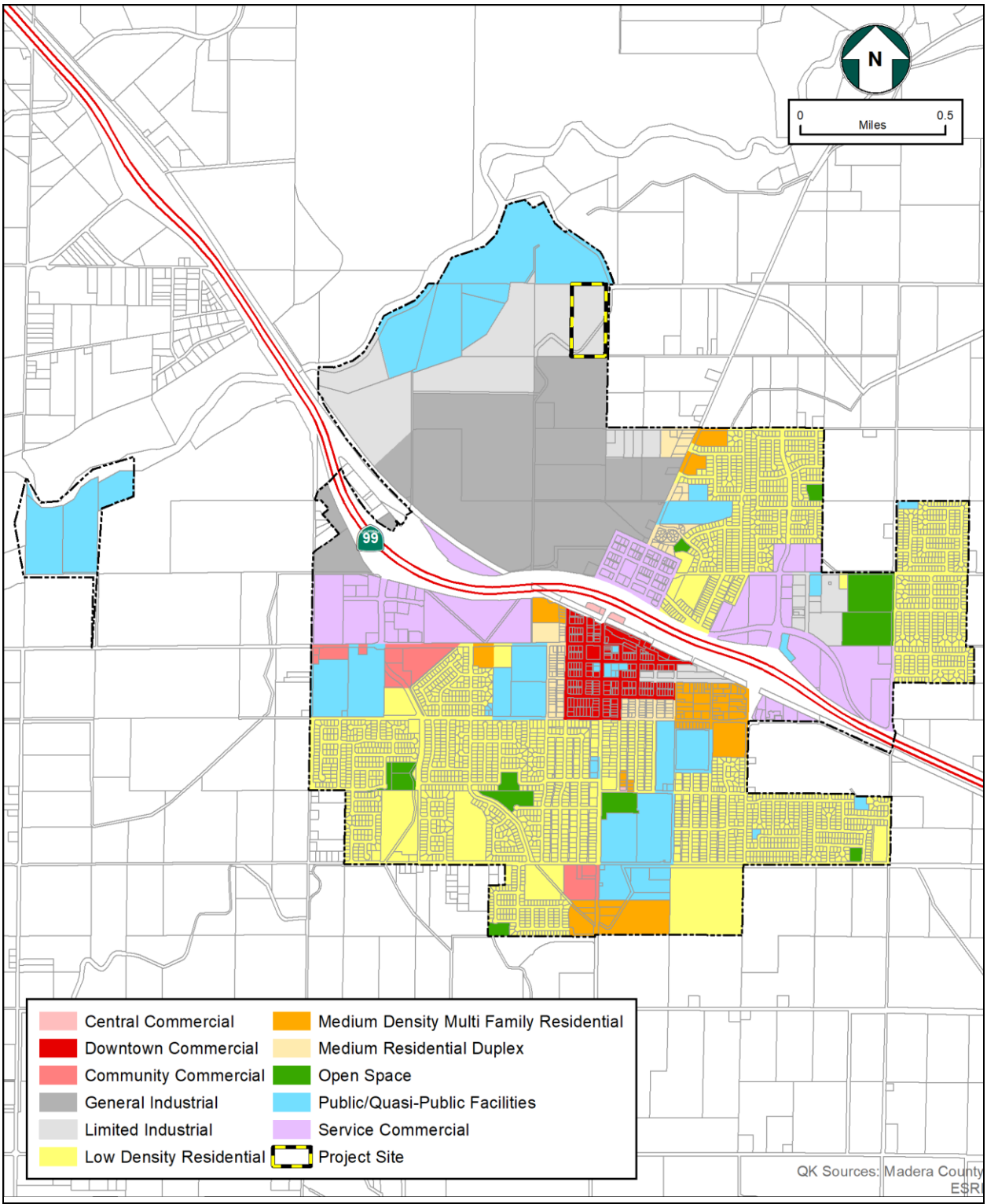


Figure 2-4
Zoning Map

Figure 2-5
Proposed Tentative Subdivision Map

The Tentative Subdivision Map (TSM) would ultimately consist of the buildout of a Industrial Business Park. Specific future uses on the property have not been determined at this time, but according to Section 5-3-15, Land Use Regulations (Zoning Matrix) from the City's Municipal Code, the following cannabis-related uses could be included within the proposed Industrial Business Park with approval of a Conditional Use Permit:

- Commercial cannabis cultivation – indoor
- Commercial cannabis cultivation – mixed light (enclosed)
- Commercial cannabis distribution
- Commercial cannabis manufacturing (volatile/nonvolatile)
- Commercial cannabis – microbusiness (no retail; no outdoor cultivation)
- Commercial cannabis nursery – indoor or mixed light/greenhouse
- Commercial cannabis testing

Although the ultimate intent for the TSM is to construct an Industrial Business Park, if cannabis-related uses are not forthcoming, then the 22 lots may result in the construction of other non-cannabis industrial uses as permitted in the Zoning Ordinance. Therefore, according to Municipal Code Title 5, Chapter 2, if cannabis-related uses are not established, the following uses could be either a permitted use or a conditionally permitted use within the M-1 zone:

- Auto body repair
- Auto storage
- Auto wrecking
- Body art establishment
- Finished goods assembly
- Heavy terminal
- Kennel
- Manufacturing, beverage/bottling plant.
- Manufacturing, heavy general
- Manufacturing, light general
- Recycling facility
- Salvage yards
- Smoke shop and/or smoking lounge

The ultimate buildout of the 22 lots and basin lot (Lot A), whether it includes cannabis-related uses or not, would need to be consistent with City's General Plan, Zoning Ordinance, and would need to meet the intent of the M-1 zone district.

Other industrial-related uses permitted in the M-1 zone district, but not specifically analyzed in this document or the related traffic study, may require additional CEQA analysis and the time of project entitlement.

Site plan and design review are required for all uses involving new construction, significant exterior alterations to existing structures, or significant site plan alterations in the M-1 zone.

As part of the Master Conditional Use Permit, the applicant has submitted a conceptual site plan depicting the typical buildout of the proposed lots. The Applicant is seeking the City Council's approval of the sample site plan, and to obtain the Council's authorization for staff-level approval of future site plans deemed sufficiently consistent with the sample going forward.

As noted above, some uses, not specifically listed above, will require conditional use permits or other discretionary review, subject to the determination of compliance with the development, parking, landscaping, and other standards of the Zoning Ordinance. All future Industrial-related uses will be subject to the City's permitting process. Due to the size, complexity, unusual features, or other concerns, any project subject to administrative or conditional approval, may be further reviewed under CEQA at the discretion of the Planning Director.

Below is a demonstration of compliance with the requirements for a Conditional Use Permit as outlined in the City of Livingston Municipal Code Section 5-6-8:

i. *Conditional use permits require a determination of findings and conditions by the planning commission.*
ii. *Application for conditional use permits shall be made to the planning department in writing on a form prescribed by the city and shall be accompanied by an established fee or deposit and copies of plans and elevations showing in detail the proposed use or building.*

Since the Project includes four phases, ,a separate site plan review application will be submitted separately for each phase as the Project progresses.

iii. *A conditional use permit shall not be granted for the use unreasonably incompatible with permitted uses in the area considering damage and nuisance from light sources, noise, smoke, odor, dust or vibration, hazard resulting from unusual volume or character of traffic, or congestion of a large number of persons or vehicles.*

The Project prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project's Tentative Subdivision Map. The IS/MND assesses a less than significant impact for light or glare, noise, air quality, hazards, and transportation due to the implementation of the Project.

Proposed Phasing Plan

As mentioned above, the Applicant is proposing a 22-lot Industrial Business Park to be located on an 18.8-acre parcel in the city of Livingston. The 22 lots, ranging from approximately 0.66 acres to 1.46 acres in size. Project components also include a private road, piping, realignment, and undergrounding of the MID Stoddard Lateral, extension of water lines, and well construction.

The following processes are required at different stages of the Project implementation:

Permit Process

- Conditional Use Permit (CUP)
- Site Plan Review (SPR)

Prior to Construction

- Dust Control Plan
- Screened Storage for solid waste and recyclables
- SWPPP and NOI
- Pre-Activity Surveys for Special-Status Species (Various)

Traffic Improvements

- Main Street at Campbell Boulevard: traffic signal and road widening
- Winton Parkway at SR 99 NB: traffic signal and road widening
- Winton Parkway at SR 99 SB: traffic signal and road widening
- Hammat Avenue at SR 99 NB: traffic signal and road widening
- Hammat Avenue at SR 99 SB: traffic signal and road widening

Prior to Occupancy

- Fair Share Payment

Proposed Phasing

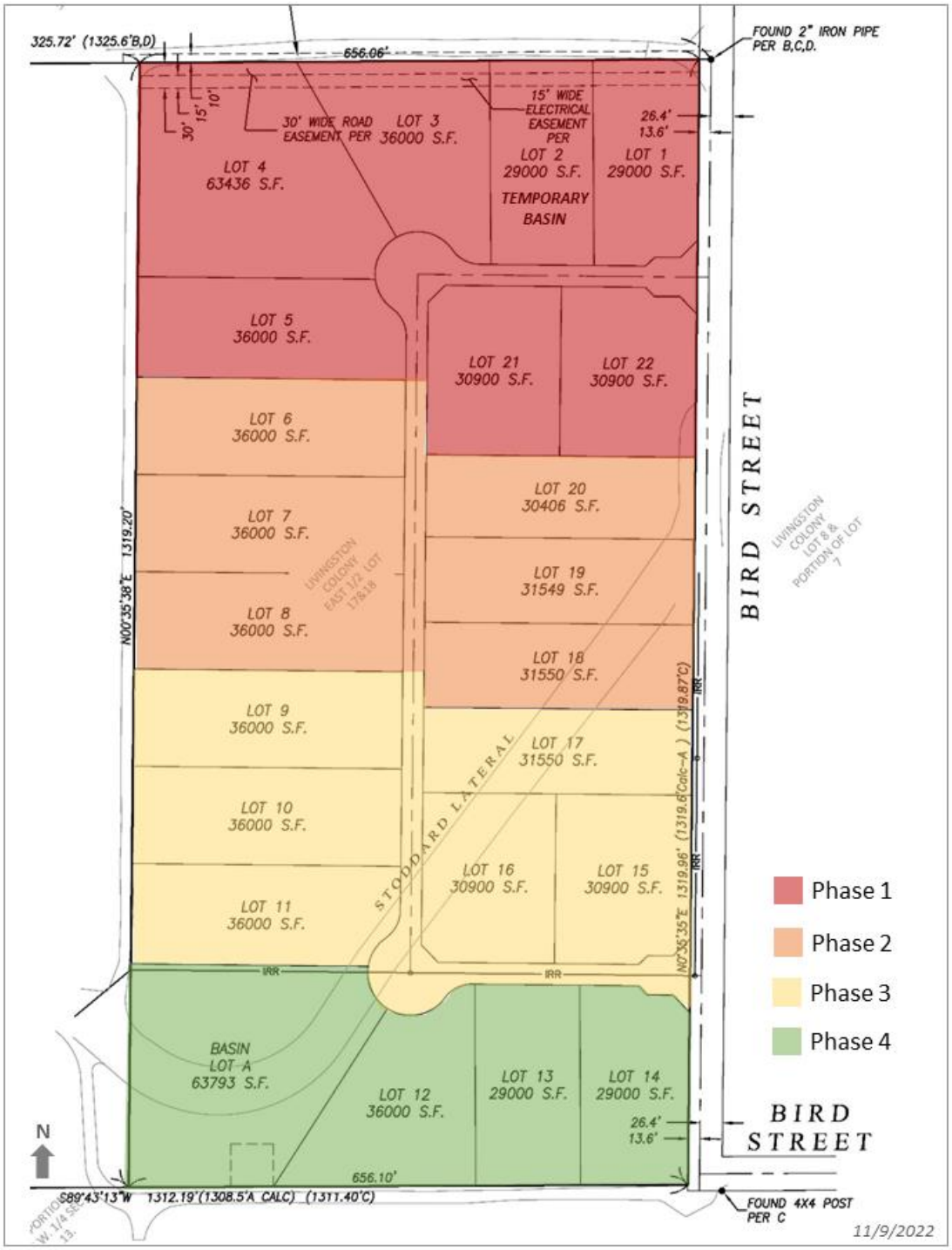
Based on our Project understanding, the project Applicant is proposing the following phased approach, also depicted in Figure 2-6:

Phase	Description

Phase 1	• Prior to Building Permits:
	  ○ Dust Control Plan
	  ○ Screened Storage for solid waste and recyclables
	  ○ SWPPP and NOI (if greater than one (1) acre)
	  ○ Pre-Activity Biological Surveys
	• Depending on operations, provide on-site drainage facilities.
	• Extension of water lines (unless there is an alternative for water use; and if so, move to Phase 2)
	• Construct 25 ft. private road (portion)
	• Prior to Certificate of Occupancy:
	  ○ Fair Share Payment

Phase 2	• Submit I SPR for six (6) facilities • Prior to Building Permits: ○ Dust Control Plan

	○ Screened Storage for solid waste and recyclables ○ SWPPP and NOI • Depending on operations, provide on-site drainage facilities. • Extension of water lines (if applicable) • Construct 25 ft. private road (portion) • Traffic Improvements: ○ Main Street at Campbell Boulevard: traffic signal and road widening • Prior to Certificate of Occupancy: ○ Fair Share Payment • Pipe and underground MID Stoddard lateral
Phase 3	• Submit Industrial SPR for six (6) facilities • Prior to Building Permits: ○ Dust Control Plan ○ Screened Storage for solid waste and recyclables ○ SWPPP and NOI • Depending on operations, provide on-site drainage facilities • Construct 25 ft. private road (portion) • Traffic Improvements: ○ Winton Parkway at SR 99 NB: traffic signal and road widening ○ Winton Parkway at SR 99 SB: traffic signal and road widening • Prior to Certificate of Occupancy: ○ Fair Share Payment
Phase 4	• Submit SPR for three (3) facilities and Lot A Basin • Prior to Building Permits: ○ Dust Control Plan ○ Screened Storage for solid waste and recyclables ○ SWPPP and NOI • Construct well. • Traffic Improvements: ○ Hammat Avenue at SR 99 NB: traffic signal and road widening ○ Hammat Avenue at SR 99 SB: traffic signal and road widening • Prior to Certificate of Occupancy: ○ Fair Share Payment ○ Construct Perimeter Wall



Proposed Phasing Plan

Greenzone Project

Figure 2-6
Proposed Phasing Plan

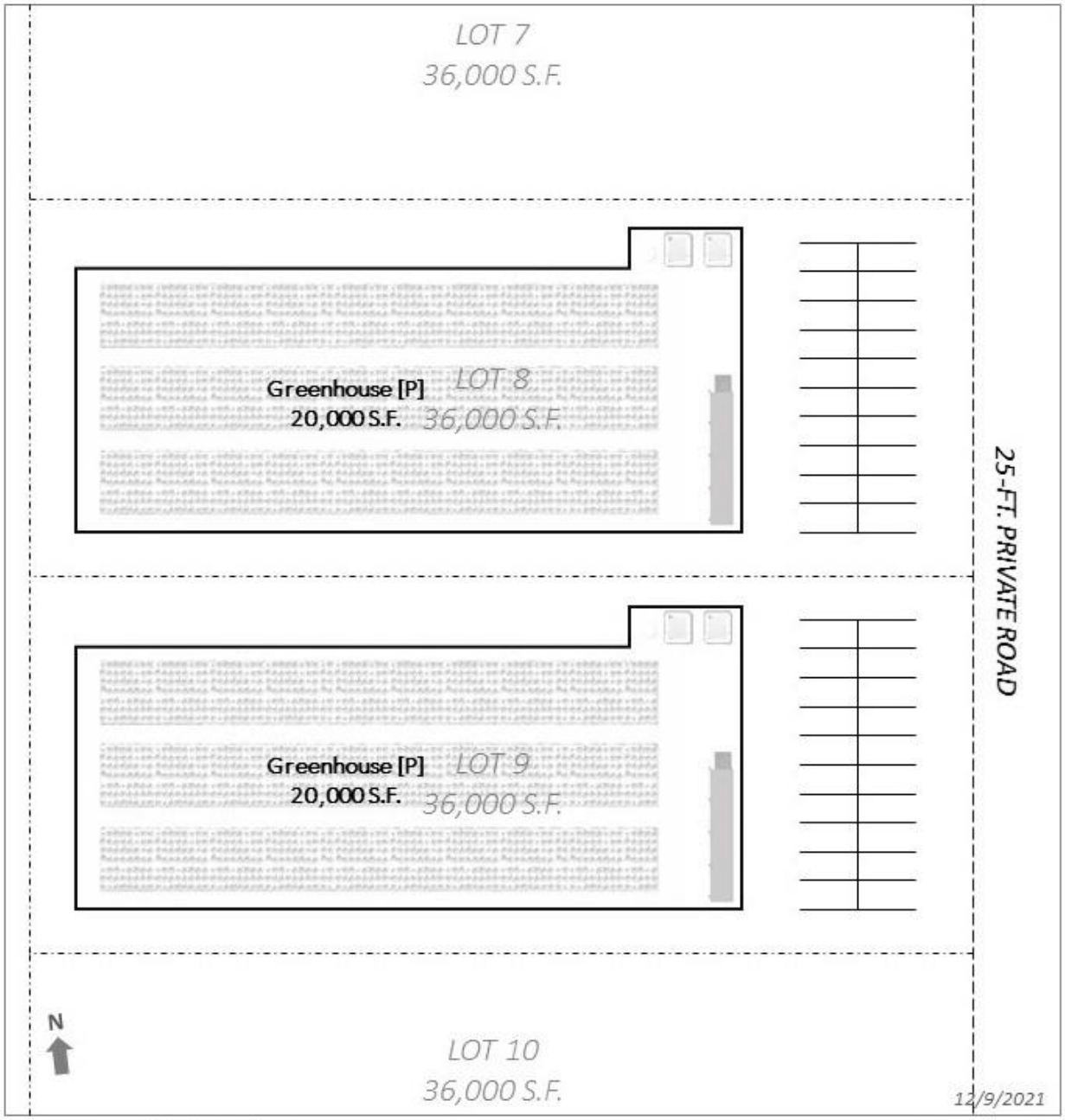


Figure 2-7
Conceptual Site Plan (Not Applicable)

SECTION 3 - INITIAL STUDY

3.1 - Environmental Checklist

1. **Project Title:**

   Greenzone, – Industrial Business Park, LLC

2. **Lead Agency Name and Address:**

   City of Livingston
   1416 C Street
   Livingston, CA 95334

3. **Contact Person and Phone Number:**

   Livingston Contract Planner – (209) 394-8041

4. **Project Location:**

   The Project site is located approximately 0.4 miles west of Main Street, just north of Bird Street as it turns north to the Wastewater Treatment Plant in the northern-most part of the City of Livingston, California, which is one of six incorporated cities in Merced County (Figures 2-1 and 2-2). State Route (SR) 99 is approximately one mile west of the site. The Project parcel is identified by the assessor's parcel number (APN) 047-090-004. Presently, the site predominantly consists of fallow agricultural land. A canal trends southwest-northeast through the site.

5. **Project Sponsor's Name and Address:**

   Greenzone, LLC
   1382 Christopher Drive
   Merced, CA 95340

6. **General Plan Designation:**

   Industrial Reserve (IR)

7. **Zoning:**

   Limited Industrial (M-1)

8. **Description of Project:**

   The Applicant is proposing to subdivide an 18.8-acre parcel into 22 lots ranging from approximately 0.66-acres to 1.46 acres in size, and dedicated stormwater detention basin (Lot A). The Applicant is also proposing a General Plan Map Amendment to re-designate

the project site from Industrial Reserve to Limited Industrial. The Project would ultimately result in a secured, gated Industrial Business Park with a future 25-foot-wide internal road being privately owned and maintained. The site is bisected by the MID Stoddard Lateral which runs diagonally through the site and will be piped and undergrounded. The ultimate buildout of the 22 lots and basin lot, whether it includes cannabis-related uses or not, would need to be consistent with City's General Plan, Zoning Ordinance, and would need to meet the intent of the M-1 zone district.

See *Section 2 – Project Description* for a complete description of the Project.

9. Surrounding Land Uses and Setting:

The site currently consists of agricultural production and vacant fallow land. The site is bisected by a canal that runs diagonally through the site. Surrounding land uses includes a drainage basin to the north, row crops to the east, and vacant fallow land to the south and west. Bird Street, a 40 foot-wide right-of-way, is partially developed and fronts along the project site.

10. Other Public Agencies Whose Approval may be Required:

- California Department of Fish and Wildlife (CDFW)
- California Bureau of Cannabis Control (CalCannabis)
- California Department of Food and Agriculture (CDFA)
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- California Department of Public Health (CDPH)
- Central Valley Regional Water Quality Control Board (RWQCB)
- California Department of Transportation (Caltrans)
- California Department of Equalization
- California Department of Justice
- California Franchise Tax Board
- California Environmental Protection Agency
- Army Corps of Engineers
- US Fish and Wildlife Service

11. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to AB 52 requirements, no local tribes had requested to be consulted for input on future City projects.

Per SB 18 requirements, the City of Livingston consulted with the NAHC to obtain a list of tribes culturally-affiliated with the Project area. The NAHC responded back on January 20, 2022 with a list of 6 tribes with affiliation to the Project area. The City sent

consultation request letters to the Dumna Wo-Wah tribe on December 20, 2021, and to the remainder of the tribes on January 21, 2022 (Appendix F). During the mandated 90-day timeframe, no tribes responded back requesting additional consultation on this Project.

3.2 - 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 and Planning	☐ Mineral Resources
☐ Noise	☐ Population and Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

3.3 - Determination

On the basis of this initial evaluation:

☐ 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 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 (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT 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.

Signature	Date
Printed Name	Title

3.4 - Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any, to reduce the impact to less than significant.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.1 - AESTHETICS					
Except as provided in Public Resources Code Section 21099, would the Project:					
a.	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c.	In nonurbanized 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?	☐	☐	☒	☐
d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion

Impact #3.4.1a – Except as provided in Public Resources Code Section 21099, would the Project have a substantial adverse effect on a scenic vista?

The Project site and its surrounding vicinity has been highly modified for agricultural production. Additionally, the site itself is traversed by a manmade canal. Construction and ongoing operations occurring on the proposed Project site would be visible from surrounding properties and roadways, however, the surrounding sites consist of agricultural production to the east, south, and west, and a drainage basin to the north. The project site contains an electrical power line that borders just inside the northern property line.

There are no unique visual features or scenic vistas in the Project area. No roadways in the Project vicinity are designated as scenic under existing visual protection programs. No scenic vistas exist on the Project site or within the Project vicinity.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.1b – Except as provided in Public Resources Code Section 21099, would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

California's Scenic Highway Program was created by the legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. According to Caltrans' California Scenic Highway Program and the National Scenic Byways Program, the proposed Project site is not in the vicinity of a State or local scenic highway and is not considered "eligible" or "officially designated" as a scenic highway. Additionally, the proposed Project site is not located adjacent to, nor is it visible from, a designated local scenic highway/roadway/trail.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.1c – Except as provided in Public Resources Code Section 21099, would the Project in nonurbanized 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?

Future uses on the property have not been determined at this time, but would only include what is currently allowed in the City of Livingston Municipal Code. The initial intent is to develop the site for a future Industrial Business Park which could include cannabis-related uses permitted under Municipal Code Section 5-3-15. If the buildout of this is never realized, the site would be allowed to develop to include the additional permitted uses allowed for this zone per Municipal Code Title 5, Chapter 2. The proposed Project at full buildout will potentially change the present character of the Project site's existing setting from agriculture to more of an industrial-type setting, however, any future use would be consistent with the City's zoning and General Plan. The City's Zoning Ordinance dictates height, setback, and development standards (e.g., landscaping) to minimize impacts to aesthetics. Future development associated with the proposed entitlements will be in conformance with the types of uses that are permitted on the Project site and will not substantially alter the visual character of the surrounding area.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.1d – Except as provided in Public Resources Code Section 21099, would the Project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Any new development has the potential to introduce new sources of light with the addition of interior and exterior lighting. Future development of the proposed Project site may include exterior lighting sources along with new street lighting. The effect of new lighting could result in a loss of darkness in the night sky that may be noticeable to residents in the surrounding area; some sky glow and light 'spillage' could occur with this new development.

Exterior lighting will be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and will be hooded and directed downward and away from adjoining properties and public rights-of-way. All future proposed development for the site will need to submit a lighting plan in accordance with the City's Municipal Code 5-6-7(C)3. All lighting fixtures will be appropriate to the use they are serving in scale, intensity, and height pursuant to the provisions of the M-1 zone district. With conformance to the requirements of the City's Zoning Ordinance, the addition of exterior lighting sources within the proposed Project site would not be considered a substantial new source of light or glare adversely affecting day or nighttime views in the area.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.2 - AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

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 nonagricultural use?	☐	☐	☒	☐
b.	Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d.	Result in the loss of forest land or conversion of forest land to nonforest use?	☐	☐	☐	☒
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to nonforest use?	☐	☐	☒	☐

Discussion

Impact #3.4.2a – Would the Project 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 nonagricultural use?

Historically, the Project site has been used for agricultural production, but has a zoning designation of Limited Industrial (M-1) and is designated as Industrial Reserve (IR) in the

General Plan. According to the Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the site is predominantly classified as Farmland of Statewide Importance. According to the map, approximately 0.9 acres of the site is dedicated as Prime Farmland.

Although the intent at full buildout of the proposed entitlements would be to construct a Industrial Business Park, the specific uses on the property may change over time for various reasons. Either way, all future uses would be required to be consistent with the City's Zoning Ordinance.

The conversion of prime agricultural land to nonagricultural land was analyzed in the 1999 City of Livingston General Plan. According to Impact #3.8.1 in the Mitigation Monitoring and Reporting Program (MMRP), under the 1999 General Plan, there's the potential to urbanize approximately 1,500 acres of prime agricultural lands, disrupt agricultural production, and/or permanently commit nonrenewable agricultural lands and soils to other uses. This impact was considered to be significant and unavoidable, and according to the City Contract Planner, a Statement of Overriding Considerations was adopted for the 1999 General Plan. Given the fact that the proposed site has already been rezoned from agricultural to industrial, the proposed Project would not further convert lands designated by the FMMP. The FMMP maps are updated periodically by the state and it is expected that this area will reflect the previous actions on the site.

Mitigation Measure(s)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.2b – Would the Project conflict with existing zoning for agricultural use or a Williamson Act Contract?

The Project site as proposed would have a zoning designation of Limited Industrial (M-1) and is designated as Industrial Reserve (IR) in the General Plan. As previously mentioned, any proposed future uses of the site would be in conformance with the City Zoning Ordinance. The site is not zoned for agricultural use and is not under a Williamson Act contract (Figure 3.4.2-1). Additionally, no land surrounding the site is under a Williamson Act contract, therefore, the Project would not be in conflict with either.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

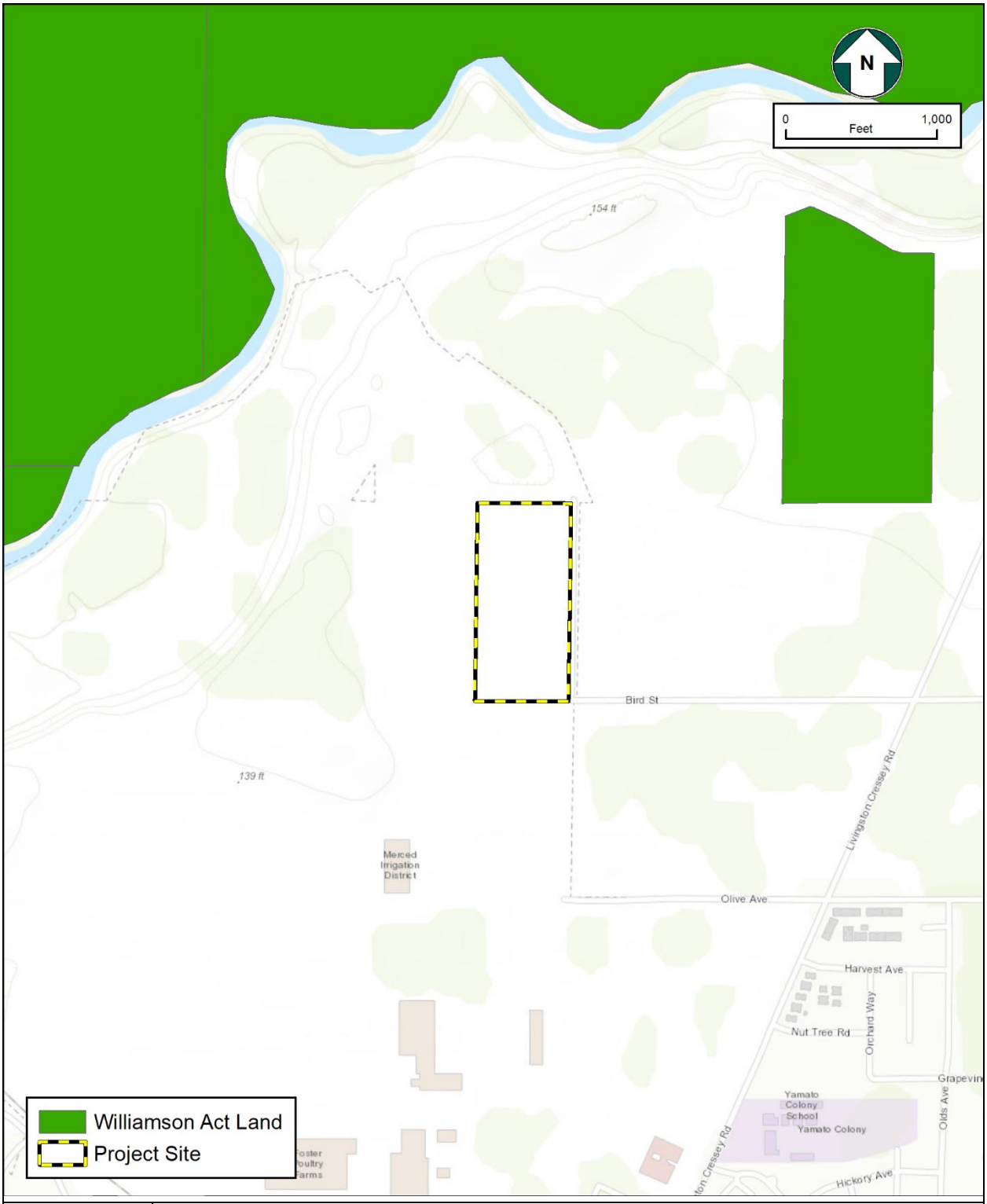


Figure 3.4.2-1
Williamson Act Land Use Contract

Impact #3.4.2c – Would the Project 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))?

The Project site is not currently zoned for forest land, timberland, or zoned Timberland Production by the City's Zoning Ordinance. Therefore, the Project will not conflict with existing zoning for, or cause the rezoning of, forest land or timberland.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.2d – Would the Project result in the loss of forest land or conversion of forest land to nonforest use?

As defined by Public Resource Code Section 12220(g), Public Resources Code Section 4526, and Government Code Section 51104(g), the Project site is not classified as forestry or timberland, nor are any of the surrounding lands in the vicinity. Therefore, the Project would not result in the loss of forest land and would not convert forest land to a nonforest use.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.2e – Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to nonforest use?

The Project site and surrounding sites currently consist of various forms of agricultural production. Although the Project site and surrounding sites are designated as M-1 on the Zoning Map and IR in the General Plan, there may be the potential for urban and agricultural interface conflicts to occur over time as the land converts from agricultural uses to nonagricultural use to be consistent with their Zoning and General Plan designations. For example, employee traffic from the Industrial Business Park may experience delays due to on-road slow-moving farming equipment in the area.

Urban and agricultural interface conflicts are addressed in the City of Livingston 1999 General Plan Chapter 5, Section 5.1(C), which states, "Edges such as roadways, railroad

rights-of-way, irrigation ditches, shall be used as growth phasing boundaries to ensure that agricultural operations are not eliminated prematurely." Since the Project site is located along the edge of the city boundary, conversion of this land to nonagricultural use would be consistent and supported by the General Plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact

3.4.3 - AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the Project:

a.	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c.	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Discussion

To streamline the process of assessing the significance of criteria pollutant emissions from typical projects, the SJVAPCD has developed the screening tool, Small Project Analysis Level (SPAL). Assessing the Project's SPAL by vehicle trips as well as project type, the SJVAPCD has prequantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. According to the SPAL requirements, no quantification of ozone precursor emissions is needed for projects less than or equal to the project type and vehicle trips thresholds established in the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) (SJVAPCD, 2015).

The proposed Project would be subject to SJVAPCD Rules and Regulations, including but not limited, to Regulation VIII – Fugitive Dust PM_{10} Prohibitions, Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The Project Applicant will be required to consult with the SJVAPCD and implement any required measures.

SPAL requirements for a project in a Land Use Category of Industrial – General Light Industry must have a project size less than or equal to 510,000 square feet (see Table 3.4.3-1). The Project is composed of 22 lots and one drainage basin (Lot A); the total developable area of the Project, excluding the basin, is 752,091 square feet. Although this developable area total

is over the SPAL requirement for a General Light Industrial Land Use Category, when adjusted for the Floor Area Ratio (FAR), the total maximum building allowance is within SPAL requirements. The total maximum building allowance of the Project, adjusted to a FAR of 0.5 percent comes out to 376,046 square feet (Livingston, 2019).

Table 3.4.3-1
Small Project Analysis Level by Vehicle Trips

Land Use Category	Project Size
Residential Housing	1,453 trips/day
Commercial	1,673 trips/day
Office	1,628 trips/day
Institutional	1,707 trips/day
Industrial	1,506 trips/day

Source: San Joaquin Valley Air Pollution Control District, 2012.

Table 3.4.3-2
Land Use Category – Industrial

Land Use Category	Project Size
General Light Industry	510,000 ft^2
Heavy industry	920,000 ft^2
Industrial Park	370,000 ft^2
Manufacturing	400,000 ft^2

Source: San Joaquin Valley Air Pollution Control District, 2012.

Impact #3.4.3a – Would the Project conflict with or obstruct implementation of the applicable air quality plan?

See the discussion above. The Project meets the Land Use Category – Industrial requirements for a SPAL. Whereas the Project is consistent with the General Plan and Zoning Ordinance upon which the air quality planning is based and would not exceed applicable thresholds of significance for criteria pollutants, the Project would not conflict with or obstruct implementation of adopted air quality plans and policies. However, to ensure the Project complies with applicable SJVAPCD Rules and Regulations, the following mitigation measure would be required.

MITIGATION MEASURE(S)

MM AQ-1: Prior to the issuance of grading or building permits, the developer shall provide the City with evidence from the SJVAPCD of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM_{10} Prohibitions. The subdivision project may be subject to other rules including Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance

Operation). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.3b – Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard?

See Impact #3.4.3a.

The analysis above concluded that the Project would qualify as a SPAL project because it meets the SJVAPCD project screening SPAL criteria set forth in the 2015 GAMAQI. Therefore, the Project would not exceed SJVAPCD's emission thresholds for the criteria pollutants during construction and operational phases and any impact would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.3c – Would the Project expose sensitive receptors to substantial pollutant concentrations?

See Impact #3.4.3b.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.3d – Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Impacts from Hazardous Air Pollutants (HAPs) are localized impacts. According to the 2015 GAMAQI, the SJVAPCD has established thresholds of significance for toxic air contaminants (TACs) that are extremely conservative and protective of health impacts on sensitive receptors (SJVAPCD, 2015). Some examples of projects that may include HAPs are:

- Agricultural products processing

- Bulk material handling
- Chemical blending, mixing, manufacturing, storage, etc.
- Combustion equipment (boilers, engines, heaters, incinerators, etc.)
- Metals etching, melting, plating, refining, etc.
- Plastics & fiberglass forming and manufacturing
- Petroleum production, manufacturing, storage, and distribution
- Rock & mineral mining and processing

None of the example projects provided by the SJVAPCD are applicable to the proposed Project. Any emissions from the Project would be a result of the construction of businesses that wish to be a part of the Industrial Business Park. Any emissions from construction would be temporary and localized. Additionally, the Project site is located approximately 1,500 feet north of the City's wastewater treatment plant and nearby to the existing Foster Farms facility. The proposed project at full buildout would not create any operational outdoor odors beyond what already may be generated by the nearby facilities. As part of the Phase II permitting process, the City would further analyze and mitigate any potential odors through an odor control plan that would be required to be submitted by the Applicant. Therefore, there would be a less-than-significant impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.4 - BIOLOGICAL RESOURCES				
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 US Fish and Wildlife Service?	☐	☒	☐	☐
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 Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

A reconnaissance-level survey of the Project site was conducted by QK on September 17, 2019, to characterize the habitat conditions on the Project. A desktop review of literature and database sources was conducted to identify special-status biological resources with the potential to occur and be impacted by the proposed Project based on the existing condition

of the site. Database searches included the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants (CNPS 2019), the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB; CDFW 2019b), and the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IpaC; USFWS 2019b). Information was gathered for the Cressey, California 7.5-Minute topographical USGS quadrangle and the eight surrounding quadrangles. Additional databases that were accessed include the USFWS National Wetlands Inventory (NWI) (USFWS 2019c), National Hydrology Database (NHD) (USGS 2019).

The Biological Study Area (BSA) includes the Project site plus a 500-foot buffer.

PHYSICAL SETTING

Soils

The BSA is underlain by two soil types: Delhi loamy fine sand, zero to three percent slopes, and Delhi sand, three to eight percent slopes (NRCS 2019a). The Delhi soil series consists of very deep, somewhat excessively drained soils. They formed in wind-modified material weathered from granitic rock sources. Delhi soils are on floodplains, alluvial fans, and terraces. It is used for growing grapes, peaches, truck crops, alfalfa, and for homesites. Principal native plants are buckwheat and a few shrubs and trees. Typical vegetation is annual grasses and forbs. Both soil types are considered hydric for depressions and pond features that hold water for a period of time, usually during the wet season (NRCS 2019b).

Hydrology

The BSA is located within Merced River watershed. One canal, the Hammett Lateral, bisects the Project site and has been channelized and concrete-lined (Merced Irrigation District 1973). There are several aquatic resources in the vicinity of the Project site, however none of these features will be impacted by the Project. However, as proposed, the canal will be realinged, piped and undergrounded as a part of the Project. This canal may connect to the San Joaquin River via a series of canals to the south and may be determined jurisdictional.

Vegetation

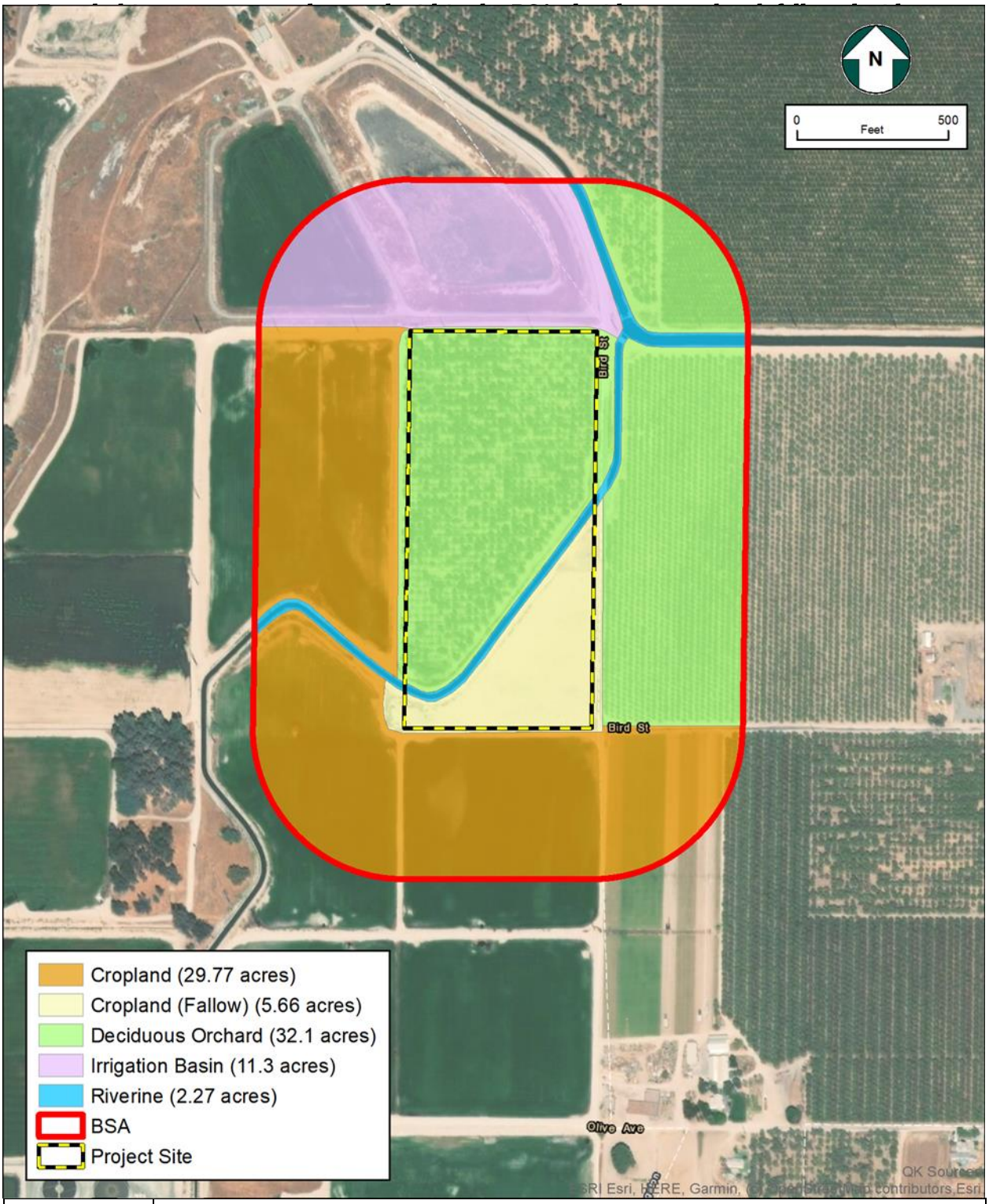


Figure 3.4.4-1
Vegetation Communities within the BSA

Table 3.4.4-1
Habitat Acreages Observed Within BSA and Project Site

Habitat Type	Acreages	
	BSA	Project Site
Deciduous Orchard		
Fallow	None	None
Maintained	32.10	None
Cropland		
Fallow	5.66	None
Maintained	29.77	0.00
Riverine	2.27	0.61
Irrigation Basin	11.30	0.00

DECIDUOUS ORCHARD

The orchards to the east of the Project site are typical of this habitat, which is normally intensively maintained and has a constant available water source for irrigation. The orchard present on-site has been fallowed for several years with the trees growing uncontrollably and a dense layer of herbs and forbs growing between the rows of trees.

CROPLAND

Cropland is a subcategory of developed habitat described in CDFW's California Wildlife Habitat Relationship (CWHR) (Mayer and Laudenslayer 1988). The dominant plant species observed in the fallow cropland to the south of Hammett Lateral is Coulter's horseweed (*Laennecia coulteri)*, annual ragweed (*Ambrosia* artemisiifolia), goatshead (*Tribulus terrestris*), Russian thistle (*Salsola tragus*), rattail fescue (*Festuca myuros*), and Spanish lotus (*Acmispon americanus* var*. americanus*).

RIVERINE

The Hammett Lateral and the Livingston Canal to the northeast within the BSA would be classified as CWHR aquatic riverine habitats (Mayer and Laudenslayer 1988). CWHR describes waterways as riverine if there is an intermittent or continual (perennial) flow of water present. Except for sparse ruderal vegetation, which primarily includes Russian thistle, annual ragweed, and common sunflower (*Helianthus annuus*) that exists along the top of the banks of the Hammett Lateral bisecting the Project site, these areas of the Project site are devoid of vegetation due to the concrete lining the canal. The Livingston Canal has slightly more vegetation than the stretch running directly through the Project site, however, this section is a very small portion in the northeast that lies within the 500-foot buffer area of the BSA and will not be affected by the Project.

IRRIGATION BASIN

There are two irrigation basins to the north of the Project BSA. These are fenced-in reservoirs and are not accessible to the public and thus unable to be assessed for vegetation type occurring on the habitat. This is not part of the Project site and will not be impacted by the Project.

Impact Analysis

Impact #3.4.4a – Would the Project 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 US Fish and Wildlife Service?

Special-Status Plant Species

The literature and database review identified 23 special-status plant species known to occur or with the potential to occur within the vicinity of the Project (Appendix B). None of those species were determined to have the potential to occur within the BSA based on the habitat conditions observed during the reconnaissance site visit and in aerial imagery. No impacts to special-status plant species will occur.

Special-Status Wildlife Species

The literature review identified 39 special-status wildlife species known to occur or with the potential to occur in the vicinity of the Project, 10 of which may be affected by the Project, but none of which would have the viability of their populations threatened. The complete list of species evaluated for this Project, including their habitat requirements, is in Appendix B.

WESTERN POND TURTLE

Within the BSA, habitat that may support western pond turtles is limited to the canal that bisects the site. It is a concrete-lined canal that does not provide suitable habitat or vegetation along the banks for basking. The top banks of the canal are sandy and could potentially provide suitable nesting habitat, however, the canal sides are lined with concrete and are steep, making it difficult if not impossible for the species to climb out of the canal. It may be a potential movement corridor for the species, however.

Direct impacts could include death or injury to individual animals and loss of habitat. Direct impacts to western pond turtles could occur if they are present in the Project canal when the canal is piped and undergrounded. Direct impacts to nests could occur if nests are present in surrounding upland habitat when construction occurs. Indirect impacts are unlikely given the short duration and limited nature of impacts relative to Hammett Lateral where the species is most likely to occur.

Table 3.4.4-2
Special-Status Species with Potential to Occur On-Site

Scientific Name Common Name	Status Fed/State ESA CRPR/CDFW	Potentially Affected by Project? Yes/No	Viability Threat? Yes/No
Reptiles			
Actinemys [=Emys] marmorata western pond turtle	-/- SSC	Yes	No
Birds			
Athene cunicularia burrowing owl	-/- SSC	Yes	No
Buteo swainsoni Swainson's hawk	-/ST -/-	Yes	No
Mammals			
Antrozous pallidus pallid bat	-/- -/SSC	Yes	No
Eumops perotis californicus western mastiff bat	-/- -/SSC	Yes	No
Lasiurus blossevillii western red bat	-/- -/SSC	Yes	No
Lasiurus cinereus hoary bat	-/- -/-	Yes	No
Myotis yumanensis Yuma mytois	-/- -/-	Yes	No
Taxidea taxus American badger	-/- -/SSC	Yes	No
Vulpes macrotis mutica San Joaquin kit fox	FE/ST -/-	Yes	No

Source: CDFW 2019b 2019d, 2019e, USFWS 2019b
FE Federally Endangered
ST State Threatened
SSC State Species of Special Concern

WESTERN BURROWING OWL

Within the BSA, suitable habitat for burrowing owls is limited to the northern fallowed orchard. There were ground squirrel burrows observed in the fallow cropland in the south, but the sandy soil is prone to collapse, and the regular disking of the field makes this location unlikely for burrowing owls.

Direct impacts could include injury or death of individuals, including the abandonment of nests if occupied burrows are adjacent to construction areas. Noise and vibration from the construction of the Project, plus the presence of construction workers, could alter the normal behaviors of nesting adults, resulting in harm or death to eggs or nestlings. Direct impacts could also include the loss of suitable foraging habitat for the construction of the Project, however, there is ample foraging habitat to support burrowing owls in the vicinity of the Project. No indirect impacts are anticipated given the short duration of construction and the limited nature of impacts to suitable habitat.

SWAINSON'S HAWK

Based on review of aerial imagery and information from the reconnaissance site visit, there are eucalyptus trees (*Eucalyptus camaldulensis)* that could support nesting Swainson's hawks to the southwest of the Project site. These trees are mostly on the periphery of the BSA and further beyond. There are also power poles that could be used for nesting on the periphery of the site. The fallowed cropland on-site and the irrigated cropland adjacent to the site could support foraging, and there is ample foraging habitat throughout the region.

Direct impacts to Swainson's hawks could occur if the replacement of sewer lines occurs near an active nest or in foraging habitat during the nesting season. No trees are expected to be removed, but noise and vibration from the construction of the Project, plus the presence of construction workers, could alter the normal behaviors of nesting adults, resulting in harm or death to eggs or nestlings. Loss of grassland habitat for construction of the sludge facility would also be considered a direct impact, but the parcel is small and there is ample foraging habitat in the vicinity. No indirect impacts are anticipated given the short duration of construction in any given area and no loss of suitable nesting habit would occur.

PALLID BAT, WESTERN MASTIFF BAT, WESTERN RED BAT, HOARY BAT, AND YUMA MYOTIS

Because orchard trees are typically well maintained, the potential for hollowed-out cavities, even in a fallowed orchard, is limited. The orchard was fallowed, but not neglected to the point of observable cavities present in the trees. The almond trees are also grouped closely, restricting the flyout and foraging space for these bat species prefer, which is made more restrictive by tree overgrowth from lack of maintenance. Roosting is unlikely because bats need ample space to take off from a roost and the close proximity of orchard trees is restrictive. More suitable trees for roosting exist in a stand of eucalyptus to the southwest of the Project site.

The bridge to the northeast of the site is a low bridge over the Hammett Lateral. There is little open airspace between the water and the bridge's underside. Because bats require space to drop down from a roosting space when leaving a roost site, the potential for bats to utilize the bridge on-site is low. These factors of the Project site result in a low potential for these species to be present.

Direct impacts may occur if special-status bats are disturbed from day roosts by construction activities, but such disturbance is likely to be minimal because these species commonly occur in urban habitats. Orchard trees were removed from the Project site, but loss of foraging and roosting habitat would be negligible because there is ample foraging and roosting habitat available of-site in the Project vicinity. No indirect impacts are anticipated given the short duration of construction and the limited nature of impacts to suitable habitat.

AMERICAN BADGER

Within the BSA there is suitable denning and foraging habitat for this species, especially underneath the remnant root systems of removed orchard trees in the north section of the

Project site where potential dens were observed. The soils along the top and outer banks of the canal may provide suitable denning habitat because the soil is friable. It is sandy soil and more prone to collapse. The likelihood for this region of the site to be used for American badger denning is low. The supportive roots from trees removed in the north section are more likely to support dens in this sandy substrate.

Direct impacts to American badger could occur if they are present in the cropland or orchard habitat when construction occurs. These direct impacts could include death or injury to individuals or young, including the abandonment of young if adults are stressed. Direct impacts could also include the entrapment of adults or young if there are trenches nearby, as well as loss of suitable habitat. The loss of suitable habitat could result in indirect impacts through increased competition with conspecifics for limited resources over the long term.

SAN JOAQUIN KIT FOX

Suitable habitat is present within the vicinity of the Project limits in the fallow orchard habitat to the north where potential dens were observed beneath the remnant root systems of removed orchard trees. This species is highly adaptable to human-altered landscapes and can be found in urban developed areas, particularly where there is open space, such as parks, schools, and stormwater basins.

Direct impacts resulting in injury or death of pups could occur if an active natal den is located near the construction area, causing the adults to alter normal behaviors. Direct impacts by vehicles are a concern for San Joaquin kit foxes in urban environments, but the proposed Project would not cause an appreciable increase in traffic at night when the species is active. Direct impacts could also include entrapment in trenches or pipes during construction and loss of suitable habitat. The loss of suitable habitat could result in indirect impacts through increased competition with conspecifics for limited resources over the long term.

MIGRATORY BIRDS

The Project site and surrounding area contain suitable habitat that could support a wide variety of nesting bird species protected under the Migratory Bird Treaty Act and the California Fish and Game Code. Orchard trees were removed and Project activities adjacent to nesting birds could result in direct impacts to the nests from noise and vibration caused by construction activities. The stand of eucalyptus trees to the southwest of the Project site and the trees and power poles on and immediately adjacent to the Project site provides nesting substrate for raptors and other birds that may be disturbed during construction of the Project. If construction in the fallowed cropland occurs during the nesting season, active nests for ground-nesting species could be impacted. No indirect impacts are anticipated as the amount of suitable nesting habitat that would be lost is negligible and ground-nesting species are adaptable to changing habitat conditions.

In consideration of the above, it has been determined that impacts from the proposed Project would be less than significant with the implementation of the recommended mitigation measures BIO-1 through BIO-8.

MITIGATION MEASURE(S)

MM BIO-1: Within 14 days of the start of Project activities on-site and in adjacent habitat, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of this species. The surveys shall cover the canal plus surrounding upland habitat within 50 feet of the canal. Pedestrian surveys achieving 100 percent visual coverage will be conducted. If a western pond turtle is found on-site, the qualified biologist may relocate the animal downstream more than 500 feet from the Project disturbance footprint.

MM BIO-2: Within 14 days of the start of Project activities in any specific area, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys shall cover the Project site plus a 500-foot buffer. Pedestrian surveys achieving 100 percent visual coverage shall be conducted. Multiple surveys are anticipated to be needed, which would be phased with the construction of the Project. If no evidence of these species is detected, no further action is required.

MM BIO-3: If dens/burrows that could support any of these species are discovered during the pre-activity surveys conducted under BIO MM-2, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity.

San Joaquin Kit Fox
- Potential Den – 50 feet
- Atypical Den – 50 feet (includes pipes and other manmade structures)
- Known Den – 100 feet
- Natal/Pupping Den – 500 feet

American Badger Dens (occupied)
- Natal Den (February 1–July 1) – 250 feet
- Non-natal Den – 50 feet

Burrowing Owl (active burrows)
- April 1–October 15 – 500 feet
- October 16–March 31 – 100 feet

MM BIO-4: The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the US Fish and Wildlife Service *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) and apply to all three species.

- Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways. Nighttime construction speed limits shall be 10 mph.

- Off-road traffic outside of designated Project areas shall be prohibited.
- All Project activities shall occur during daylight hours.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction of the Project, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed.
- Before holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted before proceeding with the work.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance.
- All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes and burrowing owls before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox or burrowing owl is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox or owl has escaped.
- All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.
- No firearms shall be allowed on the Project site, except by authorized law enforcement personnel.
- No pets, such as dogs or cats, shall be permitted on the Project site.
- Use of rodenticides and herbicides in Project areas shall be restricted.
- A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or burrowing owl or who finds a dead, injured, or entrapped kit fox, or burrowing owl. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the US Fish and Wildlife Service and California Department of Fish and Wildlife.
- An employee education program shall be developed and presented to Project personnel. The program shall consist of a brief presentation by persons knowledgeable in kit fox, and burrowing owl, biology, and the legislative protections in place. The program shall include the following: a description of each species' natural history and habitat needs; a report of the occurrence of each species in the Project area; an explanation of the status of each species and its protections under federal and state laws; and

a list of measures being taken to reduce impacts to each species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.

- Upon completion of the Project, all areas subject to temporary ground disturbances (including storage and staging areas, temporary roads, pipeline corridors, etc.) shall be recontoured if necessary and revegetated to promote restoration of the area to pre-project conditions. An area subject to temporary disturbance means any area that is disturbed during the Project, but after project completion, will not be subject to further disturbance and has the potential to be revegetated.
- Any Project personnel who are responsible for inadvertently killing or injuring one of these species should immediately report the incident to their representative. This representative shall contact the CDFW and USFWS immediately in the case of a dead, injured, or entrapped listed animal.
- The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.
- New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.

MM BIO-5: If Project activities must occur during the nesting season (February 15 to August 31), pre-activity nesting bird surveys shall be conducted within seven days prior to the start of construction at the construction site plus a 250-foot buffer for songbirds and a 500-foot buffer for raptors (other than Swainson's hawk). The surveys shall be phased with the construction of the Project. If no active nests are found, no further action is required, however, nests may become active at any time throughout the summer, including when construction activities are occurring. If active nests are found during the survey or at any time during the construction of the Project, an avoidance buffer ranging from 50 feet to 350 feet may be required, as determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist. The biologist shall have the ability to stop construction if nesting adults show sign of distress.

MM BIO-6: If Project activities must occur during the nesting season (February 15 to August 31), pre-activity surveys shall be conducted for Swainson's hawk nests in accordance with the Recommended Timing and Methodology for

Swainson's Hawk Nesting Surveys in California's Central Valley, Swainson's Hawk Technical Advisory Committee (CDFW 2000). The surveys would be conducted on the Project site plus a half-mile buffer. To meet the minimum level of protection for the species, surveys shall be conducted during at least two survey periods. The survey will be conducted in accordance with the methodology outlined in existing protocols and shall be phased with the construction of the Project.

If no Swainson's hawk nests are found, no further action is required.

MM BIO-7: If an active Swainson's hawk nest is discovered at any time within one-half mile of active construction, a qualified biologist will complete an assessment of the potential for current construction activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this Project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring required. Minimally, construction activities should not occur within 100 feet of an active nest and may require monitoring if within 500 feet of an active nest. The qualified biologist should have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and the discretion of the qualified biologist.

MM BIO-8: Prior to start of construction activities, a qualified biologist shall conduct a preconstruction survey with special attention to trees and manmade structures, including a daytime inspection and a flyout inspection at dusk. The survey shall be conducted within 14 days prior to the construction activities. If no bats are detected, no further action is required.

If bats are detected, acoustical sampling shall be conducted to identify the species present. If pallid bats, western mastiff bats, or hoary bats are identified to be roosting in the trees or structures, work shall not commence until all of the following have been implemented:

- Bats have been passively excluded from the tree or structure by progressively boarding up any entrances at night while bats are foraging away from the tree or structure. Relocation of bats may not be performed during the breeding season (March 1 to September 15).
- Permanent, elevated bat houses have been installed outside of, but near the construction area, preferably in designated open space areas. Placement and height shall be determined by a qualified biologist, but the height of a bat house shall be at least 15 feet. Bat houses shall be multi-chambered. The number of bat houses required shall be dependent upon

the size and number of colonies present, but at least one bat house shall be installed for each pair of bats (if occurring individually) or each colony of bats found.

- If a tree or structure containing a roost for pallid, western mastiff, or hoary bats shall be removed or may lead to roost abandonment during construction, a qualified biologist shall design and determine an appropriate location for an alternate roost structure.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.4b – Would the Project 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 Wildlife or US Fish and Wildlife Service?

As noted previously the Hammett Lateral may flow to the San Joaquin River through a series of canals, which connects to the Sacramento River at the Sacramento-San Joaquin Delta, and the Pacific Ocean.

A formal delineation of the canal that will be impacted by the Project was not conducted during the reconnaissance survey of the Project. As such, a formal field delineation of waters of the State and waters of the U.S. would determine whether the canal is considered jurisdictional and determine if permits would be required from the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or California Department of Fish and Wildlife (CDFW) for development within this area. BIO-9 requires a delineation of the drainage and determination of jurisdiction prior to the issuance of grading permits. If the drainage is jurisdictional, additional permitting with the appropriate regulatory agencies is also required prior to construction activities. With implementation of BIO-9, impacts of the Project to waters and wetlands would be less than significant

MITIGATION MEASURE(S)

BIO-9 Prior to issuance of any grading or building permit, the applicant or developer shall submit a final Delineation report and evidence of the pertinent permits to the City of Livingston. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following:

5. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form.
6. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction and permits/authorizations from the appropriate regulating agencies (Central Valley

Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features.

If it is determined that canal is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement from the CDFW, if required prior to impacting any waters.

As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location.

7. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP).
8. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features.

Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***..

Impact #3.4.4c – Would the Project 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?

There are no wetlands on-site. The Project will have no substantial adverse effect on State or federally protected wetlands.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.4d – Would the Project 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?

Wildlife movement corridors, also referred to as dispersal corridors or landscape linkages, are generally defined as linear features along which animals can travel from one habitat or resource area to another. Wildlife movement corridors can be large tracts of land that connect regionally important habitats that support wildlife in general, such as stop-over habitat that supports migrating birds or large contiguous natural habitats that support animals with very large home ranges (e.g., coyotes [*Canis latrans*], mule deer [*Odocoileus hemionus californicus*]). They can also be small-scale movement corridors, such as riparian zones, that provide connectivity and cover to support movement at a local scale.

The Project is not located within any identified wildlife linkages or corridors identified by the California Essential Habitat Connectivity Project (Spencer et al. 2010) or the Recovery Plan for Upland Species of the San Joaquin Valley, California (USFWS 1998). The canals on and adjacent to the site may provide localized movement corridors for animal species that are adaptable to human-altered landscapes, though they are disturbed and lack natural riparian habitat. It is unlikely that these canals support substantial wildlife movement.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact***.

Impact #3.4.4e – Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed Project does not conflict with the 2030 Merced County General Plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

Impact #3.4.4f – Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

The PG&E San Joaquin Valley Operations and Maintenance Habitat Conservation Plan is the only conservation plan overlying the proposed Project, but it does not apply to any projects that are not implemented by PG&E (CDFW 2019a). As such, the proposed Project will not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approval local, regional, or state habitat conservation plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.5 - CULTURAL RESOURCES				
Would the Project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Discussion

Impact #3.4.5a – Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

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

The Project site is substantially disturbed due to previous agricultural activities, including disking. Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in the general vicinity of the proposed Project site have typically been found in flatland areas that are adjacent to freshwater sources. The proposed Project is located approximately 1,730 feet east of the Merced River. A cultural records search through the Central California Information Center (CCIC) of the California Historical Resources Information System was conducted on August 12, 2019, to identify areas previously surveyed and identify known cultural resources present within or in close proximity to the Project area (Appendix C). The response from the CCIC stated that there were no prehistoric or historic-era archaeological resources reported. In the same records search, CCIC also determined that there are no known resources to be of value to local cultural groups.

Although cultural, historical, and archeological resources may not be on-site, mitigation is required for implementation of standard inadvertent discovery procedures to reduce the

potential for impacts to undiscovered subsurface historic and archaeological resources. In consideration of the above, it has been determined that impacts from the proposed Project would be less than significant with the following mitigation measures.

MITIGATION MEASURE(S)

MM CUL-1: Although there is no recorded evidence of historic or archaeological sites within the Project area, there is the potential during Project-related excavation and construction for the discovery of these types of resources. The Applicant shall incorporate into the construction contract(s) for the Project a provision that if a potentially significant historical or archaeological resource is encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under CEQA, the archaeologist shall recommend a feasible protocol, which may include avoidance, preservation in place or other appropriate measures, as outlined in Public Resources Code Section 21083.2.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.5b – Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

See above discussion in Impact #3.4.5a. Although there is no recorded evidence of archaeological sites within the Project area, there is the potential during Project-related excavation and construction for the discovery of these types of resources. Therefore, this could be a potentially significant impact.

MITIGATION MEASURE(S)

Implement MM CUL-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.5c – Would the Project disturb any human remains, including those interred outside of formal cemeteries?

See above discussion in Impact #3.4.5a. Although it's not anticipated that human remains will be located within the Project area, there is the unlikely potential during Project-related

excavation and construction for the discovery of human remains. Therefore, this could be a potentially significant impact.

MITIGATION MEASURE(S)

MM CUL-2: If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed:

There shall be no further excavation or disturbance of the area where the human remains were found until the County Coroner/Sheriff's Office is contacted. Duly authorized representatives of the Coroner shall be permitted onto the Project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Section 27460, et seq. Excavation or disturbance of the area where the human remains were found, or within 50 feet of the find, shall not be permitted to recommence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD 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 (PRC) Section 5097.98.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated.*

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

Discussion

Impact #3.4.6a – Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Electrical service to the Project site is provided by PG&E. The use of electricity by Industrial production varies according to the specific use and the activities associated with the use.

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

The main sources of energy consumption would be construction activities and ongoing Project operations. Project construction would involve fuel consumption and the use of other nonrenewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a

similar character, for an industrial-type business park. This energy use would not be considered wasteful, inefficient, or unnecessary. Additionally, it's expected that the business park would be constructed over a period of time and not all at once. Therefore, it's anticipated that construction equipment over time would be more energy-efficient in order to assist with meeting California's emissions reduction goals. Additionally, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

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

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.6b – Would the Project Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

As stated above, overall Project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary. All future Project buildout associated with the proposed entitlements would be required to be consistent with the energy efficiency goals of Title 24, therefore, the Project would not conflict with or obstruct a state or local plan for renewable or energy efficiency.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.7 - GEOLOGY AND SOILS				
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.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Discussion

Impact #3.4.7a(i) – Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

The San Joaquin Valley, which includes the Livingston area, is a topographic and structural basin that is bounded on the east by the Sierra Nevada and on the west by the Coast Ranges. The Coast Ranges evolved as a result of folding, faulting, and accretion of diverse geologic terrains. They are composed chiefly of sedimentary and metamorphic rocks that are sharply deformed into complex structures. They are broken by numerous faults, the San Andreas Fault being the most notable structural feature. Both the Sierra Nevada and Coast Ranges are geologically young mountain ranges and possess active and potentially active fault zones. The nearest faults of major historical significance within the vicinity of Merced County are: the San Andreas Fault to the west at a distance of approximately 60 to 70 miles from the Site; portions of the Hayward, Greenville, and Rinconada Faults to the west; and the Bear Mountain Fault Zone about five miles east of and parallel to the eastern border of Merced County. The proposed Project site is not located within a current Alquist-Priolo Earthquake Fault Zone and there are no known active faults located in the Project vicinity. The nearest faults of major historical significance within the vicinity of Merced County are the San Andreas Fault to the west at a distance of approximately 15 miles from the county line; the Hayward, Greenville, and Calaveras Faults to the northwest; and the Bear Mountain Fault Zone about five miles east of and parallel to the eastern border of Merced County. The Alquist-Priolo Earthquake Fault Zoning Act lists the Ortigalita Fault as the only active fault in Merced County. However, it has not been active within historic times (1,800 years ago to present) with the last surface rupture occurring within the Holocene period (11,000 years before the present).

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.7a(ii) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

According to the California Geological Survey's 2008 Earthquake Shaking Potential for California map, the Project site is in a region that is "distant from known, active faults and

will experience lower levels of shaking less frequently. In most earthquakes, only weaker, masonry buildings would be damaged. However, very infrequent earthquakes could still cause strong shaking here."

All structures will have to be constructed in compliance with the International Building Code and the City of Livingston's building standards. Building codes in California incorporate design features that help to make buildings safer during earthquake events.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact.***

Impact #3.4.7a(iii) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction occurs in saturated soils that are normally next to water bodies. Soil liquefaction is a state of soil particle suspension, caused by a complete loss of strength when the effective stress drops to zero. When spaces between the individual soil particles are filled with water, pressure is exerted, and they are pressed together. Prior to an earthquake, the water pressure is relatively low, however, earthquake shaking can cause the water pressure to increase to the point where the soil particles can readily move. Liquefaction normally occurs in soils, such as sands, in which the strength is purely frictional. The predominant soils within the Project site consist of alternating layers of silty sand, sandy silt, sand, and silt sand/sand. The potential for soil liquefaction during a seismic event was evaluated for the Project ((Krazan & Associates, 2019), which can be found in Appendix D of this document. Using a maximum earthquake magnitude of 6.27 a peak horizontal ground surface acceleration of 0.347g was considered conservative and appropriate for the liquefaction analysis. Soils above a depth of seven feet are non-liquefiable due to the absence of groundwater. Liquefaction potential should be low since ground shaking intensities within the vicinity are not strong enough to generate this type of failure. In addition to this, there are no known occurrences of structural or architectural damage due to deep subsidence in the Livingston Area (Krazan & Associates, 2019). According to the City of Livingston General Plan, a lack of fault traces in the City of Livingston eliminates ground displacement as a seismic concern, with exception of the rare event in which a dam failure would occur upstream. Livingston is designated as being within the inundation area of the Exchequer and McSwain dams. The Exchequer Dam and the McSwain Dam are both approximately 37 miles from the Project site.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.7a(iv) – Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

With exception of the drainage basin to the north of the Project site, the nearest water body is the Merced River which is approximately 1,730 feet away. In addition, the Project site and surrounding areas are relatively flat making the possibility of landslides rare.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

Impact #3.4.7b – Would the Project result in substantial soil erosion or the loss of topsoil?

The surface soils of the Project site consist of approximately six to 12 inches of very loose silty sand. These soils are disturbed, have low-strength characteristics, and are highly compressible when saturated (Krazan & Associates, 2019). Since the Project site has been historically disturbed to accommodate the agricultural activities, there would be limited future grading activities that would increase the potential for erosion during construction. Construction Project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (NOI/SWPPP) to the RWQCB to obtain a National Pollution Discharge Elimination System (NPDES) General Construction Permit. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Such measures may include, but are not limited to, covering the graded area with straw or straw matting and using water for dust control.

MITIGATION MEASURE(S)

MM GEO-1: Prior to Project implementation, the Applicant shall submit an approved copy of (1) the approved Storm Water Pollution Prevention Plan (SWPPP), and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and the NPDES shall be incorporated into the design specifications and construction contracts.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation*.

Impact #3.4.7c – Would the Project 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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

Subsurface soil conditions were explored by drilling six borings to depths ranging from approximately 10 to 50 feet below the existing site grade, using a truck-mounted drill rig. Figure 3.4.7-1 shows the sites where the borings were drilled. Based on the results of the drilling, the subsurface conditions encountered appear typical of those found in the geologic region of the site (Krazan & Associates, 2019). The proposed Project site consists predominantly of Delhi Sand with three to eight percent slopes which are excessively drained. It only consists of Delhi Loamy fine sand, silty substratum with zero to three percent slopes, and Delhi sand with three to eight percent slopes. The site is not 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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact.***

Impact #3.4.7d – Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Soils associated with a high risk for expansion are generally characterized as dense material with less air-filled voids, and therefore have a greater potential to undergo volume change. The volume of change is influenced by the quantity of moisture, the kind and amount of clay in the soil, and the original porosity of the soil.

According to the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey, soil at the Project site is identified as Delhi sand, with three to eight percent slopes (Figure 3.4.7-1). This soil series consists of very deep, somewhat excessively drained soils. They formed in wind-modified material weathered from granitic rock sources. Delhi soils are on floodplains, alluvial fans, and terraces. Based on the predominant type of soil documented on the Project site (sand versus clay), the Project would not be located on expansive soils.

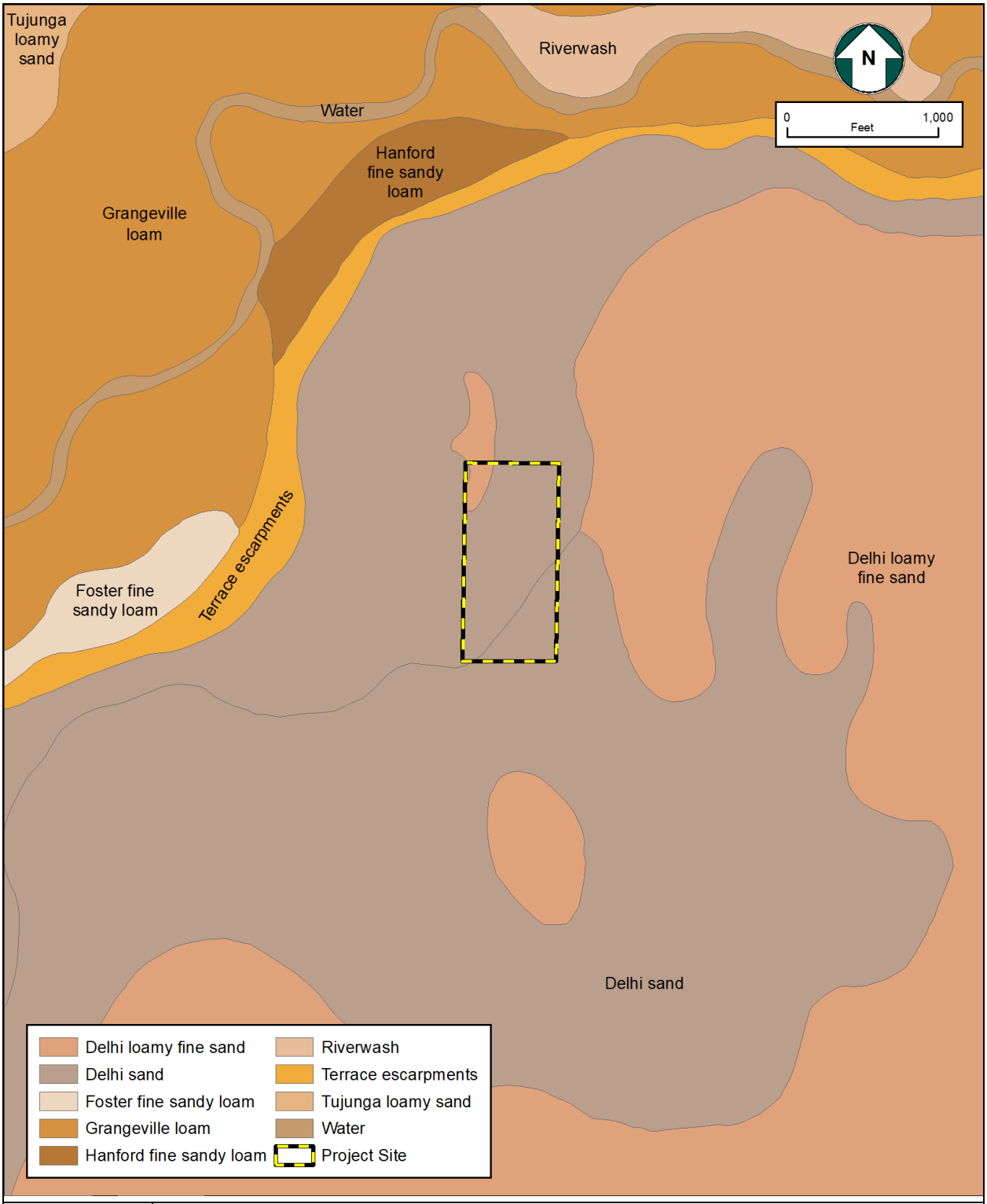


Figure 3.4.7-1
Soil Types in Project Area

MITIGATION MEASURE(S)

NO MITIGATION IS REQUIRED.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.7e – Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

Any future development associated with the proposed entitlements would be served by City sewer services. Therefore, the Project site would not consist of the use of septic tanks or alternative wastewater disposal systems.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact.*

Impact #3.4.7f – Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Although it's not anticipated that paleontological resources will be located within the Project area, there is the unlikely potential during Project-related excavation and construction for the discovery of a previously unknown paleontological resource. Therefore, this could be a potentially significant impact.

MITIGATION MEASURE(S)

MM GEO-2: The Applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the Applicant, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the Applicant shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.8 - GREENHOUSE GAS EMISSIONS				
Would the Project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	

Discussion

Greenhouse Gases (GHGs) are identified as any gas that absorbs infrared radiation in the atmosphere. GHGs include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), halogenated fluorocarbons (HCFCs), ozone (O_3), perfluorinated carbons (PFCs), hydrofluorocarbons (HFCs), and sulfur hexafluoride (SF_6). On December 7, 2009, the Environmental Protection Agency (EPA) issued an Endangerment Finding on the above-referenced key well-mixed GHGs. These GHGs are considered "pollutants" under the Endangerment Finding. However, these findings do not impose any requirements on industry or other entities.

Addressing GHG generation impacts requires an agency to make a determination as to what constitutes a significant impact. The CEQA Guidelines specifically allow lead agencies to determine thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine if a project's GHG emissions would have a significant impact on the environment. The guidelines direct that agencies are to use "careful judgment" and "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" the development's GHG emissions (14 CCR Section 15064.4[a]). Determining a threshold of significance for climate change impacts poses a special difficulty for lead agencies. Much of the science in this area is new and is evolving constantly. At the same time, neither the state nor local agencies are specialized in this area, and there are currently no local, regional, or state thresholds for determining whether a residential development has a significant impact on climate change. The CEQA Amendments do not prescribe specific significance thresholds but instead leave considerable discretion to lead agencies to develop appropriate thresholds to apply to projects within their jurisdiction.

The Global Warming Solutions Act [Assembly Bill (AB) 32] was passed by the California legislature and signed into law by the Governor in 2006. AB 32 requires that GHGs emissions

in 2020 be reduced to 1990 levels. GHGs rules and market mechanisms for emissions reduction were required to be in place as of January 2012.

Impact #3.4.8a – Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

For this Project, the most practical way to determine environmental impacts is to compare existing and future conditions. The number of anticipated employees for the buildout of the Industrial Business Park is not known at this time, however, it's not expected to be significantly more than the workforce levels needed to service the fields (when actively farmed) and maintain the property.

Several State-initiated GHG emissions-reducing regulations have recently taken effect, and changes to regulations will continue to take effect in the near future that will substantially reduce GHG emissions. For instance, implementation of Assembly Bill 1493 (the Pavley Standard) (Health and Safety Code Sections 42823 and 43018.5) will significantly reduce the amount of GHGs emitted from passenger vehicles. The Pavley Standard is aimed at reducing GHG emissions from noncommercial passenger vehicles and light-duty trucks of model years 2009–2016 by requiring increased fuel efficiency standards of automobile manufacturers. The program combines the control of smog, soot, and GHG emissions with requirements for greater numbers of zero-emission vehicles. By 2025, when the rules will be fully implemented, new automobiles will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions.

The electricity provider for Livingston, Pacific Gas and Electric Company (PG&E), is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020, which will have the effect of reducing GHG emissions generated during energy production. For example, from 2005 to 2012, PG&E increased its purchase of renewable source-generated electricity to levels that currently account for just over half of its total power mix.

The change in land use from agriculture to a Industrial business park or any alternative use allowed per the Zoning Ordinance and consistent with the General Plan represents a minor change in use and corresponding GHG emissions and was anticipated by the Livingston General Plan for this area. With the implementation of renewable energy sources and reductions in emissions from Statewide regulations, the Project's change in land use will not significantly alter these continued Statewide reductions. Thus, the Project's impact on GHG emissions would be less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.8b – Would the Project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

California has adopted several policies and regulations for the purpose of reducing GHG emissions. AB 32 was enacted to reduce statewide GHG emissions to 1990 levels by 2020. Therefore, the Project would not conflict with AB 32.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.9 - HAZARDS AND HAZARDOUS MATERIALS				
Would the Project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site that 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?	☐	☐	☐	☒
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	☐	☐	☐	☒
f. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Discussion

Impact #3.4.9a – Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

During the construction of the proposed Project, the transport and use of hazardous materials may include small amounts of diesel fuels, solvents, lubricants, and automobile fluids. Workers could be exposed to these hazardous materials during the course of construction. Uses associated with a Industrial Business Park may include the handling and disposal of hazardous waste. However, the proposed Project would have to comply with the California Division of Occupational Safety and Health Administration and the City of Livingston Municipal Code requirements that govern the transport and handling of hazardous materials. Specifically, for cannabis-related businesses, strict compliance with the California Bureau of Cannabis Control regulations would also assist with reducing any impacts to a less-than-significant level.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact.***

Impact #3.4.9b – Would the Project 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?

See Section #3.4.9a.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact.***

Impact #3.4.9c – Would the Project emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools within one-quarter mile of the Project site. The nearest school is Yamato Colony Elementary School which is approximately one-half mile away.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

Impact #3.4.9d – Would the Project be located on a site that 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?

The Project is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

Impact #3.4.9e – Would the Project for a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?

The Project site is not within an airport land use plan and is not located within two miles of an airport. The nearest airport is Castle Air Force Base that is approximately seven and a half miles away.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

Impact #3.4.9f – Would the Project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The proposed Project will not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. The proposed TSM will include on-site private roads with a locked security perimeter gate. The Applicant would be required to include a Knox Box to provide first responders with on-site access.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

Impact #3.4.9g – Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Surrounding land uses in the vicinity of the proposed Project site are primarily agricultural and are not subject to high levels of risk from wildland fires. CalFire provides fire, rescue, and emergency medical response service to the City of Livingston through an agreement with Merced County and the City. According to the CalFire Fire Threat Map, the Project site is not located within an area that's considered to be an extreme, very high, high, or moderate fire threat area.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

3.4.10 - HYDROLOGY AND WATER QUALITY

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

Discussion

Impact #3.4.10a – Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Development of the proposed Project site as well as commercial operations would have to comply with the City of Livingston regulations for runoff of stormwater which may result in sediment violating water quality standards. At the time of development, the Project proponents will be required to submit a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit (See MM GEO-1). As authorized by the Clean Water Act (CWA), the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The SWPPP will include Best Management Practices to control erosion and siltation in order to prevent water quality degradation. Implementation of an approved SWPPP and required compliance with the City of Livingston's stormwater standards, which include inspections and enforcement, will prevent violation of water quality standards or waste discharge requirements.

MITIGATION MEASURE(S)

Implement MM GEO-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.10b – Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Livingston is a part of the Merced Subbasin. There are three groundwater aquifers in the Merced Subbasin; an unconfined aquifer, a confined aquifer, and an aquifer in the consolidated rocks (Environment, 2013). The City provides water supplies to its residents; the sole source of water supply for the City is groundwater, which is pumped from eight groundwater wells and a one-million-gallon potable water storage tank at Burgundy and Chardonnay. Groundwater is recharged from the following sources: Merced River, percolation from the Merced Irrigation District canals, stormwater detention basins, percolation from treated wastewater disposal facilities, and from percolation attributed to excess applied surface irrigation water (Environment, 2013). According to the City of Livingston, in January 2008, these wells had a current supply capacity of approximately 10.8 million gallons per day. The firm capacity, which is defined as the capacity less one of the largest wells being out of service, was approximately 8.9 million gallons per day. In August 2008, with the integration of Well #16 into the City's water system, the supply capacity increased another 1.73 million gallons per day (mgd). Well 17, constructed in 2017, has a design capacity of 2,000 gpm.

According to the 2007 Water Distribution System Study and Master Plan, adequate long-term groundwater supply exists for buildout of the City of Livingston's sphere of influence, though improvement of the production, storage, distribution, and treatment systems will be needed to take advantage of this resource (Carollo, 2007). The City spent approximately $3.2 million during the 2008 fiscal year to install 18,936 feet of new water line, of which $1,906,700 of the cost of the improvements was paid for by a California Proposition 13 water grant. In addition to replacing aging water lines, the City has been actively installing water meters to promote water conservation and ensure that all residential, commercial, and industrial customers are billed the correct amount for the water they are using. Over the past two years over 1,600 water meters have been installed. Today, the City meters 97 percent of all its water accounts. Beyond water meters, the City has been requiring commercial customers, industrial customers, multi-family residential customers, and other users to install backflow prevention devices to protect the water system from contamination. Future water system improvements are guided by the City's Water Distribution System Master Plan approved by the City Council in May 2008. Additionally, under the authority of the 2014 Sustainable Groundwater Management Act (SGMA), Groundwater Sustainability Agencies (GSA) in Merced County are actively developing Groundwater Sustainability Plans (GSP) to manage Merced County groundwater basins. The GSP was developed for the Merced Subbasin and was adopted in 2019 (SGMA, 2019).

The proposed Project includes an additional well in order to prevent the depletion of groundwater from the current outlets in the City for cannabis cultivation. The Project will be connected to the City's waterlines for the businesses that will occupy the Project area, solely for restrooms and other related facilities.

Based on available data on water usage by land use type, light industrial warehousing and distribution uses are estimated to have an annual water usage of 0.07 acre-feet per year per 1,000 square feet (City of Santa Barbara, 2009). If all 20 commercial cannabis licenses were for distribution only, the estimated water usage would be 67.08 acre-feet per year (22 acres x 43,560 square feet per acre x .07 acre-feet per year/1,000 sq. ft.). Light manufacturing uses are estimated to have an annual water usage of 0.15 acre-feet per year per 1,000 sq. ft. If all 20 commercial cannabis licenses were for manufacturing only, the estimated water usage would be 143.75 acre-feet per year (22 acres x 43,560 square feet per acre x 0.15 acre-feet per year/1,000 sq. ft.) If production were to occur six months of the year, water consumption would be halved.

Water usage for indoor cultivation of cannabis can vary widely based on many factors (type of watering techniques, crop rotation, species, etc.). In order to calculate an estimated amount of water consumption for this proposed Project, certain assumptions were used based on available data. CalNORML estimates one gram of cannabis requires one gallon of water to produce (California NORML, 2015). Indoor cannabis cultivation is estimated to produce 40 grams per sq. ft. per harvest (BOTEC Analysis Corporation). Available data suggest the total number of harvests per year ranges from one to 12, with most sources using four harvests as a reasonable estimate (Caulkins, 2010).

Using these assumptions, 160 grams of cannabis would be produced per sq. ft. per year. Assuming a total of 958,000 sq. ft. of cultivation, 153,280,000 grams of cannabis could be produced per year. This would equate to 153,280,000 gallons of water per year if all 958,000 sq. ft. were permitted as cultivation only.

There is no significant water usage for testing laboratories or retail businesses, apart from that customary for these types of non-cannabis usage (restrooms, sinks, etc.). Conservatively, water usage for testing laboratories would be 2.06 acre-feet (100,000 sq. ft./43,560 x 0.9 acre-feet per acre per year). Retail businesses would use 2.15 acre-feet (55,000 sq. ft./43,560 x 1.7 acre-feet per acre). The maximum estimated water use for both testing laboratories and retail businesses would be 4.21 acre-feet per year.

It is reasonable to assume there would be a mix of cultivation, distribution, manufacturing, retail and testing laboratories. In order to accurately estimate the total water demand for the proposed Project, the following combination of facilities was conservatively used:

- Seven commercial cannabis licenses would be used for cultivation
- Four for manufacturing
- Four for distribution
- Five testing laboratories (100,000 sq. ft.)

Table 3.4.10-1
Project Estimated Water Demand

License Type	Number of Licenses	Water Demand per License (af/yr)	Total Water Demand (af/yr)
Cultivation	7	21.4	149.8
Manufacturing	4	6.5	26
Distribution	4	3.1	12.4
Testing Laboratories	5	0.4	2
Total	**20**	**31.4**	**190.2**

As noted in Table 3.4.10-1, the estimated maximum total water demand of the Project is approximately 190.2 acre-feet per year. A rough estimate of the proposed Project's potential wastewater production was calculated by using the proposed domestic water demand of 46.9 acre/ft per year, resulting in 0.0419 mgd. This would not substantially affect the treatment capacity at the existing WWTP because the plant would have adequate capacity to serve Project demand.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.10c(i) – Would the Project 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 result in substantial erosion or siltation on-or offsite?

The Project would include construction of a drainage basin (Lot A). The existing canal on-site would be piped and undergrounded. In accordance with the NPDES Stormwater Program, and as described previously, Mitigation Measure GEO – 1 ensures the Project will comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Implementation of Mitigation Measure GEO - 1 would ensure that the proposed Project would have a less than significant impact.

As noted in Impact 3.4.4(f), the Project requires an abandonment and relocation of an irrigation canal. Therefore, Mitigation Measure BIO-9 requires a delineation of the drainage and determination of jurisdiction prior to the issuance of grading permits. If the drainage is jurisdictional, additional permitting with the USACE, RWQCB, and/or CDFW is also required prior to construction activities to maintain adequate water quality standards. With implementation of BIO-9, impacts of the Project to water quality would be less than significant

In addition, the Project would be required to develop and implement a SWPPP. Although this Project would result in the addition of impervious surfaces, it would not be in a matter which would result in substantial erosion or siltation on- or offsite. Therefore, impacts would be less than significant.

MITIGATION MEASURE(S)

Implement BIO-9 and GEO-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated.*

Impact #3.4.10c(ii) – Would the Project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

See Impact 3.4.10 c(i).

MITIGATION MEASURE(S)

Implement BIO-9 and GEO-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.10c(iii) – Would the Project 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 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?

See Impact 3.4.10 c(i).

MITIGATION MEASURE(S)

Implement BIO-9 and GEO-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated.*

Impact #3.4.10c(iv) – Would the Project 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 impede or redirect flood flows?

See Impact 3.4.10 c(i). .

MITIGATION MEASURE(S)

Implement BIO-9 and GEO-1.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

Impact #3.4.10d – Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?

The Project site is not located in a flood hazard, tsunami, or a seiche zone. Since there are no known faults within the immediate area, ground rupture from surface faulting should not be a problem (Figure 3.4.10-1). Therefore, there is no risk of the release of pollutants due to inundation.

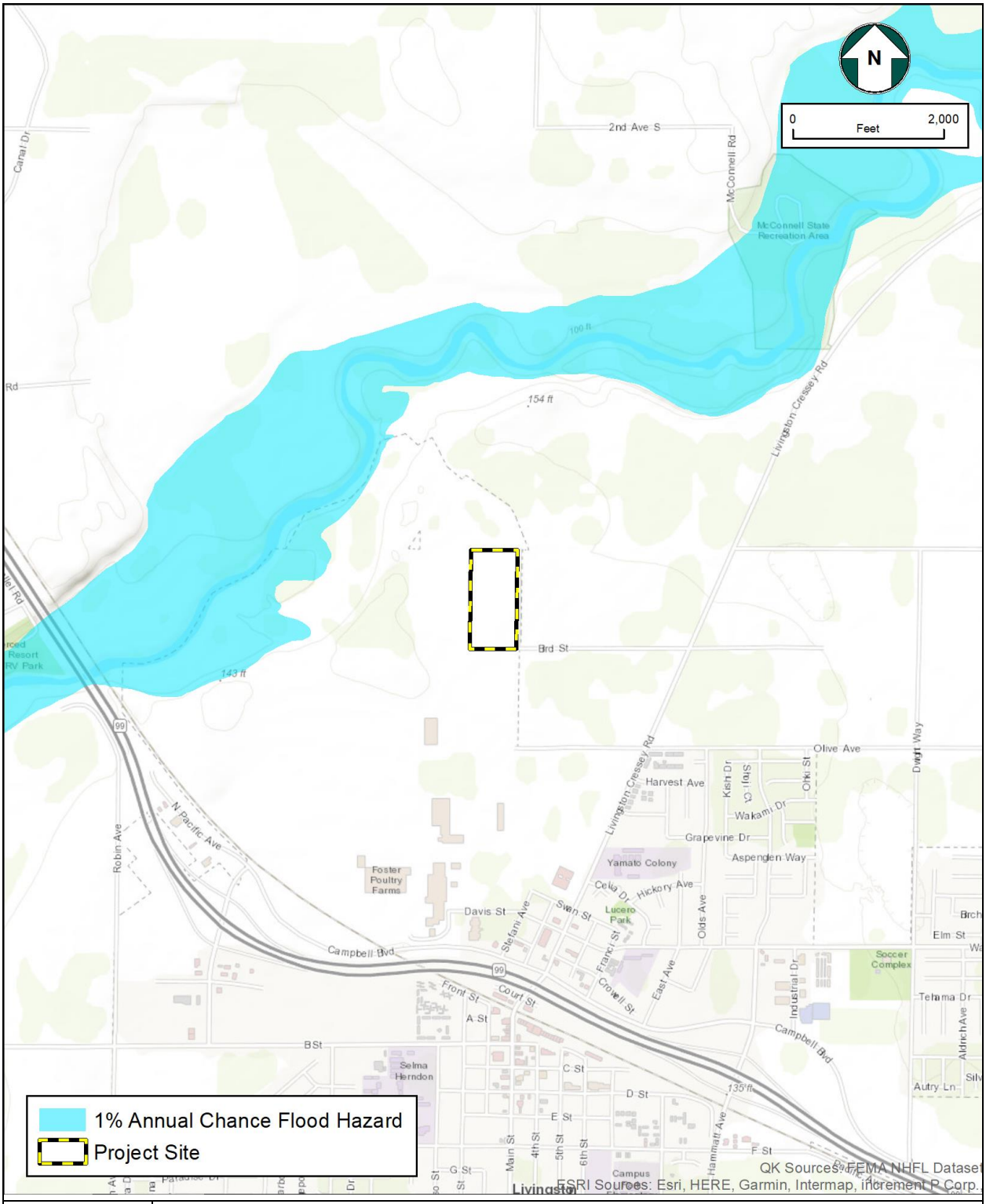


Figure 3.4.10-1
FEMA Flood Map

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.10e – Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

With construction of the storm drainage infrastructure at the time of future development and implementation of an approved and permitted SWPPP, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.11 - LAND USE AND PLANNING					
Would the Project:					
a.	Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Discussion

Impact #3.4.11a – Would the Project physically divide an established community?

For CEQA purposes, to "physically divide" can be defined as to create physical barriers that change the connectivity between areas of a community in which people are separated from one area to another. Connectivity is often provided by roadways, pedestrian paths, and bicycle paths. Some factors that would contribute to dividing or separating a community include:

- Construction of major highways or roadways
- Closing bridges or roadways
- Construction of utility transmission lines
- Construction of storm channels
- Dams and other waterway diversions

The proposed Project, as described in the Project Description, would not divide a community. In addition, the Project would consist of piping and undergrounding the on-site portion of the canal, thereby eliminating a physical barrier that's currently dividing the site.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

Impact #3.4.11b – Would the Project 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?

Page 3-3 of the General Plan identifies the reserve classification as "not as anticipated to develop within the 2020 timeframe." The 2020 timeframe is now upon the City. There are few industrial designated properties within city limits available for development. (7c) states that "Lands designated as Reserve may not be developed without first amending the General Plan, demonstrating a need for development in these areas, and demonstrating that urban services can be provided without adversely affecting the development feasibility of lands currently planned and zoned for urban uses." After consultation with the City Planner, it was determined that a General Plan Amendment would be appropriate to designate additional land in the City limits for expanded industrial activities. Any future uses associated with buildout of the proposed entitlements would be consistent with the General Plan and the Zoning Ordinance as amended.

Therefore, it would not conflict with any land use plan, policy, or regulation that would create a significant environmental impact.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than-Significant Impact	No Impact

3.4.12 - MINERAL RESOURCES

Would the Project:

a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Impact #3.4.12a – Would the Project 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?

According to the City of Livingston 1999 General Plan, "There are no significant mineral resources or mining operations in Livingston." Therefore, implementation of this Project would not result in the loss of availability of known mineral resources of regional or statewide value.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.12b – Would the Project 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?

The Project site is not located on a locally important mineral resource recovery site.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.13 - NOISE				
Would the Project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion

Impact #3.4.13a – Would the Project result in 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?

The proposed Project would cause temporary noise during the construction period. Site preparation, construction, trenching, and paving activities are expected to use the following types of equipment: semi-truck (for delivery of equipment), truck-mounted crane, paving rollers, forklift, and miscellaneous equipment including air compressors. The number and type of equipment used during project activities will vary from day to day.

Pursuant to the City of Livingston 1999 General Plan, the generally accepted maximum level is 65 dBA around residential and a maximum of 75 dBA between the daytime hours of 7:00 a.m. to 10:00 p.m. There are no sensitive receptors within the nearby vicinity. The closest residence is approximately 1,100 feet away. According to the Practical Spreading Model, to determine the decrease in intensity of noise away from the source, attenuation occurs at a rate of 4.5 dBA per doubling of distance. For example, if a piece of equipment has a typical sound level of 81 dBA at 50 feet away, then at 100 feet away, the typical sound level would equal 76.5 dBA.

Table 3.4.13-1
Noise Levels Generated by Typical Construction Equipment from 50 and 100 feet away

Type of Equipment	Typical Sound Level (dBA) at 50 feet	4.5 dBA per doubling of distance at 100 ft	City Maximum Standards Exceeded?
Heavy truck idling	72	59	No
Air Compressor	81	68	No
Crane	81	68	No
Diesel Forklift (Gas)	83	70	No

Sources: US Department of Transportation, 2006.

According to Table 3.4.13-1, at 100 feet away, the sound levels from construction equipment would not violate any City noise standards. Therefore, at 1,100 feet away, the nearest sensitive receptor would not be impacted by noise.

On a long-term basis, operational noise levels would be similar to the noises generated from other M-1 industrial uses in the nearby and distant vicinity. It's expected that all activities associated with the buildout of the proposed entitlements would be housed indoors which would assist with mitigating the potential of a noise increase for the immediate area. Although the operational period may bring an increase in noise to the immediate area, it's not expected it would be at a level that would violate any noise standards.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.13b – Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Ground-borne vibration will occur as a result of construction activities. According to the US Department of Transportation, Federal Railroad Administration, vibration is sound radiated through the ground. The rumbling sound caused by the vibration is called ground-borne noise. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB). The background vibration velocity level in residential areas is usually around 50 VdB. The general human response to different levels of ground-borne vibration velocity levels is described in Table 3.4.13-2.

Table 3.4.13-2
Human Response to Different Levels of Ground-borne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.
100VdB	General threshold where minor damage can occur to fragile buildings.

Source: US Department of Transportation, Federal Railroad Administration, 2005.

The vibration velocity level threshold of perception for humans is approximately 65 VdB according to the table. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people.

Typical outdoor sources of perceptible ground-borne vibration are construction equipment and traffic on rough roads. For example, if a roadway is smooth, the ground-borne vibration from traffic is rarely perceptible. Table 3.4.13-3 lists the different types of construction equipment along with the corresponding VdB for each.

Table 3.4.13-3
Different Levels of Ground-borne Vibration (25 Feet from Equipment)

Vibration Velocity Level	Equipment Type
104 VdB	Pile Driver (impact), typical
93 VdB	Pile Driver (sonic), typical
94 VdB	Vibratory roller
87 VdB	Large bulldozer
87 VdB	Caisson drilling
86 VdB	Loaded trucks
79 VdB	Jackhammer
58 VdB	Small bulldozer

Source: Federal Transit Administration, 2006.

Typically, ground-borne vibration generated by construction activity attenuates rapidly with distance from the source of the vibration. Therefore, vibration issues are generally confined to distances of less than 500 feet (US Department of Transportation, Federal Railroad Administration, 2005). Potential sources of vibration during construction of the proposed Project will include the transportation of equipment to the site and the operation of equipment. Construction would be temporary and short-term in nature. There are no sensitive receptors in the immediate vicinity.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact.*

Impact #3.4.13c – Would the Project result in 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?

The Project site is not within an airport land use plan and is not located within two miles of an airport. The nearest airport is Castle Air Force Base which is approximately seven and a half miles away.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.14 - POPULATION AND HOUSING				
Would the Project:				
a. Induce substantial population unplanned 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)?	☐	☐	☐	☒
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

Impact #3.4.14a – Would the Project induce substantial population unplanned 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)?

Population growth is normally associated with adding new housing, infrastructure, or transportation corridors either to an existing or newly proposed area. As previously discussed, the Project is zoned for Light Industrial uses. As such, the Project would generate job growth for the City, however, it's expected that a majority of job seekers will be from within the City or from the immediate surrounding area. The Project itself would not induce substantial unplanned population growth.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.14b – Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The Project would ultimately result in the construction of a Industrial Business Park or other related uses as permitted under the Zoning Ordinance. There are no existing housing structures on-site that would be displaced by the implementation of this Project.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.15 - PUBLIC SERVICES					
Would the Project:					
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 to other performance objectives for any of the public services:					
	i. Fire protection?	☐	☐	☒	☐
	ii. Police protection?	☐	☐	☒	☐
	iii. Schools?	☐	☐	☐	☒
	iv. Parks?	☐	☐	☐	☒
	v. Other public facilities?	☐	☐	☐	☒

Discussion

Impact #3.4.15a(i) – Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services - Fire Protection?

CalFire provides fire, rescue, and emergency medical response services to the City of Livingston. According to the City's website, the Fire Department has one paid full-time firefighter on-site which is supplemented by volunteer firefighters. The Merced County Fire Department has a mutual aid agreement with the City of Atwater to provide assistance to Livingston in the event of an emergency that extends beyond the City's service capabilities. The proposed Project site would not substantially impact the county's response time in addressing calls for assistance. At the time of future development, structures will be required to install appropriate fire suppression systems in accordance with the Uniform Fire Code and any other local ordinances. During the building permit review, each structure will be required to demonstrate fire flow requirements, or be subject to state and federal codes,

which provide for alternate fire safety provisions. Additionally, the building permit applicant will be required to pay impact fees prior to the issuance of occupancy permits to offset potential Project-induced fire costs. The amount of the mitigation fee will be determined by the fee schedule in effect on the date of building permit issuance. The Project would also be required to be annexed into a Community Facilities District to pay its fair share of operating costs of public services.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact***.

Impact #3.4.15a(ii) – Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – Police Protection?

The Project site would be served by the Livingston Police Department which is approximately 1.7-miles away. The dispatch center is operated around the clock, 365 days a year.

The Final Programmatic Environmental Impact Report (PEIR) for CalCannabis Cultivation Licensing (California Department of Food and Agriculture, 2017), concluded a less-than-significant impact to police protection. The PEIR determination was based on literature research on an elevated risk of crime associated with cannabis cultivation activity, including a Colorado news story that concluded licensed cannabis facilities in Denver, experience six and a half times more burglaries than liquor stores (California Department of Food and Agriculture, 2017). It was noted that under existing conditions, police throughout the state spent considerable time and resources dealing with cannabis cultivation–related issues, such as investigating and abating unpermitted grow houses and detecting and eradicating unpermitted trespass grows on state and federal lands. The PEIR went on to cite risk factors such as the high retail value of cannabis and the dealing in cash transactions due to federal prohibitions placed on insurance requirements of banking institutions.

The PEIR also cited reported armed robberies committed at cannabis grow operations, including an incident that occurred in Fresno County in 2014. The PEIR stated that many of these incidents were at unpermitted/illegal cultivation operations and the security protocols used were not sanctioned under the CalCannabis Cultivation Program. Further, the PEIR cited two reports that concluded that laws allowing for medicinal cannabis were not associated with increased crime rates and may actually reduce incidents of homicide and assault. The results of these reports also indicated that surveillance systems and private

security may act as an effective deterrent to crime (California Department of Food and Agriculture, 2017).

The PEIR determined that "the information contained in the literature and from available news stories suggests that cannabis cultivation is potentially at elevated risk for crime; however, an elevated risk of crime is not a significant impact under CEQA unless it can be tied to a physical impact on the environment." The PEIR concluded that many existing cannabis operations would likely seek licensing, and there was reason to believe that implementation of the proposed program may decrease pressure on police protection resources.

With the proposed program, the PEIR concluded it was reasonable to assume that some of the cultivators not currently operating in compliance with local requirements would apply for local approval and become lawful businesses, reducing the enforcement needs for these operations. With a legal pathway for cannabis cultivation and an increased supply of legally grown cannabis, there also may be less opportunity or incentive for criminal organizations to introduce a black market product into the supply chain, thus decreasing the need for police resources to address these issues. The track-and-trace system, by creating a mechanism for tracing cannabis products, would further impede interference by the black market in lawful cannabis commerce.

In areas of California that would experience a large number of new cannabis cultivation businesses under the proposed program, it is possible that existing police protection services could be strained to provide resources beyond their existing capacities. However, it was noted that there was not enough information available, nor could it speculate, as to where such growth might trigger the need for new or additional police facilities (California Department of Food and Agriculture, 2017).

The PEIR concluded that while some crime associated with licensed cannabis cultivation activities is likely to continue, no data indicated that the proposed cannabis program would increase law enforcement needs overall compared to baseline conditions. If anything, demand may decrease due to a large number of lawful cultivators willing to coordinate and cooperate with law enforcement authorities.

Under CEQA, to create a significant environmental impact, a project must 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 police protection services. As new regulated cannabis businesses are approved in the City, the number of illegal operations will likely diminish. Crimes associated with illegal operations will be mitigated through the enforcement of the conditions of approval established under conditional use permits and should not be prevalent at the new facilities.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.15a(iii) – Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – Schools?

This Project will not result in the need for additional school sites as there would not be an increase in new unplanned population growth for the area.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

Impact #3.4.15a(iv) – Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – Parks?

The Project itself would not result in the need for additional parks or recreation centers as it would not result in an increase in new unplanned population growth for the area. Although the City does need several new parks and recreational facilities as stated in the Livingston Park and Recreation Master Plan, the Project will not result in population growth, and therefore will not result in the direct need for additional park facilities.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

Impact #3.4.15a(v) – Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for

new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or to other performance objectives for any of the public services – Other Public Facilities?

No other public services will be impacted by implementation of the proposed Project.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact.***

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less–than-Significant Impact	No Impact
3.4.16 - RECREATION				
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?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

Impact #3.4.16a – Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The Project, when at full buildout, would result in the development of a Industrial Business Park. If this use is never realized, then the future buildout of the TSM would include other uses that are consistent with the City's General Plan and Zoning Ordinance. The Project would not include any new residential uses and the employees at this site are not expected to increase the use of any existing neighborhood or regional parks.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.16b – Would the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The Project would not include recreational facilities or require the construction or expansion of any existing recreational facilities.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

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

Discussion

Impact #3.4.17a – Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

The proposed Project does not include any design features or uses that would conflict with a program, ordinance, or policy addressing the circulation system.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.17b – Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)?

A Traffic Impact Study (VRPA Technologies, Inc., 2021) was prepared to analyze the potential impacts of this Project (Appendix E). To assess the impacts that the Project may have on the surrounding street and highway segments and intersections, the first step is to determine Project trip generation. The Project's trip generation was estimated based on trip

generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition). The Project's estimated Daily, AM peak hour, and PM peak hour trips are shown in Table 3.4.17-1. Trips associated with the Greenzone Industrial Development were derived from the High Cube Transload and Short-Term Storage (154) Land Use in the ITE Trip Generation Manual (VRPA Technologies, Inc., 2021).

Table 3.4.17-1
Project Trip Generation

Land Use	Quantity	Daily Trip Ends (ADT)		Weekday AM Peak Hour					Weekday PM Peak Hour				
		Rate	Volume	Rate	In: Out Split	Volume			Rate	In: Out Split	Volume		
						In	Out	Total			In	Out	Total
High Cube Transload and Short-Term Storage (154)	376,000 SF	1.339	526	0.08	77:23	23	7	30	0.10	29:71	11	27	38
Total Trip Generation						**23**	**7**	**30**			**11**	**27**	**38**

Source: Generation factors from ITE Trip Generation Manual, 10th Edition.
Trip ends are one-way traffic movements, entering or leaving.
The numbers in parenthesis are ITE land use codes.

Project trip distribution is based upon engineering judgment, prevailing traffic patterns in the study area, complementary land uses, major routes, population centers, and customer base.

The access/egress from the site will be located along Bird Street, approximately one-half mile west of the Bird Street and Livingston Cressey Road intersection. The site map includes two driveways or access/egress points from Bird Street.

Project traffic as shown in Table 3.4.17-1 was distributed to the roadway system using the trip distribution percentages.

Near-Term Traffic Conditions

A Near-Term scenario was analyzed to include the year 2022 traffic (estimated Project Opening Day) plus traffic generated by other projects approved or being processed in the study area. Traffic conditions in the year 2022 were estimated by using a 1.26 percent per year growth factor for background (ambient) growth along the City of Livingston facilities. This growth rate is consistent with MCAG's 2018 Regional Transportation Plan/Sustainable Communities Strategies Environmental Impact Report.

Cumulative Year 2042 Without Project Traffic Conditions

The impacts of the Project were analyzed considering future traffic conditions, approximately 20 years after the assumed opening day of the Project, or in this case the year

2042. The levels of traffic expected in 2042 relate to the cumulative effect of traffic increases resulting from the implementation of the general plans of local agencies, including the City of Livingston and Merced County. Traffic conditions in the year 2042 were estimated using a 1.26 percent per year growth factor for background (ambient) growth, which is consistent with MCAG's 2018 Regional Transportation Plan/Sustainable Communities Strategies Environmental Impact Report.

Cumulative Year 2042 Plus Project Traffic Conditions

The addition of Project trips, which were distributed to the roadway system using the trip distribution percentages shown in Figure 3-1 of the Traffic Impact Study, were added to Cumulative Year 2042 Without Project Traffic Volumes.

RESULTS

Results Shown in Table 3.4.17-2 of the analysis show that the Project will cause or contribute to an unacceptable LOS at all of the study intersections with exception of Livingston Cressey Road at Bird Street when comparing the Existing and Existing Plus Project scenarios and the Cumulative Year 2042 Without Project and Cumulative Year 2042 Plus Project scenarios.

Table 3.4.17-2
Intersection Operations

Intersection	Control	Target LOS	Peak Hour	Existing Plus Project		Near-Term Plus Project		Cumulative Year 2042 Without Project		Cumulative Year 2042 Plus Project	
				Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Livingston Cressey Road / Bird Street	One-Way Stop	C	AM	10.3	B	10.4	B	10.2	B	14.8	B
			PM	10.9	B	11.0	B	10.6	B	11.6	B
Main Street / Campbell Boulevard	All-Way Stop	C	AM	**41.0**	**E+**	**68.1**	**F++**	**149.4**	**F++**	**159.3**	**F++**
			PM	14.2	B	17.6	C	**35.5**	**E++**	**36.8**	**E++**
Winton Parkway/SR 99 NB Ramps	All-Way Stop	C	AM	19.2	C	21.4	C	**57.5**	**F++**	**58.4**	**F++**
			PM	22.4	C	**26.1**	**D+**	**74.9**	**F++**	**75.3**	**F++**
Winton Parkway/SR99 SB Ramps	All-Way Stop	C	AM	**170.6**	**F++**	**197.2**	**F++**	**371.5**	**F++**	**_***	**F++**
			PM	**191.9**	**F++**	**219.5**	**F++**	**_***	**F++**	**_***	**F++**
Hammatt Avenue/SR99 NB Ramps	All-Way Stop	C	AM	**37.7**	**E++**	**136.0**	**F++**	**226.3**	**F++**	**277.6**	**F++**
			PM	**27.2**	**D++**	**104.8**	**F++**	**193.6**	**F++**	**196.1**	**F++**

Intersection	Control	Target LOS	Peak Hour	Existing Plus Project		Near-Term Plus Project		Cumulative Year 2042 Without Project		Cumulative Year 2042 Plus Project	
				Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Hammatt Avenue/SR99 SB Ramps	All-Way stop	C	AM	23.6	C	**68.1**	**F++**	**140.5**	**F++**	**140.5**	**F++**
			PM	20.0	C	**43.8**	**E++**	**91.0**	**F++**	**91.2**	**F++**

Source: (VRPA Technologies, Inc., 2021)
DELAY is measures in seconds
LOS=Level of Service/BOLD denotes LOS standard has been exceeded
For All-Way Stop intersections, delay results show the average for the entire intersection.
For one-way stop controlled intersections, delay results show the delay for the worst movement.
+ Does not meet peak hour signal warrants
++ Meets peak hour signal warrants
*Delay Exceeds 300 seconds

Queuing analysis was completed using Section 400 of Caltrans' Highway Design Manual. Results of the analysis shown below in Table 3.4.17-3 that all of the existing storage pocket lengths at the Campbell Boulevard at Main Street intersection will provide adequate storage for future year traffic volumes.

Results of the Roadway Segment Capacity Analysis in Table 3.4.17-4 show that the Project will cause or contribute to an unacceptable LOS at study roadway segments (Main Street between Bird Street and Olive Avenue) when comparing the Existing and Existing Plus Project scenarios and the Cumulative Year 2042 Without Project and Cumulative Year 2042 Plus Project scenarios.

Table 3.4.17-3
Queuing Operations

Intersection	Existing Queue Storage Length (ft)		Existing Plus Project		Near-Term Plus Project		Cumulative Year 2042 Without Project		Cumulative Year 2042 Plus Project	
			AM Queue	PM Queue	AM Queue	PM Queue	AM Queue	PM Queue	AM Queue	PM Queue
Main Street / Campbell Boulevard	NB Left	150	43	24	45	25	58	33	58	33
	SB Left	100	54	53	70	68	84	78	86	83
	EB Left	200	78	78	84	85	103	107	107	108
	WB Left	150	95	63	109	76	138	94	138	94
	WB Right	75	57	37	69	52	**81**	60	**85**	62
Winton Parkway / SR 99 NB Ramps	NB Left	175	319	388	333	406	**428**	521	**428**	521
Winton Parkway / SR 99 SB Ramps	SB Left	200	1	13	1	13	1	17	1	17
Hammatt Avenue/ SR 99 NB Ramps	NB Left	150	131	92	**187**	125	**225**	**153**	**225**	**153**
Hammatt Avenue / SR 99 SB Ramps	SB Left	125	**128**	**146**	**213**	**218**	**249**	**256**	**250**	**260**

Source: (VRPA Technologies, Inc., 2021)

Table 3.4.17-4
Segment Operations

Street Segment	Segment Description	Direction	Target LOS	Peak Hour	Existing Plus Project		Near-Term Plus Project		Cumulative Year 2042 Without Project		Cumulative Year 2042 Plus Project	
					Volume	LOS	Volume	LOS	Volume	LOS	Volume	LOS
Bird Street												
Livingston Cressey Road to Project Driveway	2 Lanes Undivided	EB	C	AM	9	C	9	C	3	C	10	C
				PM	35	C	35	C	11	C	38	C
		WB		AM	29	C	29	C	8	C	31	C
				PM	319	C	19	C	11	C	22	C
Main Street												
Bird Street to Olive Avenue	2 Lanes Undivided	NB	C	AM	90	C	92	C	91	C	113	C
				PM	77	C	80	C	89	C	100	C
		SB		AM	86	C	89	C	105	C	112	C
				PM	124	C	127	C	131	C	156	C
Olive Avenue to Campbell Boulevard	4 Lanes Undivided	NB	C	AM	424	C	474	C	577	C	594	C
				PM	315	C	366	C	448	C	457	C
		SB		AM	455	C	505	C	633	C	638	C
				PM	358	C	411	C	491	C	511	C

Source: (VRPA Technologies, Inc., 2021)
LOS = Level of Service / BOLD denotes LOS standard has been exceeded

In order to mitigate the Project's impacts, the Project would be required to build improvements that are identified under the 'Existing Plus Project' condition to improve identified LOS deficiencies. The Project will be required to contribute a fair share towards the costs of improvements that are identified for the Cumulative Year 2042 scenarios.

MITIGATION MEASURE(S)

MM TRA-1: The applicant or developer shall be responsible for the following improvements:

Intersections:

Main Street at Campbell Boulevard

- Near-Term Plus Project scenario:
  - Install traffic signal
- Cumulative Year 2042 Plus Project scenario:
  - Install traffic signal
  - Widen the westbound approach to one left turn lane, one through lane, and one right turn lane (adding one right turn lane)

Winton Parkway at SR 99 NB Ramps

- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)

Winton Parkway at SR 99 SB Ramps

- Existing Plus Project and Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the eastbound approach to one left turn lane and one right turn lane (adding one left turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the eastbound approach to one left turn lane and two right turn lane (adding one left turn lane and one right turn lane)

Hammatt Avenue at SR 99 NB Ramps

- Existing Plus Project scenario:
  - Install Traffic Signal

- Near-Term Plus Project scenario:
  - Install Traffic Signal
  - Widen the westbound approach to one left-through lane and two right turn lanes (adding one right turn lane)
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane)
  - Widen the westbound approach to one left-through lane and two right turn lanes (adding one right lane)

Hammatt Avenue at SR 99 SB Ramps

- Near-Term Plus Project scenario:
  - Install Traffic Signal
- Cumulative Year 2042 Plus Project scenario:
  - Install Traffic Signal
  - Widen the northbound approach to one through lane and one right lane (adding one right turn lane)

The improvements identified above for the Existing Plus Project, Near-Term Plus Project, and Cumulative Year 2042 Plus Project scenarios are sufficient to meet the City of Livingston's acceptable LOS standard of 'C'.

MM TRA-2: The applicant or developer shall be required to contribute a fair share towards the costs of improvements that are identified for the Cumulative Year 2042 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2042 scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts.

The formula used to calculate the equitable share responsibility to the study area is as follows:

Equitable Share = (Project Trips)/(Future Year Plus Approved Project Traffic – Existing Traffic)

Equitable Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2042 PLUS PROJECT	FAIR SHARE PERCENTAGE
Main Street / Campbell Boulevard	AM	1,189	22	1,701	4.3%
	PM	946	28	1,396	6.2%
Winton Parkway / SR 99 NB Ramps	AM	1,284	4	1,727	0.9%
	PM	1,243	6	1,675	1.4%
	AM	1,711	3	2,301	0.5%

Winton Parkway / SR 99 SB Ramps	PM	1,727	2	2,323	0.3%
Hammatt Avenue / SR 99 NB Ramps	AM	1,322	6	2,208	0.7%
	PM	1,262	7	2,131	0.8%
Hammatt Avenue / SR 99 SB Ramps	AM	1,160	1	1,873	0.1%
	PM	1,236	5	2,010	0.6%

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.17c – Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project does not include any geometric design features or incompatible uses that would substantially increase hazards.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

Impact #3.4.17d – Would the Project result in inadequate emergency access?

The Project does not include any design features that would result in inadequate emergency access.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.18 - TRIBAL CULTURAL RESOURCES				
Would the Project:				
a. 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:				
i. 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	☐	☒	☐	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Discussion

Impact #3.4.18a(i) – 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 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)?

A cultural records search through the Central California Information Center (CCIC) of the California Historical Resources Information System was conducted on August 12, 2019, to

identify areas previously surveyed and identify known cultural resources present within or in close proximity to the Project area. The response from the CCIC stated that there were no prehistoric or historic-era archaeological resources reported. The CCIC records search also determined that there are no known resources to be of value to local cultural groups.

As previously discussed in Impact 3.4-5 a-b, the subject site is not known to contain any tribal cultural resources (TCRs). As further noted, with respect to archaeological resources and human remains that may be present in areas where there would be some ground disturbance, mitigation measures set forth in the section would be implemented to ensure that should resources be encountered, they would be protected from damage. Therefore, while no TCRs are expected to be affected by the proposed Project, the mitigation measures set forth in Section 3.4 5 - *Cultural Resources* as well as within this section, would further ensure that any resources encountered would not be adversely affected.

Although construction and operation would occur on previously disturbed land, unknown historical resources may be discovered during ground-disturbing activities. In order to account for unanticipated discoveries and the potential to impact previously undocumented or unknown resources, the following mitigation measures are recommended. With the implementation of MM CUL-1 through MM CUL-2, impacts under this criterion would be less than significant with mitigation.

MITIGATION MEASURE(S)

Implementation of CUL-1 and CUL-2.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.18a(ii) – 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 resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in Subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Under AB 52 requirements, no local tribes have requested to be consulted for input on future City projects. The CCIC records search determined that there have been no formally reported resources to be of value present in the Project area.

Per SB 18 requirements, the City of Livingston consulted with the NAHC to obtain a list of tribes culturally-affiliated with the Project area. The NAHC responded back on January 20, 2022 with a list of 6 tribes with affiliation to the Project area. The City sent consultation

request letters to the Dumna Wo-Wah tribe on December 20, 2021, and to the remainder of the tribes on January 21, 2022 (see Appendix F). During the mandated 90-day timeframe, no tribes responded back requesting additional consultation on this Project.

MITIGATION MEASURE(S)

Implementation of MM CUL-1 and MM CUL-2.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.19 - UTILITIES AND SERVICE SYSTEMS				
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 relocation of which would cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider that 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?	☐	☐	☒	☐
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?	☐	☒	☐	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion

Impact #3.4.19a – Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects?

Based on the water demand of the proposed Project, as detailed in Section 3.4.10, the estimated maximum total water demand of the Project is 190.2 acre-feet per year. This demand will not require the relocation or construction of new or expanded water facilities and impacts are considered less than significant.

The Wastewater Treatment Plant (WWTP) has a maximum capacity of 2.0 million gallons per day (mgd) with an average dry weather flow of approximately 1.06 mgd (City of Livingston, 2007). Based on required compliance with the Wastewater Collection System Master Plan (July 2007), the proposed Project's 22 lots will not exceed wastewater treatment requirements. A rough estimate of the proposed Project's potential wastewater production was calculated by multiplying the water demand by 1,000,000 resulting in 0.00021 mgd. This would not substantially affect the treatment capacity at the existing WWTP because the plant would have adequate capacity to serve Project demand.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.19b – Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

The nearest City water line to the Project site is located at the intersection of Main Street and Livingston Cressey Road and Olive Avenue, requiring the need for infrastructure to be extended to the Project site. Based on the water demand of the proposed Project, as detailed in Section 3.4.10, the estimated maximum total water demand of the Project is 190.2 acre-feet per year. This demand will not require the relocation or construction of new or expanded water facilities and impacts are considered less than significant.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.19c – Would the Project result in a determination by the wastewater treatment provider that 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?

The Project will connect to the City's wastewater treatment plant via a connection adjacent along the Project's frontage. There would be significant capacity for the wastewater treatment provider to serve the Project.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.19d – Would the Project 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?

Implementation of the proposed Project would generate solid waste during potential future construction and operation of new cannabis-related businesses. Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related to land development. AB 939 and Ordinance No. 2003-100 require the City to attain specific waste diversion goals. The C&D disposal facilities listed above have the available capacity to accept construction waste from potential new facilities.

Cannabis waste is considered a type of organic waste. There are three state licensing agencies that provide regulations for cannabis waste. These agencies include the Bureau of Cannabis Control, CalCannabis Cultivation Licensing, and Manufactured Cannabis Safety Branch. Based on these agency regulations, a cannabis cultivator is required to dispose of cannabis waste in one of the following methods:

1. On-premises composting of cannabis waste;
2. Collection and processing of cannabis waste by a local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency;
3. Self-haul cannabis waste to one or more of the following:

    a. A manned, fully permitted solid waste landfill or transformation facility;
    b. A manned, fully permitted composting facility or manned composting operation;
    c. A manned, fully permitted in-vessel digestion facility or manned in-vessel digestion operation;
    d. A manned, fully permitted transfer/processing facility or manned transfer/processing operation; or
    e. A manned, fully permitted chip and grind operation or facility.
    f. A recycling center as defined in Title 14, Section 17402.5(d) of the California Code of Regulations and that meets the following:

        i. The cannabis waste received shall contain at least 90 percent inorganic material;
        ii. The inorganic portion of the cannabis waste is recycled into new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace; and
        iii. The organic portion of the cannabis waste shall be sent to a facility or operation identified in subsection (c)(1) through (5).

4. Reintroduction of cannabis waste back into agricultural operation through on premises organic waste recycling methods, including but not limited to tilling directly into agricultural land and no-till farming.

The Mitigation Measure below requires that a cannabis-related business that generates four or more cubic yards of commercial solid waste per week, apply a combination of recycling actions to ensure waste streams are reduced.

All requests for cannabis-related businesses will require approval of a Conditional Use Permit. The CUP review process ensures compliance with all applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. As Project applications are filed, the Planning Department will evaluate each request and impose project-specific conditions of approval. Implementation of the Mitigation Measures below would ensure compliance with policies to reduce waste sent to landfills. Therefore, impacts would be less than significant with mitigation.

MITIGATION MEASURE(S)

MM UTL-1: During construction of future commercial cannabis facilities, the Project Applicant shall not store construction waste on-site for longer than the duration of the construction activity or transport any waste to any unpermitted facilities. The Project Applicant shall also reduce construction waste transported to landfills by ensuring construction and demolition waste is hauled to one of the six City-approved construction and demolition disposal facilities listed above.

MM UTL-2: In order to reduce the amount of waste generated from cannabis-related operations being taken to the landfill, the following shall be incorporated into the CUP conditions of approval for each Project:

Businesses generating four cubic yards or more of commercial solid waste per week are required to recycle and take one, or any combination, of the following actions:

- Subscribe to source-separated recycling service with a regional franchise hauler authorized to provide service for the area in which the business is located.
- Subscribe to a mixed solid waste recycling service with a regional franchise hauler authorized to provide service for the areas in which the business is located.
- Self-recycle and certify compliance.
- Undertake a combination of such measures, or such alternate measures, as may be approved by the City to reduce the amount of waste from the commercial sector being taken to a landfill.

MM UTL-3: **Screened Storage.** Prior to issuance of grading or building permits, the Project Applicant shall construct, adequate, segregated, on-site screened storage for collection of commercial solid waste and source-separated recyclable materials if constructing new facilities or if existing facilities do not provide such areas. The area shall be designed to be architecturally compatible with the development and shall not prevent security of the recyclables. Driveways and/or travel aisles shall provide, at a minimum, unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling/solid waste collection and loading areas and the materials accepted shall be posted adjacent to all points of direct access to the area.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.19e – Would the Project comply with federal, state, and local statutes and regulations related to solid waste?

Construction and operational activities that generate solid waste are handled, transported, and disposed of in accordance with applicable federal, state, and local regulations pertaining to municipal waste. The 1989 California Integrated Waste Management Act requires jurisdictions to attain specific waste diversion goals (AB 393, 2019). In addition, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the proposed project design. Reuse and recycling of construction debris would reduce operating expenses and save valuable landfill space. With development in accordance with the City's General Plan, solid waste will continue to be handled, transported, and disposed of according to all applicable federal, state, and local regulation pertaining to municipal waste disposal.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact***.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
3.4.20 - WILDFIRE				
Would the Project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Discussion

Impact #3.4.20a – Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

The proposed Project will not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. The proposed TSM will include on-site private roads with a locked security perimeter gate. The Applicant would be required to include a Knox Box to provide first responders with on-site access.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.20b – Would the Project 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?

The Project site is located on relatively flat land and is not located near any woodlands that would have the ability to create wildfires. There is little to no risk of Project occupants being exposed to pollutant concentration from a wildfire. The Project would be required to install fire suppression improvements on-site to serve the site if a fire were to ever occur.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact*.

Impact #3.4.20c – Would the Project 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?

The Project includes the installation of fire hydrants and the construction of roadways to access each newly created parcel, however, due to the minimal nature, it's not considered to exacerbate fire risk.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have *no impact*.

Impact #3.4.20d – Would the Project 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?

The project site is relatively flat. The Project would not 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.

MITIGATION MEASURE(S)

No mitigation is required.

LEVEL OF SIGNIFICANCE

The Project would have ***no impact***.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
3.4.21 - MANDATORY FINDINGS OF SIGNIFICANCE					
a.	Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b.	Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	☐	☒	☐	☐
c.	Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

Impact #3.4.21a – 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

As evaluated in this IS/MND, the proposed Project would not 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; 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. As analyzed, the proposed Project would not 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 plants or animals. With mitigation the Project is not anticipated to eliminate important examples of the major periods of California's history or prehistory. Therefore, the Project would have a less-than-significant impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures BIO-1 through BIO-9 and CUL-1 and CUL-2.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.21b – Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are significant when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)?

As described in the impact analyses in Sections 3.4.1 through 3.4.20 of this IS/MND, any potentially significant impacts of the proposed Project would be reduced to a less-than-significant level following incorporation of the mitigation measures listed in *Appendix A – Mitigation Monitoring and Reporting Program*. Projects completed in the past have also implemented mitigation as necessary. Accordingly, the proposed Project would not otherwise combine with impacts of related development to add considerably to any cumulative impacts in the region. With the implementation of mitigation, the proposed Project would not have impacts that are individually limited, but cumulatively considerable. Therefore, the Project would have a less-than-cumulatively-considerable impact with mitigation incorporated.

MITIGATION MEASURE(S)

Implementation of Mitigation Measures BIO-1 through BIO-9, CUL-1, CUL-2, GEO-1, GEO-1, TRA-1, TRA-2 and UTL-3 through UTL-3.

LEVEL OF SIGNIFICANCE

The Project would have a ***less-than-significant impact with mitigation incorporated***.

Impact #3.4.21c – Does the Project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?

All of the Project's impacts, both direct and indirect, that are attributable to the Project were identified and mitigated to be extent feasible. As shown in *Appendix A – Mitigation Monitoring and Reporting Program*, the District has agreed to implement mitigation substantially reducing or eliminating impacts as a result of the Project. Therefore, the

proposed Project would not either directly or indirectly cause substantial adverse effects on human beings because all potentially adverse direct impacts of the proposed Project are identified as having no impact, less-than-significant impact, or less-than-significant impact with mitigation.

MITIGATION MEASURE(S)

Implementation of I Mitigation Measures BIO-1 through BIO-9, CUL-1, CUL-2, GEO-1, GEO-1, TRA-1, TRA-2 and UTL-3 through UTL-3.

LEVEL OF SIGNIFICANCE

The Project would have a *less-than-significant impact with mitigation incorporated*.

SECTION 4 - LIST OF PREPARERS

4.1 - Lead Agency

- Miguel Galvez, Contract Planner
- John Anderson, Contract City Planner
- Randy Hatch, Former Contract City Planner

4.2 - QK Inc.

- Spencer Supinger, PE, Project Manager
- Annalisa Perea, AICP, Senior Planner
- Carlos Rojas, Associate Planner
- Amber Williams, Technical Writer
- Carrie Wingert, Senior Biologist

4.3 - Subconsultants

- Geotechnical Engineering Investigation – Krazan and Associates
- Traffic Impact Study – VRPA

SECTION 5 - BIBLIOGRAPHY

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APPENDIX A
MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
MM AQ-1:	Prior to issuance of grading or building permits, the developer shall provide the City with evidence from the SJVAPCD of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM_{10} Prohibitions. The subdivision project may be subject to other rules including Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted.	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-1:	Within 14 days of the start of Project activities on-site and in adjacent habitat, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of this species. The surveys shall cover the canal plus surrounding upland habitat within 50 feet of the canal. Pedestrian surveys achieving 100 percent visual coverage will be conducted. If a western pond turtle is found on-site, the qualified biologist may relocate the animal downstream more than 500 feet from the Project disturbance footprint.	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-2:	Within 14 days of the start of Project activities in any specific area, a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species. The surveys shall cover the Project site plus a 500-foot buffer. Pedestrian surveys achieving 100 percent visual coverage shall be conducted. Multiple surveys are anticipated to be needed, which would be phased with the construction of the Project. If no evidence of these species is detected, no further action is required.	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-3:	If dens/burrows that could support any of these species are discovered during the pre-activity surveys conducted under BIO MM-2, the avoidance buffers outlined below shall be established. No work would occur within these buffers unless the biologist approves and monitors the activity. **San Joaquin Kit Fox** • Potential Den – 50 feet • Atypical Den – 50 feet (includes pipes and other manmade structures) • Known Den – 100 feet • Natal/Pupping Den – 500 feet **American Badger Dens (occupied)** • Natal Den (February 1–July 1) – 250 feet • Non-natal Den – 50 feet **Burrowing Owl (active burrows)** • April 1–October 15 – 500 feet • October 16–March 31 – 100 feet	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-4:	The following avoidance and minimization measures shall be implemented during all phases of the Project to reduce the potential for impact from the Project. They are modified from the US Fish and Wildlife Service *Standardized Recommendations for Protection of the Endangered*	**Prior to construction**	Project Contractor/Lead Agency		

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011) and apply to all three species. • Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and state and federal highways. Nighttime construction speed limits shall be 10 mph. • Off-road traffic outside of designated Project areas shall be prohibited. • All Project activities shall occur during daylight hours. • To prevent inadvertent entrapment of kit foxes or other animals during the construction of the Project, all excavated, steep-walled holes or trenches more than two-feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks shall be installed. • Before holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW shall be contacted before proceeding with the work. • In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS shall be contacted for guidance. • All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes and burrowing owls before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox or burrowing owl is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox or owl has escaped. • All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site. • No firearms shall be allowed on the Project site, except by authorized law enforcement personnel. • No pets, such as dogs or cats, shall be permitted on the Project site. • Use of rodenticides and herbicides in Project areas shall be restricted. • A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or burrowing owl or who finds a dead, injured, or entrapped kit fox or burrowing owl. The representative shall be identified during the employee education program and their name and telephone number shall be provided to the US Fish and Wildlife Service and California Department of Fish and Wildlife. • An employee education program shall be developed and presented to Project personnel. The program shall consist of a brief presentation by persons knowledgeable in kit fox, and burrowing owl, biology, and the legislative protections in place. The program shall include the following: a description of each species' natural history and habitat needs; a report of the occurrence of each species in the Project area; an explanation of the status of each species and its protections under federal and state laws; and a list of measures being taken to reduce impacts to each species during Project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.				

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
	• Upon completion of the Project, all areas subject to temporary ground disturbances (including storage and staging areas, temporary roads, pipeline corridors, etc.) shall be recontoured if necessary and revegetated to promote restoration of the area to pre-project conditions. An area subject to temporary disturbance means any area that is disturbed during the Project, but after project completion, will not be subject to further disturbance and has the potential to be revegetated. • Any Project personnel who are responsible for inadvertently killing or injuring one of these species should immediately report the incident to their representative. This representative shall contact the CDFW and USFWS immediately in the case of a dead, injured, or entrapped listed animal. • The Sacramento Fish and Wildlife Office and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed should also be provided to the USFWS.				
MM BIO-5:	If Project activities must occur during the nesting season (February 15 to August 31), pre-activity nesting bird surveys shall be conducted within seven days prior to the start of construction at the construction site plus a 250-foot buffer for songbirds and a 500-foot buffer for raptors (other than Swainson's hawk). The surveys shall be phased with the construction of the Project. If no active nests are found, no further action is required, however, nests may become active at any time throughout the summer, including when construction activities are occurring. If active nests are found during the survey or at any time during the construction of the Project, an avoidance buffer ranging from 50 feet to 350 feet may be required, as determined by a qualified biologist. The avoidance buffer will remain in place until the biologist has determined that the young are no longer reliant on the nest. Work may occur within the avoidance buffer under the approval and guidance of the biologist. The biologist shall have the ability to stop construction if nesting adults show sign of distress.	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-6:	If Project activities must occur during the nesting season (February 15 to August 31), pre-activity surveys shall be conducted for Swainson's hawk nests in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Swainson's Hawk Technical Advisory Committee (CDFW 2000). The surveys would be conducted on the Project site plus a half-mile buffer. To meet the minimum level of protection for the species, surveys shall be conducted during at least two survey periods. The survey will be conducted in accordance with the methodology outlined in existing protocols and shall be phased with the construction of the Project. If no Swainson's hawk nests are found, no further action is required.	**Prior to construction**	Project Contractor/Lead Agency		
MM BIO-7:	If an active Swainson's hawk nest is discovered at any time within one-half mile of active construction, a qualified biologist will complete an assessment of the potential for current construction activities to impact the nest. The assessment will consider the type of construction activities, the location of construction relative to the nest, the visibility of construction activities from the nest location, and other existing disturbances in the area that are not related to the construction activities of this Project. Based on this assessment, the biologist will determine if construction activities can proceed and the level of nest monitoring	**Prior to construction**	Project Contractor/Lead Agency		

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
	required. Minimally, construction activities should not occur within 100 feet of an active nest and may require monitoring if within 500 feet of an active nest. The qualified biologist should have the authority to stop work if it is determined that Project construction is disturbing the nest. These buffers may need to increase depending on the sensitivity of the nest location, the sensitivity of the nesting Swainson's hawk to disturbances, and the discretion of the qualified biologist.				
MM BIO-8:	Prior to start of construction activities, a qualified biologist shall conduct a preconstruction survey with special attention to trees and manmade structures, including a daytime inspection and a flyout inspection at dusk. The survey shall be conducted within 14 days prior to the construction activities. If no bats are detected, no further action is required. If bats are detected, acoustical sampling shall be conducted to identify the species present. If pallid bats, western mastiff bats, or hoary bats are identified to be roosting in the trees or structures, work shall not commence until all of the following have been implemented: • Bats have been passively excluded from the tree or structure by progressively boarding up any entrances at night while bats are foraging away from the tree or structure. Relocation of bats may not be performed during the breeding season (March 1 to September 15). • Permanent, elevated bat houses have been installed outside of, but near the construction area, preferably in designated open space areas. Placement and height shall be determined by a qualified biologist, but the height of a bat house shall be at least 15 feet. Bat houses shall be multi-chambered. The number of bat houses required shall be dependent upon the size and number of colonies present, but at least one bat house shall be installed for each pair of bats (if occurring individually) or each colony of bats found. • If a tree or structure containing a roost for pallid, western mastiff, or hoary bats shall be removed or may lead to roost abandonment during construction, a qualified biologist shall design and determine an appropriate location for an alternate roost structure.	**Prior to construction**	Project Contractor/Lead Agency		
BIO-9	Prior to issuance of any grading or building permit, the applicant or developer shall submit a final Delineation report and evidence of the pertinent permits to the City of Livingston. The report shall include information as shown below as a plan if necessary and shall outline compliance to the following: 1. Delineation of all jurisdictional features at the project site. Potential jurisdictional features within the project boundary identified in the jurisdictional delineation report may be shown in plan form. 2. If the Project has a potential to directly or indirectly impact jurisdictional aquatic resources, a formal aquatic resource delineation of these areas shall be performed by a qualified professional to determine the extent of agency jurisdiction and permits/authorizations from the appropriate regulating agencies (Central Valley Regional Water Quality Control Board (RWQCB), CDFW and US Army Corps of Engineers (USACE) shall be obtained prior to disturbance to jurisdictional features.	**Prior to issuance of grading permits**	Project Contractor/Lead Agency		

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
	If it is determined that canal is jurisdictional and cannot be avoided, the Project proponent shall obtain a Section 401 Waters Quality Certification from the RWQCB, a Section 404 permit from USACE and a Lake and Streambed Alteration Agreement from the CDFW, if required prior to impacting any waters. As part of these authorizations, compensatory mitigation may be required by the regulating agencies to offset the loss of aquatic resources. If so, and as part of the permit application process, a qualified professional shall draft a Monitoring Plan to address implementation and monitoring requirements under the permit to ensure that the Project would result in no net loss of habitat functions and values. The Plan shall contain, at a minimum, mitigation goals and objectives, mitigation location, a discussion of actions to be implemented to mitigate the impact, monitoring methods and performance criteria, extent of monitoring to be conducted, actions to be taken in the event that the mitigation is not successful, and reporting requirements. The Plan shall be approved by the appropriate regulating agencies and compensatory mitigation shall take place either on site or at an appropriate off-site location. 3. Any material/spoils generated from project activities containing hazardous materials shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls, covers, sand/gravel bags, and straw bale barriers, as appropriate. Protection measures should follow project-specific criteria as developed in a Stormwater Pollution Prevention and Protection Plan (SWPPP). 4. Equipment containing hazardous liquid materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and at least 50 feet outside the delineated boundary of jurisdictional water features. Any spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified				
MM CUL-1:	Although there is no recorded evidence of historic or archaeological sites within the Project area, there is the potential during Project-related excavation and construction for the discovery of these types of resources. The Applicant shall incorporate into the construction contract(s) for the Project a provision that if a potentially significant historical or archaeological resource is encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under CEQA, the archaeologist shall recommend a feasible protocol, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.	**During construction phase**	Project Contractor/Lead Agency		

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
MM CUL-2:	If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed: There shall be no further excavation or disturbance of the area where the human remains were found until the County Coroner/Sheriff's Office is contacted. Duly authorized representatives of the Coroner shall be permitted onto the Project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Section 27460, et seq. Excavation or disturbance of the area where the human remains were found, or within 50 feet of the find, shall not be permitted to recommence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD 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 PRC Section 5097.98.	**During construction phase**	Project Contractor/Lead Agency		
MM GEO 1:	Prior to Project implementation, the Applicant shall submit an approved copy of (1) the approved Storm Water Pollution Prevention Plan (SWPPP), and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and the NPDES shall be incorporated into the design specifications and construction contracts.	**Prior to construction**	Project Contractor/Lead Agency		
MM GEO-2:	The Applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the Applicant, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the Applicant shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2.	**During construction phase**	Project Contractor/Lead Agency		

MM TRA-1:	The Applicant shall be responsible for the following improvements:
	
	<u>Intersections:</u>
	
	Main Street at Campbell Boulevard
	• Near-Term Plus Project scenario:
	  ○ Install traffic signal
	• Cumulative Year 2042 Plus Project scenario:
	  ○ Install traffic signal
	  ○ Widen the westbound approach to one left turn lane, one through lane, and one right turn lane (adding one right turn lane)
	
	Winton Parkway at SR 99 NB Ramps
	
	• Cumulative Year 2042 Plus Project scenario:
		At appropriate timeframe	Project Contractor/Lead Agency		

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
	○ Install Traffic Signal ○ Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane) **Winton Parkway at SR 99 SB Ramps** • Existing Plus Project and Near-Term Plus Project scenario: ○ Install Traffic Signal ○ Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane) ○ Widen the eastbound approach to one left turn lane and one right turn lane (adding one left turn lane) • Cumulative Year 2042 Plus Project scenario: ○ Install Traffic Signal ○ Widen the northbound approach to one through lane and one right turn lane (adding one right turn lane) ○ Widen the eastbound approach to one left turn lane and two right turn lane (adding one left turn lane and one right turn lane) **Hammatt Avenue at SR 99 NB Ramps** • Existing Plus Project scenario: ○ Install Traffic Signal • Near-Term Plus Project scenario: ○ Install Traffic Signal ○ Widen the westbound approach to one left-through lane and two right turn lanes (adding one right turn lane) • Cumulative Year 2042 Plus Project scenario: ○ Install Traffic Signal ○ Widen the southbound approach to one through lane and one right turn lane (adding one right turn lane) ○ Widen the westbound approach to one left-through lane and two right turn lanes (adding one right lane) **Hammatt Avenue at SR 99 SB Ramps** • Near-Term Plus Project scenario: ○ Install Traffic Signal • Cumulative Year 2042 Plus Project scenario: ○ Install Traffic Signal ○ Widen the northbound approach to one through lane and one right lane (adding one right turn lane)				
MM TRA-2:	The applicant or developer shall be required to contribute a fair share towards the costs of improvements that are identified for the Cumulative Year 2042 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2042 scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts.	**Prior to issuance of certificate of occupancy or sooner if required by City staff.**	Project Contractor/Lead Agency		

Mitigation Measure		Timeframe	Responsible Monitoring Agency	Date	Initial
	The formula used to calculate the equitable share responsibility to the study area is as follows: Equitable Share = (Project Trips)/(Future Year Plus Approved Project Traffic – Existing Traffic).				

Equitable Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2042 PLUS PROJECT	FAIR SHARE PERCENTAGE
Main Street / Campbell Boulevard	AM	1,189	22	1,701	4.3%
	PM	946	28	1,396	6.2%
Winton Parkway / SR 99 NB Ramps	AM	1,284	4	1,727	0.9%
	PM	1,243	6	1,675	1.4%
Winton Parkway / SR 99 SB Ramps	AM	1,711	3	2,301	0.5%
	PM	1,727	2	2,323	0.3%
Hammatt Avenue / SR 99 NB Ramps	AM	1,322	6	2,208	0.7%
	PM	1,262	7	2,131	0.8%
Hammatt Avenue / SR 99 SB Ramps	AM	1,160	1	1,873	0.1%
	PM	1,236	5	2,010	0.6%

MM UTL-1:	During construction of future commercial cannabis facilities, the Project Applicant shall not store construction waste on-site for longer than the duration of the construction activity or transport any waste to any unpermitted facilities. The Project Applicant shall also reduce construction waste transported to landfills by ensuring construction and demolition waste is hauled to one of the six City-approved construction and demolition disposal facilities listed above.	**During construction phase**	Project Contractor/Lead Agency		
MM UTL-2:	In order to reduce the amount of waste generated from cannabis-related operations being taken to the landfill, the following shall be incorporated into the CUP conditions of approval for each Project: Businesses generating four cubic yards or more of commercial solid waste per week are required to recycle and take one, or any combination, of the following actions: • Subscribe to source-separated recycling service with a regional franchise hauler authorized to provide service for the area in which the business is located. • Subscribe to a mixed solid waste recycling service with a regional franchise hauler authorized to provide service for the areas in which the business is located. • Self-recycle and certify compliance. Undertake a combination of such measures, or such alternate measures, as may be approved by the City to reduce the amount of waste from the commercial sector being taken to a landfill.	**Throughout Operations**	Project Contractor/Lead Agency		
MM UTL-3:	Prior to issuance of grading or building permits, the Project Applicant shall construct, adequate, segregated, on-site screened storage for collection of commercial solid waste and source-separated recyclable materials if constructing new facilities or if existing facilities do	**Prior to issuance of grading or building permits**	Project Contractor/Lead Agency		

Mitigation Measure	Timeframe	Responsible Monitoring Agency	Date	Initial
not provide such areas. The area shall be designed to be architecturally compatible with the development and shall not prevent security of the recyclables. Driveways and/or travel aisles shall provide, at a minimum, unobstructed access for collection vehicles and personnel. A sign clearly identifying all recycling/solid waste collection and loading areas and the materials accepted shall be posted adjacent to all points of direct access to the area.				

APPENDIX B
SPECIAL-STATUS SPECIES TABLE

APPENDIX C
CULTURAL RECORDS SEARCH

APPENDIX D
GEOTECHNICAL ENGINEERING INVESTIGATION

APPENDIX E
TRAFFIC IMPACT STUDY

APPENDIX F
TRIBAL CONSULTATION LETTERS