
City of Gustine *Housing Element*

Initial Study/Negative Declaration

September 2017



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Negative Declaration

Project Name:	Gustine General Plan Housing Element (2017 Update)
Project Location:	City of Gustine
Project Description:	The proposed project is the 2017 update of the Gustine General Plan Housing Element. The updated Housing Element reports updated information on population and housing, housing conditions, Merced County Association of Government's Regional Housing Needs Allocation, housing market conditions, and vacant and available sites. The updated Housing Element also contains revised policies and programs, including a program calling for the annexation of the Southeast Gustine Master Plan Area, which was envisioned earlier as part of the Gustine General Plan adopted in 2002.
Findings:	The City of Gustine has reviewed the proposed project and has determined that the project will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act of 1970. This environmental review process and Negative Declaration is done in accordance with the State CEQA Guidelines and the local City of Gustine procedures. No mitigation measures are required.

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Section I. Background

A. BACKGROUND

1. **Project Title:** Gustine General Plan Housing Element (2017 Update)
2. **Lead Agency Name and Address:**
City of Gustine
352 Fifth Street
Gustine, Ca 95322
3. **Contact Persons and Phone Numbers:**

Kathryn Reyes	Martin Carver, AICP, Principal
Director of Public Works	ZeroCity LLC
City of Gustine	507 Caledonia Street
209-854-6183	Santa Cruz, CA 95062
kreyes@cityofgustine.com	831/426-4557
	mcarver@Zero.city
4. **Project Location:**
Gustine, California 95322
(Merced County)
5. **Project Applicant's/Sponsor's Name and Address:**
City of Gustine
352 Fifth Street
Gustine, CA 95322
5. **General Plan Designation:** All General Plan designations.
6. **Zoning:** All zoning designations.
7. **Other public agencies whose approval is required:** The Gustine 2002 General Plan Housing (2017 Update) requires certification by the California Department of Housing and Community Development.

B. PROJECT OVERVIEW

Under the requirements of state law, each city and county in California must update its general plan housing element every five years. The contents of housing elements are mandated by State law, and the housing element must show that the City has adequate land of appropriately designated to meet

housing goals established by the State Housing and Community Development Department and the applicable Council of Governments (in the case of Gustine, the Merced County Association of Governments). The housing element must provide adequate land for development of housing for low and moderate income housing, as well as market rate housing. The baseline used in this analysis consists of those proposed changes to the existing General Plan Housing Element (last updated in 2011) that have the possibility of resulting in significant environmental effects, plus any changes to existing conditions on the ground that could result from maintaining a state-certified Housing Element.

C. PURPOSE OF INITIAL STUDY

The purposes of this initial study is to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND).
2. Provide documentation of the factual basis for the finding in a ND that a project will not, with or without mitigation, have a significant effect on the environment.
3. Determine whether a previously prepared EIR could be used with the project. [Per CEQA Guidelines Section 15063(c)]:

According to CEQA Guidelines §15070, a public agency shall prepare a Negative or Mitigated Negative Declaration when the initial study shows that there is no substantial evidence that the project may have a significant effect on the environment, or when the initial study identifies potentially significant effects, but revisions in the project plans made before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and there is no substantial evidence, in light of the whole record before the agency, that the project as described may have a significant effect on the environment.

Section II. Project Description

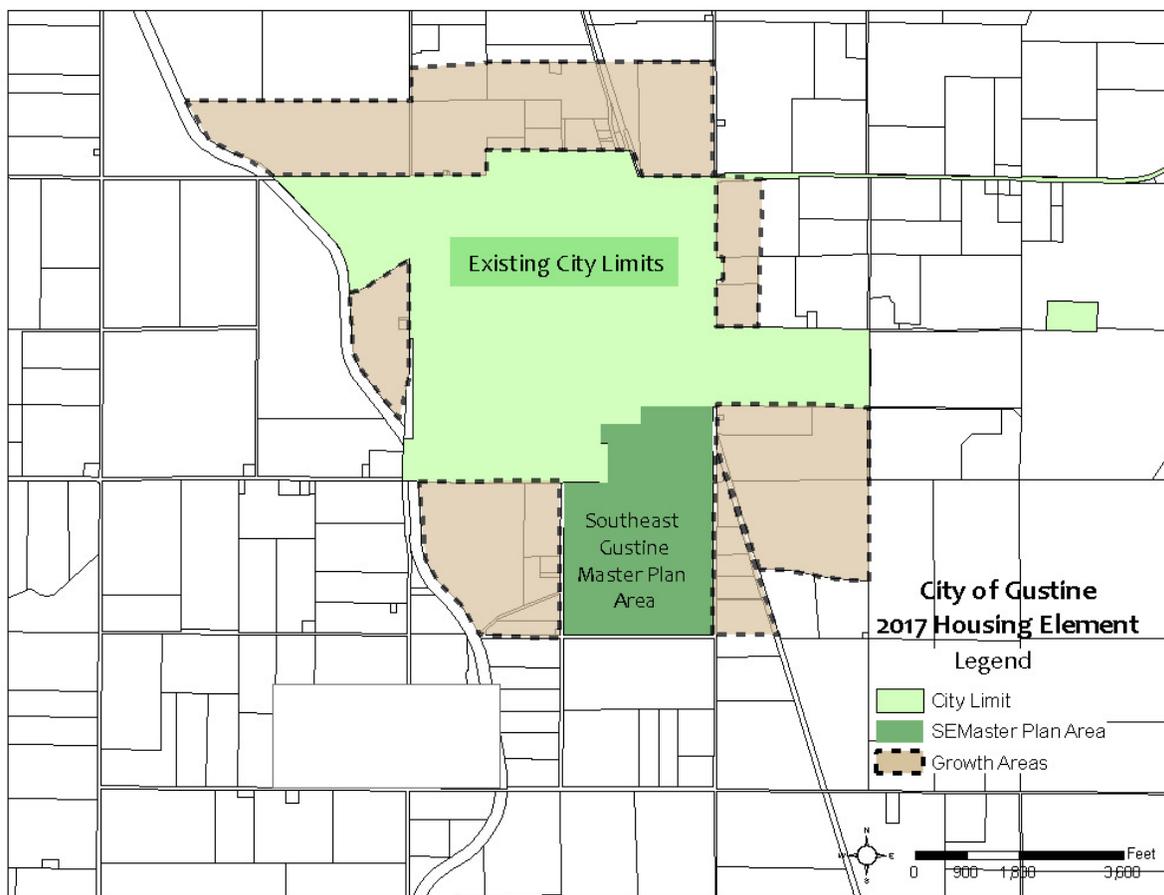
A. PROJECT LOCATION AND SETTING

The City of Gustine was incorporated in 1915 and has an estimated 2017 population of 5,886 residents. The city is situated in western Merced County on the western side of the San Joaquin Valley, approximately 25 miles west of Merced, the County seat. The City is located on State Highway 33, and about five miles east of Interstate 5. Figure 1 shows the regional location of the City of Gustine. Figure 2 shows the existing city limits and future growth areas.

The City of Gustine adopted the *Gustine General Plan* in February 2002. The last Housing Element was prepared in 2011.

FIGURE 1: LOCATION MAP



FIGURE 2: CITY LIMITS AND FUTURE GROWTH AREAS

B. PROJECT DESCRIPTION

The proposed project is the adoption of an updated housing element for the *Gustine General Plan*. The initial study has been prepared based on the Public Review Draft of the *City of Gustine General Plan Housing Element*, (hereinafter referred to as the “Housing Element,”) prepared in August 2017. The Housing Element presents background data including a population profile, housing stock characteristics, employment and income figures, and housing costs and affordability. A housing needs assessment is provided based on the demographic data and the City’s share of regional housing needs as determined by the California Department of Housing and Community Development and the Merced County Association of Governments. The needs of populations with special housing requirements such as senior citizens and farm workers are also considered. The Housing Element surveys the availability of land and public services and utilities in Gustine. This updated data and

analysis is then used as the basis for revising the policies, programs, and quantified objectives of the Housing Element.

The Draft Housing Element proposes the following new and/or revised policies, programs, and quantified objectives.

1. Implementation Program 1-O (Water and Sewer Priority) [NEW]
The City of Gustine shall adopt an ordinance that establishes specific procedures to grant priority service to housing with units affordable to lower-income households whenever capacity is limited.
2. Implementation Program 1-P (Flood Hazard Land Management) [NEW]
The City of Gustine shall review its General Plan Land Use, Safety, and Conservation Elements to ensure that they include an analysis and policies addressing flood hazards and flood management, including a review of areas subject to flooding and a flood plain map.
3. Implementation Program 1-Q (Small Unit Development) [NEW]
The City of Gustine shall explore the feasibility of revising its General Plan Land Use Element and/or Zoning Ordinance to promote the development of smaller, less expensive housing units for small households with modest incomes (e.g., first-time homebuyers without children and/or senior citizens).
4. Implementation Program 1-R (Transitional and Supportive Housing) [NEW]
The City of Gustine shall revise its Zoning and Subdivision Code to include definitions for transitional and supportive housing and permit such uses as a residential use, subject only to the restrictions that apply to other residential dwellings of the same type in the same zone.
5. Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) [NEW]
The City of Gustine shall complete annexation of the Southeast Gustine Master Plan Area, and within this Master Plan Area, the City of Gustine shall require the 6.2-acre Tosta Property to be used exclusively for multifamily housing, subject to the following special development requirements: 1) at least 4.3 acres of the site shall be developed at a minimum density of 20 dwelling units per acre; and 2) development of this site shall not be subject to any further discretionary review or approval (i.e., multifamily by right) after the annexation is complete and the Southeast Gustine Master Plan Area has been formally adopted.
6. Implementation Program 5-B (Housing Condition Survey) [REVISED]
To encourage and promote the efficient implementation of the Housing Element's goals, objectives, policies and implementation programs and to ensure the Housing Element is responsive to changing needs, the City will conduct a housing condition survey with every Housing Element update, unless such an update is required on a four-year schedule, in which case the survey will be undertaken for every second Housing Element update. ~~surveys annually.~~
~~The Community Development Department will divide the City into five sectors. One sector shall be surveyed annually and be incorporated into the Annual Report as identified in Implementation~~

~~Program 5 A. The Five Year Housing Condition Survey will consist of the five annual sector surveys and will be presented to the Planning Commission and City Council under Program 5 A.~~

In addition to these new and revised implementation programs, the Draft Housing Element carries forward programs from the last update that among other things call for re-designation of three properties to achieve consistency with the existing R-3 Zoning District (Implementation Program 1-H), that increase the maximum density in the R-3 District from 15 to 20 dwelling units per acre (Implementation Program 1-K), and that reduces parking requirements for studio and one-bedroom apartments (Implementation Program 1-M).

The following new quantified objectives have been proposed for the updated Housing Element (Table 1):

Table 1. Proposed Quantified Objectives for Housing, 2014 to 2023

Quantified Housing Objectives January 1, 2014 – June 30, 2023						
Housing Objectives	Income Category					Total
	Extremely Low	Very Low	Low	Moderate	Above Moderate	
New Construction	30	30	52	48	136	296
Rehabilitation	2	2	4	4		12
Conservation/Preservation	0	0	0	0		0
Total Housing Units	32	32	56	52	136	308

Source: Draft Gustine Housing Element, August 2017

The quantified objectives set forth above represent the City's best estimate of housing construction, all of which would be initiated and undertaken by non-City actors acting under their own volition.

Section III. Environmental Checklist

A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The 2017 Gustine Housing Element is an update of the last Housing Element prepared and certified in 2011. The 2017 update includes new demographic and housing data, new information on housing conditions, a new regional housing needs allocation (set by the Merced County Association of Governments), a new analysis of vacant and available housing sites, and finally new implementation programs and objectives to address housing needs and comply new statutory requirements adopted by the State of California.

Of all of components contained in a housing element, the only part that has any potential to result in an environmental effect is the section that contains housing policies, implementation programs, and quantified objectives. The 2017 update of the Gustine Housing Element for the most part carries forward implementation programs from the 2011 update that have not yet been implemented and contains a limited number of new programs, which are described in Section II above. Of the six new programs contained in the updated document, the only one with the potential to result in a significant environmental effect is Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area), and the Southeast Gustine Master Plan is the subject of its own environmental impact report, which was published on August 18, 2016. Of the numerous Implementation Programs that are carried over from the 2011 Housing Element, there are two with a potential to result in a significant environmental effect. Those are: 1) Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and 2) Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments).

The analysis below evaluates the environmental effects that can be expected to accompany the City Council's action to adopt the 2017 update of Gustine General Plan Housing Element. The analysis focuses on the three implementation programs referred to above (i.e., Implementation Programs 1-S, 1-K, and 1-M). The environmental factors checked below could be potentially affected by these programs, involving at least one impact that requires mitigation to be reduced to a level of "Less Than Significant," as indicated by the checklist on the following pages.

	Aesthetics		Agricultural and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources	X	Geology / Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality
	Land Use and Planning		Mineral Resources	X	Noise
	Population and Housing	X	Public Services		Recreation
X	Transportation/Traffic		Tribal Cultural Resources	X	Utilities and Service Systems
X	Mandatory Findings of Significance				

B. ENVIRONMENTAL CHECKLIST

The following table contains a checklist of environmental factors that could be affected by the program being evaluated in the Initial Study.

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to non-agricultural use?				X
III. AIR QUALITY. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?				X
IV. 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 Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
VII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?				X
VIII. 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?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within three miles of an existing or proposed school?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood-hazard area structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X
XI. MINERAL RESOURCES. Would the project:				
f) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
g) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
XII. NOISE. Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?			X	
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) Result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in exposing people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, result in exposing people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES (INCLUDING RECREATION). Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	
b) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
c) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflicts with an applicable congestion management plan, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?			X	

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks.			X	

XVI. TRIBAL CULTURAL RESOURCES:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) 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?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X	

C. CHECKLIST DISCUSSION

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 (see references listed in Section VII). 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 any 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 reduces 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.

5. Earlier Analysis may be used where, pursuant to a program EIR, one or more effects have already been adequately analyzed (Section 15063(c)(3)(D)). In this case a discussion should identify the following:
- a) *Earlier analysis used.* Identify earlier analyses 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 Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

1. Aesthetics

Environmental Concern:	Have a substantial adverse effect on a scenic vista; substantially damage scenic resources
Status:	“No Impact”
Explanation:	There are neither scenic resources nor State-designated scenic highways in or around Gustine. There is no potential for creating a substantial adverse effect on a scenic vista or substantially damage scenic resources.
Sources:	June 6, 2017 site visit by Martin Carver; Google Earth; Caltrans (http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)
Environmental Concern:	Degrade existing visual character
Status:	“No Impact”
Explanation:	Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve annexation of approximately 153 acres of new urban development, resulting in the elimination of existing

agricultural open space and substantial changes in land use as viewed from surrounding public roads. Existing views of agricultural fields and orchards would be converted to views of new urban residential development, as well as neighborhood parkland. This change, anticipated in the Gustine General Plan, would not involve a significant adverse aesthetic effect; proposed residential uses are planned and anticipated, and new residential uses would be similar in nature to the existing residential uses in Gustine.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve a significant adverse aesthetic effect; increased densities and reduced parking requirements would result in development that is similar in nature to the existing residential uses in Gustine.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

Environmental Concern: **New source of light and glare**

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve approximately 153 acres of new urban development, resulting in a substantial increase in night lighting in the annexation area, and some limited potential for glare. Potential lighting effects would be associated with new street lighting along the exterior and interior streets, lighting of site entry features, and to a lesser degree security lighting on new residential structures.

According to “Southeast Gustine Annexation Project Public Review Draft EIR,” planned street, security and other lighting systems will be consistent with the proposed urban residential uses, as well as with other existing urban development in the City of Gustine. The annexation area is already substantially impacted by other urban development in the area; the annexation area and lands in the vicinity are all planned or approved for future urban development. The Gustine Zoning Ordinance sets forth light and glare standards, requiring exterior lighting to be directed downward away from the sky. Compliance with zoning requirements would reduce the impact the project would have on visibility of the night sky.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to light or glare.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

2. Agricultural Resources

Environmental Concern: **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; conflict with existing zoning for agricultural use; involve other changes that could result in conversion of Farmland**

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve approximately 153 acres of new urban development and result in the irreversible conversion of land that is

designated as Prime Farmland and Farmland of Statewide Importance. This impact is analyzed in the “Southeast Gustine Annexation Project Public Review Draft EIR,” which found the impact to be significant and unavoidable. The Draft EIR calls for the payment of an agricultural mitigation fee (Mitigation Measure AGRI-1.1).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any significant adverse effect related to agricultural resources. If anything, increased densities and reduced parking requirements would lessen the pressure to convert agricultural resources in areas adjacent to Gustine.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

3. Air Quality

Environmental Concern: **Conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard; result in a cumulatively considerable net increase of any criteria pollutant; expose sensitive receptors to substantial pollutant concentrations; Create objectionable odors**

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve ground disturbance with the potential for dust generation during construction activities, particularly grading and building construction. It would also involve emissions from

construction vehicles and equipment. Operational emissions of project development could also have an impact on air quality in the Gustine area, as well as affect air quality attainment objectives of the San Joaquin Valley Air Pollution Control District. Finally, project construction would likely generate increased diesel particulate emissions, a toxic air contaminant. These impacts are analyzed in the “Southeast Gustine Annexation Project Public Review Draft EIR,” which found the impacts to be less than significant.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any significant adverse effect related to air quality. If anything, increased densities and reduced parking requirements would promote alternative modes of travel and reduce air pollution in the region.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

4. *Biological Resources*

Environmental Concern: Have a substantial adverse effect on special-status species; have a substantial adverse effect on any riparian habitat or other sensitive natural community; have a substantial adverse effect on federally protected wetlands; interfere substantially with the movement of any native resident or migratory fish or wildlife species; conflict with any local policies or ordinances protecting biological resources; conflict with the provisions of an adopted Habitat Conservation Plan.

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing

needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve removal of most, if not all, existing vegetation. The majority of the project area consists of cropland farmed in orchards and annual crops, with some ruderal grassland vegetation. Vegetation of the type found on the project area is common in agricultural areas of the San Joaquin Valley. Proposed development of the annexation area is not expected to result in effects on special-status plants. The field surveys conducted as part of the “Southeast Gustine Annexation Project Public Review Draft EIR” observed no special-status plants. There are suitable nest trees within and surrounding the project site, conversion of alfalfa fields, grain fields, ruderal grassland the annual croplands that make up the majority of the project area will result in permanent loss of potential Swainson’s hawk foraging habitat. The Draft EIR calls for the pre-construction surveys to ensure that no nesting bird species are impacted significantly (Mitigation Measure BIO-3.1, 3.2 and 4.1).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to biological resources. If anything, increased densities and reduced parking requirements would lessen the pressure to convert open space areas adjacent to Gustine and therefore lessen any biological impact.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

5. Cultural Resources

Environmental Concern: Cause a substantial adverse change in the significance of a historical resource; cause a substantial adverse change in the significance of

an archaeological resource; directly or indirectly destroy a unique paleontological resource; disturb any human remains

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve the re-alignment or removal of the Union Pacific Railroad tracks and two residences that were constructed before 1965. According to “Southeast Gustine Annexation Project Public Review Draft EIR,” the railroad tracks have been determined not eligible for listing on the National Register of Historic Places. The two residences are possibly significant, and the Draft EIR calls for evaluation of these structures prior to any demolition (Mitigation Measure CULT-1.1). Construction activities have the potential to unearth and disturb previously-undiscovered and potentially significant subsurface archaeological or paleontological resources or human burials. Until revealed and evaluated, such resources are potentially significant, and their disturbance could result in significant cultural resources effects. The Draft EIR calls for training construction crews to identify potential cultural resources (Mitigation Measure CULT-1.2 and 2.2), preconstruction surveys (Mitigation Measure CULT-2.1), and measures to take should resources be uncovered during grading or construction (Mitigation Measure CULT-2.3, 2.4, and 3.1).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to biological resources.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

6. Geology and Soils

Environmental Concern: Rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; Landslides; would the project result in substantial soil erosion or the loss of topsoil; would the project be located on a geologic unit or soil that is unstable; would the project be located on expansive soil; would the project have soils incapable of adequately supporting the use of septic tanks

Status: “Less than Significant Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve new development that would be exposed to potential ground shaking associated with earthquake activity occurring on distant fault systems to a potential Modified Mercalli Intensity of up to IX. Routine implementation and enforcement of the Uniform Building Code, including its seismic safety provisions that address design specifications related to seismic forces, and other planning and building regulations by the City of Gustine would reduce the potential for earthquake damage to a level that is generally regarded by structural engineers throughout California as acceptable. The annexation area is located on flat terrain and is not subject to slope instability hazards. Soils located within the annexation area have limitations for construction of planned urban development. The Draft EIR calls for soils reports prior to construction (Mitigation Measure GEO-3.1 and 3.2).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) could involve more multi-story

construction, but compliance with the Uniform Building Code would ensure that any related impacts would be less than significant. Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to geological hazards.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

7. Greenhouse Gas Emissions

Environmental Concern: **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.**

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve GHG emissions resulting from construction employee travel and the operation of heavy and light internal combustion construction equipment used in the construction process. Indirect GHG emissions would result from use of commercial energy during the construction process and from resource extraction and manufacturing of construction materials. The project would also generate GHG emissions after construction. Direct GHG sources would include emissions from the combustion of natural gas for water and space heating in residences. Vehicle travel associated with residential uses would produce continuing emissions by the vehicles’ internal combustion engines. The use of electrical energy for heating, lighting and other services would also generate indirect emissions associated with electrical generation, along with water usage and waste disposal associated with the project. The Draft EIR calls for use

of natural gas hearths and exceedance of Title 24 energy conservation requirements by 15% (Mitigation Measure GHG-1). According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” GHG emission reduction achieved through these mitigation measures would be consistent with the objectives of both the SJVAPCD’s Climate Change Action Plan (CCAP) and the State’s AB32 Climate Change Scoping Plan.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to GHG emissions. If anything, increased densities and reduced parking requirements would lessen GHG emissions by improving building efficiency and encouraging use of alternative transportation and therefore lessen GHG impacts.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

8. Hazards and Hazardous Materials

Environmental Concern: Create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials; emit hazardous emissions or handle hazardous materials; create a hazard to the public from EPA-regulated companies that handle regulated materials; result in a safety hazard for people residing or working in the project area within two miles of a public airport or private airstrip; impair implementation of or physically interfere with an adopted emergency response plan; expose people to wildland fires

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing

needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve residential development in proximity to a highway, railroad, and small airport. Highways, railroads and airports represent risks associated with noise and accidents, which could result in injury to persons or damage to structures located on adjoining or nearby lands. SR 140 and SR 33 are a minimum distance of 0.25 miles from the annexation area; both of these roadways are two-lane roads that restrict speeds through the city and do not constitute a risk to residents or structures located within the annexation area. The annexation area is located approximately two miles southwest of the Gustine Airport. The Draft EIR calls for setbacks and fencing to separate new housing from the railroad tracks (Mitigation Measure HAZ-1.1) and compliance with the Gustine Airport Land Use Compatibility Plan (Mitigation Measure HAZ-1.2). According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” there are no potential hazardous materials or waste sites of concern located within ¼ mile of the annexation area.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to hazards and hazardous materials.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

9. Hydrology and Water Quality

Environmental Concern: **Violate any water quality standards; substantially deplete groundwater supplies or interfere with groundwater recharge; cause substantial erosion; cause substantial flooding; create runoff water which would exceed the capacity; substantially degrade water**

quality; place housing within a 100-year flood-hazard area; place within a 100-year flood-hazard area structures that would impede or redirect flood flows; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; inundation by seiche, tsunami, or mudflow

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would increase runoff from developed portions of the annexation area during and following storm events. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” runoff would be collected in new storm drains and routed to the proposed detention facilities, in which it would be stored until capacity is available in area canals and downstream waters. Proposed detention facilities would substantially moderate discharges from the site, reducing any potential for adverse effects on off-site waters. The annexation area is not exposed to 100-year or 200-year flooding hazards and would not be exposed to potential tsunami or seiche hazards.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to hydrology and water quality. If anything, increased densities and reduced parking requirements would reduce development footprints and therefore lessen hydrological impacts and impacts to water quality.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

10. Land Use and Planning

Environmental Concern:	Physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect; conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan
Status:	“No Impact”
Explanation:	<p>Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, is part of a larger area of unincorporated land located adjacent to the south end of the Gustine City limits that was designated for future urban use in the Gustine General Plan. Residential land use is consistent with the current General Plan designation of Planned Development and would pose no conflict with the residential homes and public schools that exist within the annexation area. There is no habitat conservation plan currently in force in Merced County. Proposed urban development within the annexation area would not result in any conflict with a habitat or natural community conservation plan.</p> <p>The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to land use and planning.</p>
Source:	<i>Gustine 2002 General Plan</i> ; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

11. Mineral Resources

Environmental Concern: 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; 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

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would not impact any known mineral resources. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” The soils on the site do not represent a known mineral resource. Mining operations for production of a variety of minerals was common in the early 1800s in Merced County. The County’s current mineral resource consists primarily of sand and gravel. A few hard rock mines are still in operation, but there is no mine in the vicinity of the City of Gustine.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to mineral resources.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

12. Noise

Environmental Concern:	Exposure of persons to or generation of noise levels in excess of standards; exposure of persons to or generation of excessive ground borne vibration; for a project located within two miles of a public airport or in the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels; substantial permanent increase in ambient noise levels
Status:	“Less than Significant Impact”
Explanation:	<p>Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would contribute to increased traffic on SR 140 and SR 33 and existing collector and local streets in Gustine. The Gustine General Plan indicates that by 2020 SR 140/33 traffic noise levels of 65 dBA Ldn would extend up to approximately 150 feet from the highway alignment as it proceeds through the business district and residential areas of Gustine. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” planned residential development within the annexation area, however, would not be subject to highway noise levels that exceed standards for residential land use. The annexation area is a minimum of 0.25 mile from the highways. The annexation area also not expected to be significantly affected by noise from the nearby railroad. Union Pacific Railroad’s tracks are separated from the annexation area by the Hunt Road and Railroad Avenue alignments. The railroad alignment plus the street alignments total approximately 100 feet.</p> <p>The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) could result in people living in closer proximity to each other, which in turn could lead to noise</p>

complaints lodged with the Gustine Police Department. Such impacts are typical of urban development and would be considered less than significant. Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to noise.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

13. *Population and Housing*

Environmental Concern: **Induce substantial population growth in an area; displace substantial numbers of existing housing; displace substantial numbers of people**

Status: “Less than Significant Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would incorporate approximately 219.2 acres of land designated for residential use. Development potential includes about 676 new housing units. The total potential population increase for the entire annexation area, based on current development plans and future potential development, would be approximately 2,028 persons based on the DOF average household size. Proposed residential development is well within the prescribed density for the land use designation that the General Plan applies to the annexation area.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) supports adopted housing goals contained the Gustine General Plan Housing Element but nonetheless results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.”

Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would also support

adopted housing goals contained the Gustine General Plan Housing Element but are not expected to induce significant new population growth.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

14. *Public Services (including Recreation)*

Environmental Concern: **Result in substantial adverse physical impacts associated with fire protection, police protection, schools, parks, other public facilities**

Status: “Less than Significant Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would involve potential increases in population of up to about 2,000 persons associated with planned residential development. This growth would result in an increase in demand for police and fire protection services that will need to be met by the City of Gustine. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” developers will be required to contribute to the City’s impact fees, including a fee to cover capital costs associated with expansion of the Gustine police and fire departments. The Draft EIR calls for the incorporation of emergency response standards into future project design and improvement plans (Mitigation Measure SERV-1.1). The proposed annexation would result in the need for dedication and development of parkland to serve population generated by the development of vacant lands within the annexation area. The City of Gustine requires developers to contribute to the City’s Public Facilities Fee program to cover capital costs associated with the development of new park space. Also, according to the “Southeast Gustine Annexation Project Public Review Draft EIR,” developers will dedicate acreage for new parkland within the

annexation area resulting in total acreage that exceeds the City's parkland standard of five acres per 1,000 population.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in "Southeast Gustine Annexation Project Public Review Draft EIR." Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) could result in slightly more demand for city services. Higher density housing can generate increased calls for police service and require specialized fire equipment if it involves multiple stories. Such impacts are typical of urban development and would be considered less than significant. Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to public services or recreation.

Source: *Gustine 2002 General Plan*; "Southeast Gustine Annexation Project Public Review Draft EIR" (August 2017).

15. *Transportation/Traffic*

Environmental Concern: Conflicts with an applicable plan that establishes measures of effectiveness for the performance of the circulation system; conflicts with an applicable congestion management plan, including levels of service standards; result in a change in air traffic patterns; substantially increase hazards due to a design feature; result in inadequate emergency access; conflict with adopted policies supporting alternative transportation

Status: "Less than Significant Impact"

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would lead to development that generates additional traffic on area streets and highways. The Draft EIR calls for traffic

improvement fees and traffic control improvements (Mitigation Measures TRANS-1.1, 1.2, and 1.3).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) could result in slightly more traffic on area streets and highways. Given the small number of properties (and small amount of acreage) affected, these impacts would be considered less than significant. Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related traffic or transportation.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

16. Tribal Cultural Resources

Environmental Concern: **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.**

Status: “No Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The

annexation, which is a separate project that is subject to its own CEQA review, would lead to development that could disrupt tribal cultural resources. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” correspondence from the Native American Heritage Commission indicates the land encompassed by the annexation area was compared to their sacred lands file. There are no known Native American cultural resources within the immediate project area. The Draft EIR calls for preconstruction surveys (Mitigation Measure CULT-2.1) and measures to take should resources be uncovered during grading or construction (Mitigation Measures CULT-2.3, 2.4, and 3.1).

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) and Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related to tribal cultural resources.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

17. *Utilities and Service Systems*

Environmental Concern: **Have sufficient water supplies available to serve the project from existing entitlements and resources; substantially deplete groundwater supplies; result in the construction of new or expanded water facilities; exceed wastewater treatment requirements; require or result in the construction of new water or wastewater treatment facilities; require or result in the construction of new storm water drainage facilities; have sufficient water supplies available to serve the project from existing entitlements and resources; result in a determination by the wastewater treatment provider that serves the project that it has adequate capacity to serve the project’s projected demand; be served by a**

landfill with sufficient permitted capacity; comply with federal, state, and local statutes and regulations related to solid waste; result in wasteful, inefficient and unnecessary consumption of energy

Status: “Less than Significant Impact”

Explanation: Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) confirms the need to annex land to meet housing needs and is consistent with the Gustine General Plan Land Use Diagram, which identifies the area for urban expansion. The annexation, which is a separate project that is subject to its own CEQA review, would lead to development that generates additional demand for sewer, water, and landfill services. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,” full development of the proposed annexation area would generate an estimated average of 0.17 mgd of wastewater per day at buildout. The Draft EIR calls for the evaluation of availability of wastewater treatment capacity for new development as it comes forward in the annexation area and requires that developers pay their fair share. (Mitigation Measures UTIL-1.1). It also class for improvements to the wastewater collection system (Mitigation Measures UTIL-2.1).

With regard to potable water, the proposed project includes dedication of a new well site and construction of a new well in the southern portion of the annexation, in connection with Phase 1 development. Again, according to the “Southeast Gustine Annexation Project Public Review Draft EIR,” the new well would add substantially to the City’s existing groundwater supply and would offset demands generated by the project.

With regard to storm drains improvements, new structures and pavement will generate additional runoff and the need for new urban storm drainage facilities. The Draft EIR calls for the construction of new storm drainage facilities and the improvement of existing facilities. (Mitigation Measures UTIL-5.1 and 5.2).

With regard to solid waste, future development in the annexation area would involve increased solid waste generation. According to the “Southeast Gustine Annexation Project Public Review Draft EIR,”

future development would result in the potential for up to 1,685 tons of solid waste annually. There is no shortage of landfill space, and new residential uses would participate in existing recycling programs.

The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) could result in slightly more demand for public utilities and services. Given the small number of properties (and small amount of acreage) affected, these impacts would be considered less than significant. Implementation Program 1-M (Reduced Parking Requirements in Multifamily Developments) would not involve any adverse effect related public utilities and services.

Source: *Gustine 2002 General Plan*; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

18. Mandatory Findings of Significance

Environmental Concern: 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; have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly

Status: “Less than Significant Impact”

Explanation: The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) would have no potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population, or cause substantial adverse effects on human beings.

Source:	<i>Gustine 2002 General Plan</i> ; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).
Environmental Concern:	Have impacts that are individually limited, but cumulatively considerable
Status:	“Less than Significant Impact”
Explanation:	The adoption of Implementation Program 1-S (Annexation of Southeast Gustine Master Plan Area) results in no further impact beyond that analyzed in “Southeast Gustine Annexation Project Public Review Draft EIR.” Implementation Program 1-K (Increase Maximum Density in the R-3 and R-4) would involve no impacts that are individually limited, but cumulatively considerable.
Source:	<i>Gustine 2002 General Plan</i> ; “Southeast Gustine Annexation Project Public Review Draft EIR” (August 2017).

Section IV. Environmental Determination

A. 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.	X
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 (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
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.	

Mr. Doug Dunford, City Manager

Date

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Section V. References

A. REPORT PREPARATION

ZeroCity LLC, Martin Carver, AICP

B. REFERENCES

1. Basecamp Environmental, August 2016; “Southeast Gustine Annexation Project Public Review Draft EIR.”
2. City of Gustine, August 2017, *City of Gustine 2002 General Plan Draft Housing Element*.
3. City of Gustine, February 2002, *City of Gustine General Plan*.
4. City of Gustine, August 2017, Zoning-Subdivision Code

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