

Lathrop and Union Road Project
**Section 15061(b)(3) and Categorical Exemption
Analysis**

City of Manteca, San Joaquin County, California

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ACRONYMS AND ABBREVIATIONS

APN	Assessor's Parcel Number
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CBC	California Building Standards Code
CEQA	California Environmental Quality Act
CMU	Commercial Mixed Use
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CRHR	California Register of Historical Resources
dB	decibels
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
EV	electric vehicle
EVCS	electric vehicle charging station
FCS	FirstCarbon Solutions
GHG	greenhouse gas
HVAC	heating, ventilation, and air conditioning
in/sec	inches per second
L_{eq}	equivalent continuous sound level
L_{max}	maximum noise level
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
mph	miles per hour
MFD	Manteca Fire Department
MUP	Minor Use Permit
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
PG&E	Pacific Gas and Electric Company
PM ₁₀	particulate matter less than 10 microns in diameter
PM _{2.5}	particulate matter less than 2.5 microns in diameter
QSR	quick serve restaurant
REC	Recognized Environmental Condition

ATTACHMENT 9

ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SSJID	South San Joaquin Irrigation District
TAC	toxic air contaminant
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
Valley Air District	San Joaquin Valley Air Pollution Control District
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds

1 - INTRODUCTION

FirstCarbon Solutions (FCS) has prepared this memorandum to evaluate whether the proposed development of three commercial parcels at Lathrop Road and Union Road (proposed project) meets the criteria identified in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and, separately and independently, also has elements that meet the criteria under Section 15332 to qualify for an Infill Exemption (Class 32) and, separately, elements that meet the criteria under Section 15303 for new construction of small structures (Class 3).

Section 15061(b)(3) states that projects that have no potential to cause significant environmental impacts are exempt from CEQA because CEQA applies only to projects that have the potential for causing a significant effect on the environment. As detailed in the analysis herein, it can be seen with certainty that the proposed project does not have any adverse environmental impacts and is therefore not subject to CEQA.

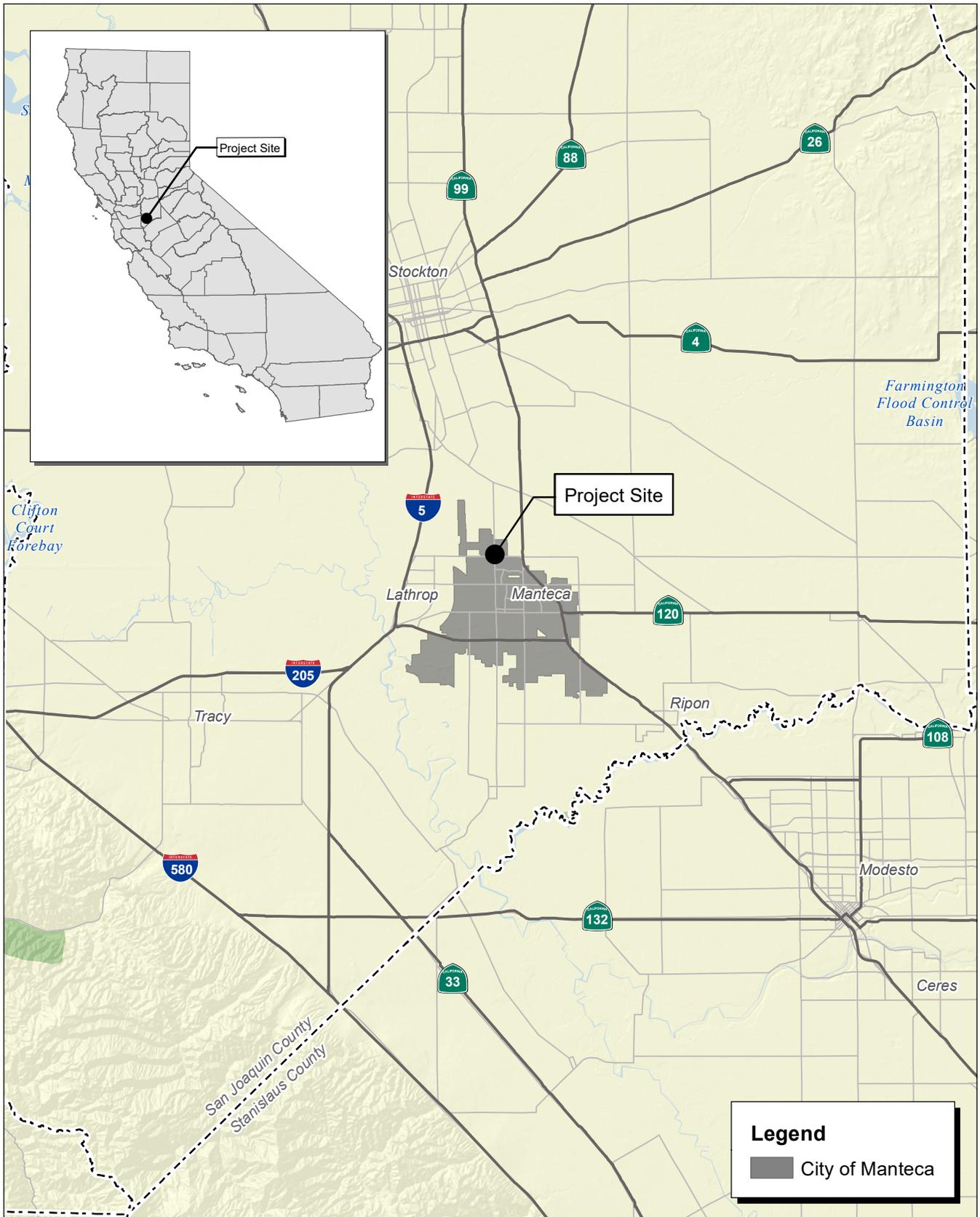
An agency may also combine several exemptions to find an entire project exempt. Accordingly, separate from the exemption established in Section 15061(b)(3), the proposed project would be categorically exempt because it has elements that would be consistent with all criteria listed in CEQA Guidelines Section 15332 and also includes the construction of small structures that are exempt under Section 15303. No part of the proposed project would trigger any of the disqualifying exceptions related to categorical exemptions listed in CEQA Guidelines Section 15300.2.

1.1 - Project Location

The proposed project is located at the northeast corner of Lathrop Road and Union Road in the City of Manteca and consists of three contiguous parcels totaling approximately 4.42 acres (Exhibit 1), associated with Assessor's Parcel Numbers (APNs) 197-240-04, 197-240-05, and 197-240-06. These parcels collectively form a commercial mixed-use node, with direct frontage and access to both Union Road (a major north-south arterial) and Lathrop Road (a primary east-west corridor) (Exhibit 2). The site is situated within the Union Ranch Specific Plan area, which is planned for a mix of commercial, retail, and service uses that serve both the surrounding residential neighborhoods and the broader community.

Regional access to the project site is available from the State Route 120 and Union Road interchange. Access to the site is provided via existing driveways from Union Road, which connect to adjacent commercial uses including CVS, McDonald's drive-through restaurant, a gas station, and a car wash (Exhibit 3).

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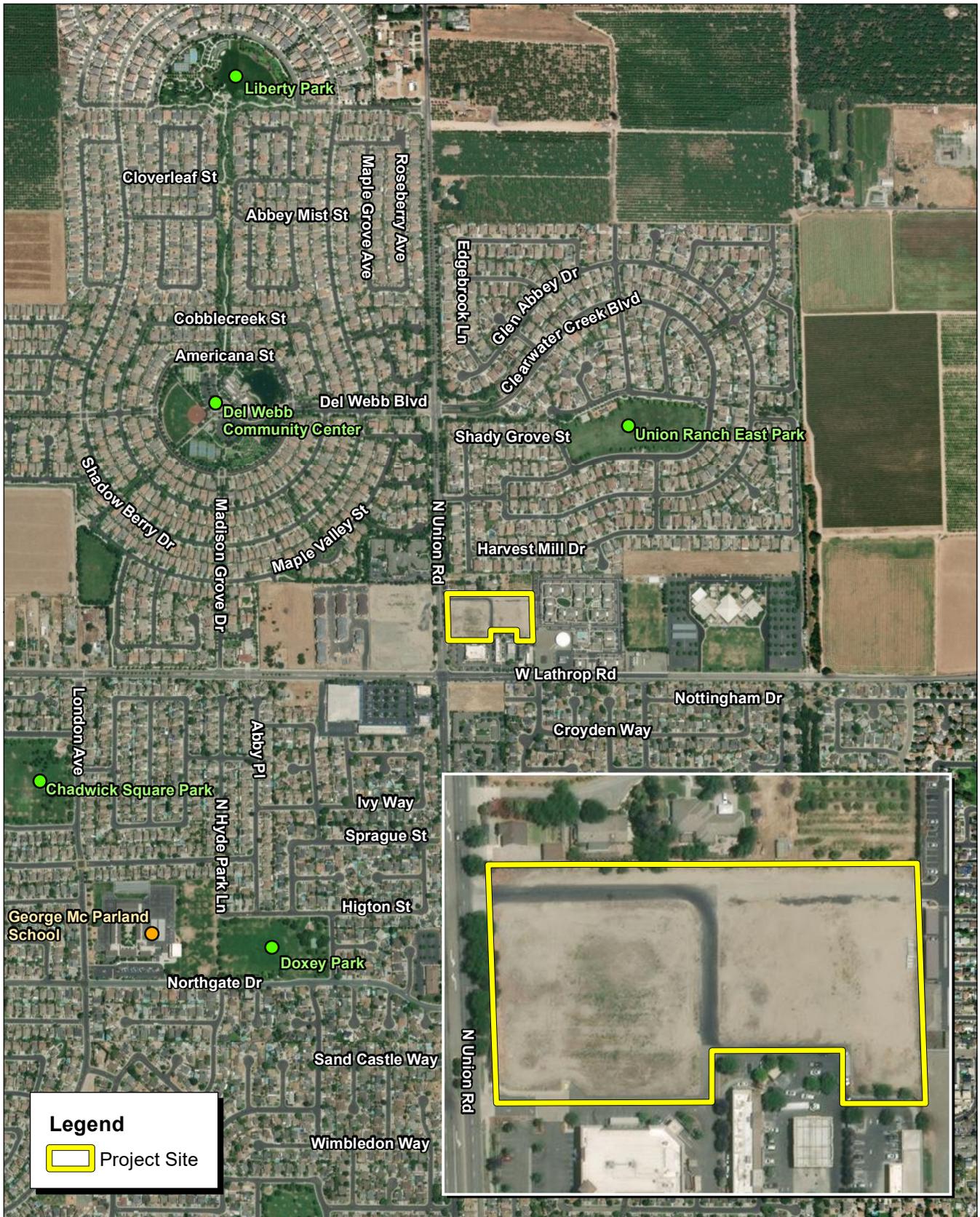


Source: Census Data, The California Spatial Information Library (CaSIL).



Exhibit 1
Regional Location Map

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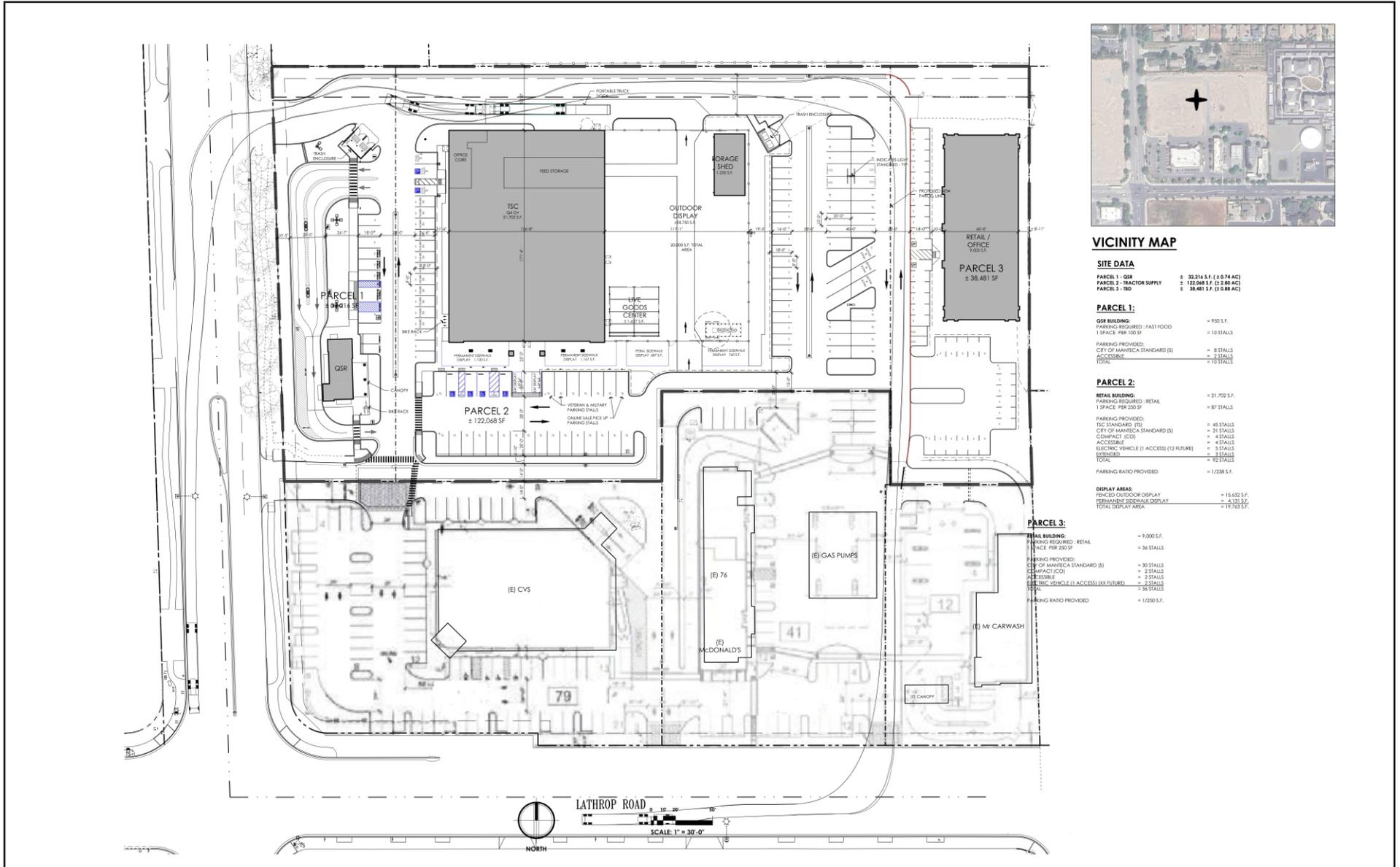


Source: ESRI World Imagery. County of San Joaquin Parcel Data.



Exhibit 2
Local Vicinity Map

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Source: API Architecture Plus, Inc. July 29, 2025.

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1.2 - Environmental Setting

1.2.1 - Union Ranch Specific Plan

The project site is located in the Union Ranch Specific Plan (Specific Plan) and is designated Commercial Mixed Use (CMU).¹ The CMU zone allows for a diverse mix of compatible uses on single or multiple sites, including retail sales, offices, services, and high-density residential uses. Permitted uses include a wide range of retail stores, food and beverage establishments (including refreshment stands, kiosks and takeout restaurants), personal and professional services, and community-oriented facilities. The CMU zone also allows for certain conditionally permitted uses. Drive-through restaurants require a Specific Plan amendment. The intent of the Specific Plan is to create a walkable, bike-friendly, and architecturally cohesive environment that reduces vehicle trips, supports daily needs of residents, and provides opportunities for sustainable economic development, all while maintaining strong design and landscape standards consistent with the overall community theme.²

Additionally, the City previously prepared and certified an Environmental Impact Report (EIR) for the overall development of the Specific Plan (State Clearinghouse Number 2004092016). The EIR identified and thoroughly discussed potential impacts associated with the entirety of the proposed development, including the parcel on which the proposed project would be located. The EIR was certified in accordance with the requirements of CEQA.

1.2.2 - Surrounding Land Uses

North: Environmental Creations Landscape Services and single-family residential development

East: Delta Stag Incorporated, truck body manufacturer

South: Woodbridge Center East, CVS, McDonald's drive-through and Mister Carwash

West: North Union Road, vacant parcel

1.3 - Project Description

The proposed project is immediately adjacent to the existing Woodbridge Center East shopping center and would continue the center to the north by including a mix of retail and food service uses. The proposed project consists of three distinct commercial parcels, each designed to accommodate a complementary mix of uses that serve both the surrounding neighborhoods and the broader community. Parcel 1 (±0.74 acre) is planned for an approximately 950-square-foot quick-service restaurant (QSR) Dutch Bros. drive-through coffee shop, featuring a compact building footprint and dedicated parking to support convenience-oriented service. This site is ideally suited for food and beverage operations, providing quick access for motorists and pedestrians alike.

¹ City of Manteca. Union Ranch Specific Plan. Figure C.1.1, Land Use Zone Map.

² City of Manteca. Union Ranch Specific Plan. Table C.4.1, Permitted Land Use Zone Summary.

The proposed Dutch Bros. coffee shop would not include any interior space open to the public, eliminating the need for a larger building footprint. However, it will feature a walk-up window and a small outdoor seating area for customers who choose to park, walk or arrive by bicycle. The drive-through would consist of two lanes that merge into a single lane after orders are placed. Dutch Bros employs a “runner” system, where employees move between vehicles to greet customers, take orders, and process payments—streamlining service, reducing the need for amplified speakers to take orders, and reducing wait and idle times. When an order is ready before the vehicle reaches the pickup window, runners deliver it directly to the car. Additionally, the drive-through design includes an “exit lane” adjacent to the pickup lane, allowing vehicles to exit the queue early once their order is complete, helping to minimize congestion. Parcel 1 includes bike racks and 10 parking stalls, including three future EV parking/charging spaces for cars and one future EV parking/charging space for a van. A Minor Use Permit (MUP) is required for all drive-in and drive-through sales and services in the Specific Plan area. The MUP process is outlined in Manteca Zoning Code Section 17.10.070 (Minor Use Permit). Additionally, a Specific Plan amendment would be required to accommodate this drive-through use. Note, drive-through uses are conditionally permitted immediately to the southwest of the project site along Lathrop Road, and McDonalds operates an existing drive-through within the same center as the proposed project. Accordingly, the proposed Dutch Bros. would offer a consistent and complementary use.

Parcel 2 (±2.80 acres) is envisioned as an approximately 21,702-square-foot large-format retail site, with a building footprint suitable for a national retailer such as Tractor Supply Company. This parcel includes extensive parking, permanent outdoor display areas, and infrastructure to support a wide range of retail activities, including the sale of goods, garden and landscape supplies, and seasonal merchandise. The site design accommodates both traditional in-store shopping and modern retail trends such as online order pickup, with dedicated parking and circulation for these functions. Parcel 2 includes bike racks, 92 parking stalls, including 17 electric vehicle stalls and dedicated parking for military and veterans. Parcel 2 would provide a dedicated parking area for online sales pickups. A portable truck dock would be located at the rear of the building, on the northern edge of the project site, with direct access to Union Road. A 1,250-square-foot storage shed and a trash enclosure would also be located at the rear of Parcel 2.

Parcel 3 (±0.88 acre) is designed for flexible commercial use, with an approximately 9,000-square-foot building footprint that could accommodate retail, office, or community-oriented uses. The site includes appropriately scaled parking consistent with City standards and pedestrian amenities, supporting a variety of potential tenants or activities. This flexibility allows the proposed project to adapt to market demand and community needs over time, ensuring long-term viability and integration with the overall mixed-use character of the proposed development.

The site plan incorporates permanent sidewalks and bike racks, and would be fully landscaped with perimeter landscaping as well as parking lot landscaping, in compliance with City landscape standards to support pedestrian circulation and visual interest.

1.3.1 - Parking and Circulation

Parking is distributed across three primary parcels, each tailored to its use: the QSR provides 10 stalls (including accessible spaces); the large-format retail building (Tractor Supply Co.) offers 92 stalls (with a mix of standard, compact, accessible, and electric vehicle spaces); and the retail/office parcel supplies 36 stalls for a 9,000-square-foot building. The plan also incorporates dedicated bike racks and permanent sidewalks, supporting alternative transportation and safe pedestrian movement throughout the site.

Vehicular access is provided from both Union Road and Lathrop Road. Existing driveways from Union Road would connect the proposed project to adjacent commercial uses, including CVS, McDonald's drive-through fast food, a gas station, and a car wash. Internal drive aisles connect all parcels and parking fields, and the layout accommodates truck access and deliveries, including a designated portable truck dock. Emergency access is a key feature of the design: the primary drive aisles and fire lanes are designed to meet or exceed the City of Manteca's standards for emergency vehicle access, with drive aisles typically 28 feet wide or more, allowing for unobstructed passage of fire apparatus and other emergency vehicles. Fire lanes provide direct access to all building frontages and key areas, and turning radii and clearances are sufficient for fire trucks, as required by local fire code.

Pedestrian circulation is supported by continuous sidewalks along the site perimeter and throughout the interior, ensuring safe and direct routes between parking areas, building entrances, and outdoor display zones.

1.3.2 - Infrastructure and Utilities

The proposed project would connect to existing water, sewer, and storm drain infrastructure already located at the site and serving commercial uses. The proposed project would be served by the following utility providers:

- Water: City of Manteca
- Wastewater: City of Manteca
- Stormwater: City of Manteca with discharge to South San Joaquin Irrigation District
- Electricity: Pacific Gas and Electric Company (PG&E)
- Telecommunications: Verizon and Comcast
- Trash and Recycling: Republic Services

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2 - CEQA FRAMEWORK FOR EXEMPTIONS

CEQA provides for both statutory exemptions (found in Public Resources Code [PRC] § 21080 *et seq.*) and categorical exemptions (outlined in CEQA Guidelines §§ 15300–15333). These exemptions are designed to streamline environmental review for projects that are unlikely to have significant environmental impacts.

Importantly, there is no requirement in CEQA that a project must be covered by a single exemption. Instead, the leading treatise on CEQA explicitly states that, “[a]n agency may combine several exemptions to find an entire project exempt.” (Stephen L. Kostka & Michael H. Zischke, *Practice Under the California Environmental Quality Act* (Cal. Cont. Ed. Bar 2025) Section 5.4 C. Using Multiple Exemptions). Agencies may apply different exemptions to different components of a project, or even to overlapping aspects, as long as each exemption is independently valid for that component of the project and, in the case of categorical exemptions, no exceptions apply under CEQA Guidelines Section 15300.2 (e.g., cumulative impacts, unusual circumstances, scenic highways)

The principle that CEQA allows for multiple exemptions is supported in case law. In *Surfrider Foundation v. California Coastal Commission* (1994) 26 Cal.App.4th 151, the court upheld the Coastal Commission’s use of both a statutory and a categorical exemption to exempt a project. The court found the collection of fees exempt under a statutory exemption. The court also held that installation of the fee collection structures was categorically exempt under Class 3 (14 California Code Regulations [CCR] § 15303), even if there was an argument that exceptions in Section 15300.2 to the categorical exemption might apply. The court emphasized that CEQA does not prohibit agencies from combining exemptions when different parts of a project qualify independently, finding that the lead agency’s “action was exempt from CEQA due to the combined application of two types of exemptions.”

Accordingly, CEQA does not require that a project be covered by a single exemption. “[I]t is appropriate to combine exemptions if the exemptions taken together cover the entire proposed project.” (Kostka & Zischke, *Practice Under CEQA*, § 5.4(C)).

This principle has been reaffirmed in subsequent practice:

- County of Santa Cruz, Non-retail Commercial Cannabis Update.³ Finding project’s changes to the code exempt under Class 1 and minor alterations exempt under Class 4.

³ State Clearinghouse CEQAnet Database. Notice of Exemption. Website: <https://files.ceqanet.lci.ca.gov/321716-1/attachment/4O-F3AB1lpvDlzqv6tpkZAG2RPwwpHfZpGzqtCrMG2jIA59vBh-zDYpXNo3KKS6gbjX2J4356jt4rDeU0>. Accessed October 20, 2025.

- Redwoods Community College District, Seismic Replacement Project. Filed a notice of exemption citing *Surfrider* to conclude “the District is entitled to combine several exemptions to find an entire project exempt.”⁴
- Compton Community College District, Physical Education Complex Project. Project was exempt under several exemptions. “Multiple exemptions apply to the project, as the proposed replacement Physical Education Complex does not propose any growth in facilities, but provides accessibility, fire/life/safety, and an earthquake resistant structures. Further, District is entitled to combine several exemptions to find an entire project exempt.”⁵

Additionally, a lead agency may also rely on and cite several different exemptions to support a determination that CEQA review is not required for a particular activity. If one exemption is found not to apply, the agency’s actions may still be upheld on the basis of other exemptions. See *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 CA4th 832.

Below, is a discussion of these mechanisms and their applicability to the proposed project. The proposed project is a candidate for a streamlined approach to CEQA review as it is eligible for the common sense exemption in Guidelines Section 15061(b)(3) and, individual components of the proposed project are eligible for the Class 32 and/or the Class 3 Exemption, for which the eligibility criteria are detailed below. Because the project site is wholly within the Specific Plan area, this exemption analysis relies on the land use and environmental assumptions established in the adopted Specific Plan and its certified EIR; based on this framework, and in the absence of substantial evidence to the contrary, no site-specific environmental impacts are anticipated, and the analysis proceeds under the assumption that the project site does not present unique environmental constraints or conditions.

2.1 - Criteria for 15061(b)(3) Exemption

Section 15061(b)(3) of the CEQA Guidelines states that a proposed project is exempt if it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Proposed projects which are covered by this exemption are not subject to CEQA. A significant effect on the environment is defined as a substantial or potentially substantial adverse change in the environment. (PRC §§ 21068, 21100(d); CEQA Guidelines § 15382). The “environment” refers to the physical conditions “existing within the area which will be affected by a proposed project.” (PRC § 21060.5).

⁴ State Clearinghouse CEQAnet Database. Notice of Exemption. Website: <https://files.ceqanet.lci.ca.gov/258587-2/attachment/H0WltScWVOqP4nDYV1BMsq3CYtTnt2gsuASQBsN5Nei6NAinGrv4RRksZ2IGEgOcZXxyiVbylBnBANH0>. Accessed October 20, 2025.

⁵ State Clearinghouse CEQAnet Database. Notice of Exemption. Website: https://files.ceqanet.lci.ca.gov/266612-2/attachment/cWz98eNCV1H4pwgA4ozKk5EoUWOnoXWvVwXOGvUffCBnyVWIhKCJpeAldc-_C06WB98xJ062tD2Tpre0. Accessed October 20, 2025.

CEQA specifies that environmental review is required only "[i]f there is substantial evidence . . . that the project may have a significant effect on the environment." (PRC § 21080 (d)). As a corollary to this principle, CEQA also specifies that, if "[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment," then the proposed project is not subject to further CEQA review. (PRC § 21080 (c)(1)). CEQA Guidelines Section 15061, subdivision (b)(3), is similar, specifying: "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

"Under these provisions, where there is no substantial evidence a proposed project may have a significant environmental effect, further CEQA review is unnecessary; no categorical exemption is necessary to establish that proposition." (*Berkeley Hillside Preservation v City of Berkeley* (2015) 60 C4th 1086, 1099). Section 15061 (b)(3) of the CEQA Guidelines states that a proposed project is exempt if it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Proposed projects covered by this exemption are not subject to CEQA. The common sense exemption was adopted to guard against the possibility that an "obviously exempt" type of project not explicitly listed in the categorical exemptions "might be required needlessly to comply with the requirements of CEQA." (*Myers v. Board of Supervisors* (1976) 58 CA3d 413, 425). Accordingly, the exceptions to categorical exemptions listed in CEQA Guidelines Section 15300.2 do not apply to this exemption. Even if a project does not specifically qualify for a statutory or categorical exemption, it "may nonetheless be found exempt" if it fits within the terms of this exemption. (*Muzzy Ranch Co. v. Solano County Airport Land Use Comm'n.* (2007) 41 C4th 372, 380).

The analysis in Section 2.3 evaluates the proposed project's potential for causing a significant effect on the environment and the applicability of the exemption in CEQA Guidelines Section 15061(b)(3).

2.2 - Criteria for a Class 32 Exemption

2.2.1 - Criteria for Section 15332 (Class 32)

A Class 32 Exemption applies to infill development projects that meet the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

A Class 32 Exemption may be used where above-noted conditions (a) through (e) are supported by substantial evidence.

2.3 - Criteria for Class 3 Exemption

CEQA Guidelines Section 15303 provides a Class 3 categorical exemption for the construction and location of limited numbers of new, small facilities or structures. Specifically, Section 15303(c) applies to restaurants not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet.

To qualify under this exemption, a project must meet the following criteria:

1. **Type of Use:** The proposed structure must be a small commercial facility such as a store, office, or restaurant.
2. **Size:** The building must not exceed 2,500 square feet in floor area.
3. **Hazardous Substances:** The use must not involve significant amounts of hazardous substances.
4. **Infrastructure:** The site must be served by all necessary public services and utilities.

If a proposed project, or portion of a project, meets all of these conditions, it is categorically exempt from CEQA review under Class 3.

2.4 - Exceptions to Categorical Exemptions

In addition, CEQA Guidelines Section 15300.2 lists exceptions to qualifying for a categorical exemption. These exceptions apply only to categorical exemptions identified in CEQA Guidelines Sections 15300-15333 and do not explicitly apply to the common sense exemption.

These exceptions are as follows:

- a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. This exception is not applicable to Class 32 exemptions and will not be discussed further.
- b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, and over time is significant.

- c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- f) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway.
- d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- e) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historic resource.

The following evaluates the proposed project for Class 32 eligibility conditions (a) through (e) and exceptions (a) through (f) and is supported by substantial evidence in the record.

2.5 - Analysis of Potential Environmental Effects

2.5.1 - 15061(b)(3) Exemption

To determine whether the proposed project qualifies for exemption under Section 15061(b)(3), this analysis evaluates the environmental impact categories outlined in Appendix G of the CEQA Guidelines. Appendix G provides a comprehensive checklist of potential environmental effects. Applying these criteria during preliminary review enables the lead agency to systematically assess whether there is any possibility that the project may cause a significant effect on the environment.

Aesthetics

The proposed project, as shown in Exhibit 3, would not result in any significant impacts related to aesthetics. The project site is located at the intersection of Union Road and Lathrop Road in the City of Manteca, within an area designated for commercial development under the Specific Plan. The proposed project would introduce new commercial uses that are consistent with the planned land use designation, surrounding development pattern and existing uses adjacent to the project site. The site is not located within a designated scenic highway⁶ or scenic vista, and the proposed project would not obstruct views of any scenic resources or involve the removal of natural features such as rock outcroppings or historic structures. The proposed development would adhere to the Specific Plan's design guidelines for aesthetics, which promote a small-town character. Architectural and landscape features such as monument signage, landscaped setbacks, and pedestrian-friendly sidewalks would be incorporated to maintain and enhance the visual character of the area. Additionally, lighting would

⁶ California Department of Transportation (Caltrans). State Scenic Highway Map. Website: <https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed October 22, 2025.

be designed to meet City standards, including directional shielding and pedestrian-scale fixtures, thereby avoiding the creation of substantial light or glare. As such, the proposed project would not degrade the existing visual character or quality of the site or its surroundings, and no aesthetics-related impacts are anticipated.

Agricultural and Forestry Resources

The proposed project would not result in any significant impacts to agricultural or forestry resources. Although the Specific Plan area included land previously used for agricultural purposes, the proposed project site is not under a Williamson Act Contract and is not zoned for long-term agricultural preservation. The project site is identified as Semi-agricultural and Rural Commercial Land on the California Important Farmland Finder⁷ and has been designated for urban development in the General Plan and Specific Plan. The project site is part of a partially developed commercial center, is surrounded by urban uses and would not result in the fragmentation of agricultural land, nor would it constrain ongoing agricultural operations, as buffers such as fencing and limited street extensions are incorporated in the Specific Plan to minimize interface conflicts. Additionally, the site does not contain any forestry resources and is not zoned for forestry or timberland production areas. Therefore, less than significant impacts to agricultural or forestry resources would occur as a result of the proposed project.

Air Quality

The Specific Plan fully addressed air quality impacts. Although the proposed drive-through use would require a Specific Plan amendment, its inclusion is not expected to substantially alter the air quality conclusions reached in the Union Ranch Specific Plan EIR (Specific Plan EIR) that was used to approve the commercial center. The Specific Plan EIR acknowledges that commercial uses, including restaurants, may generate localized emissions from vehicle idling and increased traffic; however, modeling of CO concentrations at nearby intersections (including Lathrop Road and Union Road) found that predicted levels would remain well below the California Ambient Air Quality Standards (CAAQS) thresholds of 9 ppm for 8-hour and 20 ppm for 1-hour exposure. The drive-through component is a coffee shop and not a standard fast food restaurant. It would be subject to City and San Joaquin Valley Air Pollution Control District (Valley Air District) regulations, including anti-idling requirements and design standards that promote efficient traffic flow, thereby minimizing emissions. Additionally, the proposed project incorporates pedestrian and bicycle infrastructure, electric vehicle parking, and energy-efficient building design that would ensure consistency with Specific Plan Policies AQ-P-1 through AQ-P-10. The proposed project is a small-scale commercial infill development that would not be expected to individually exceed Valley Air District thresholds for reactive organic gases (ROG), nitrogen oxide (NO_x), or particulate matter less than 10 microns in diameter (PM₁₀). Furthermore, the drive-through includes unique features, such as employee “runners” and an “exit lane” to reduce idling time.

⁷ California Department of Conservation. California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/DLRP/CIFF/App/index.html>. Accessed October 22, 2025.

Compliance with Valley Air District permitting and nuisance rules would further reduce the potential for odor or toxic air contaminant (TAC)-related impacts.

Biological Resources

The project site is currently graded, relatively flat, and surrounded by existing urban development, which limits its biological value and connectivity to larger habitat areas. The site is located fully within the Specific Plan area, which has been previously evaluated for biological resource impacts. With adherence to the Specific Plan, development in the Specific Plan area has been determined to be less than significant. Although portions of the Specific Plan historically supported agricultural uses, including orchards and alfalfa fields, it now contains limited biological habitat. The City's prior environmental documentation demonstrates that the Specific Plan area contains marginal habitat for special-status species such as Swainson's hawk and burrowing owl, but no active nests or burrows were observed during previous biological surveys.⁸⁹ Additionally, the proposed project would not impede wildlife movement or nursery sites, as the site does not serve as a corridor or link between open space areas. The urbanized/developed character of the project site prevents most native bird species from nesting on the project site. Trees adjacent to and within 500 feet of the project site could provide suitable nesting habitat for several native avian species that are tolerant of highly modified anthropogenic landscapes. These are native species that are protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. Consistent with all development in the City, the proposed project would be required to comply with the MBTA and the California Fish and Game Codes to avoid construction-related impacts to nesting birds and their nests during the nesting season. Project compliance with the MBTA would ensure that potential impacts to migratory and nesting birds would not occur. The project site is mostly graded and currently lacks significant landscaping, although there is a line of trees along Union Road. Landscaping and tree planting for the proposed project would comply with all City of Manteca requirements. Heritage trees would be avoided consistent with Municipal Code Section 17.19.060.

The proposed project would be entirely in the Specific Plan area and would be required to be consistent with the Specific Plan, applicable federal, State, and local policies protecting biological resources. Therefore, consistent with the finding for the Specific Plan the proposed project is not expected to result in significant impacts to biological resources.

Cultural Resources and Tribal Cultural Resources

The proposed project is on the same site as analyzed in the certified EIR. The proposed project would not include any site specific or project specific characteristics or features that would require substantial changes to the certified EIR. As previously explained, the project site is currently graded, relatively flat, and devoid of any existing structures, which substantially reduces the likelihood of encountering surface-level cultural resources. In approving the Specific Plan and certifying its EIR,

⁸ City of Manteca. Union Ranch Specific Plan Final EIR, p. 2-42. Website:

<https://www.manteca.gov/home/showpublisheddocument/3406/637910738523970000>. Accessed November 6, 2025.

⁹ City of Manteca. Union Ranch Specific Plan EIR, p. 4.5-9. Website:

<https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

the City did not identify any known archaeological resources within the project area, and found that previously recorded historic structures in the vicinity are not eligible for listing on the California Register of Historical Resources (CRHR) due to lack of historical significance and integrity.^{10,11} While the site is located within an area historically occupied by the Northern Valley Yokuts, in approving the Specific Plan, the City found no tribal cultural resources to have been identified on the site, and determined that no known sacred sites or burial grounds were present. Nonetheless, the proposed project would comply with the requirements of the Specific Plan, all applicable regulations under CEQA, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act. In the event that previously undiscovered archaeological resources or human remains are encountered during construction, the proposed project would be required to implement standard protocols in compliance with the Specific Plan, including immediate cessation of work, notification to the City of Manteca and the County Coroner, and consultation with the Native American Heritage Commission (NAHC) and the Most Likely Descendant (MLD) as required, in compliance with CEQA Guidelines Section 15064.5 and Public Resources Code Sections 5097.9 and 5097.98.

Energy

The project site is currently graded, relatively flat, and surrounded by urban development, which facilitates efficient utility connections and minimizes energy infrastructure demands. The Specific Plan and its certified EIR confirm that PG&E has sufficient capacity to provide electricity and natural gas to the site without affecting service to existing customers. All new utility lines would be installed underground and designed to meet applicable City and Uniform Building Code standards. The proposed project would comply with Specific Plan requirements regarding energy-efficient appliances and lighting, and enhanced insulation beyond Title 24 requirements. These features ensure that the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. Although the proposed drive-through use would require a Specific Plan amendment, its inclusion would not result in a significant energy impact. Drive-through operations typically involve short-duration vehicle idling and limited additional energy demand for lighting, signage, and kitchen equipment, all of which are subject to California energy efficiency standards. The site plan includes electric vehicle parking and pedestrian infrastructure, which supports reduced reliance on fossil fuels and aligns with Specific Plan policies promoting alternative transportation and low-emission vehicles. Therefore, the proposed project would not be expected to result in significant impacts related to energy consumption or infrastructure capacity.

Geology and Soils

The proposed project would not result in significant impacts related to geology or soils. The project site is currently graded, relatively flat, and surrounded by urban development, which minimizes the potential for geologic hazards such as landslides or slope instability. In approving the Specific Plan,

¹⁰ City of Manteca. Union Ranch Specific Plan EIR, p. 4.12-12. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

¹¹ National Register of Historic Places. Website: <https://www.nps.gov/subjects/nationalregister/index.htm>. Accessed October 22, 2025.

the City determined that the site is not located within an Alquist-Priolo Earthquake Fault Zone and is located over 20 miles from the nearest active fault (Great Valley Fault System), resulting in a low risk of fault rupture.^{12,13} While the site may experience seismic ground shaking during a major earthquake, all structures would be required to comply with the California Building Standards Code (CBC), which includes seismic design provisions to minimize structural damage and protect public safety. Geotechnical investigations performed for the approval of the Specific Plan indicate that subsurface soils are sufficiently dense to resist liquefaction, and the depth to groundwater (approximately 19–23 feet) further reduces this risk.¹⁴ The mapped soil types (Timor, Tinnin, and Veritas series) have low clay content and low shrink-swell potential, indicating that expansive soils are not present and would not pose a risk to structures. Although construction activities could temporarily expose soils to erosion, the flat topography and implementation of a grading and erosion control plan, along with Best Management Practices (BMPs) required under the National Pollutant Discharge Elimination System (NPDES), would reduce the potential for liquefaction to a less than significant level. The proposed project does not involve septic systems and would be served by municipal sewer infrastructure. Therefore, the proposed project would not result in significant impacts related to geology or soils.

Greenhouse Gases

The project site is currently graded, relatively flat, and surrounded by urban development, which supports efficient infrastructure connections and minimizes land disturbance. The site was evaluated for greenhouse gas (GHG) emissions as part of the Specific Plan, and commercial development was found to be consistent with applicable air quality policies and thresholds.^{15,16}

The proposed project would advance Specific Plan policies that promote energy efficiency and reduce reliance on fossil fuels. These include:

AQ-P-2 Develop a land use plan that will help to reduce the need for trips and will facilitate the common use of public transportation, walking, bicycles, and alternative fuel vehicles.¹⁷

AQ-P-5 Develop and maintain circulation systems that provide alternatives to the automobile for transportation, including bicycle routes, pedestrian paths, bus transit, and

¹² City of Manteca. Union Ranch Specific Plan EIR pages 4.7-5, 4.7-16. Website:

<https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

¹³ California Geologic Survey. Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones. Website: <https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-alquist-priolo-fault-hazard-zones/explore>. Accessed October 23, 2025.

¹⁴ City of Manteca. Union Ranch Specific Plan EIR, pages 4.7-5 – 4.7-6, 4.7-18. Website:

<https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

¹⁵ Ibid., 4.7-16.

¹⁶ City of Manteca. Union Ranch Specific Plan, pages 38-41. Website:

<https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

¹⁷ Ibid., 40.

carpooling.¹⁸ The project supports these policies by incorporating sidewalks, bicycle racks, and by providing electric vehicle parking infrastructure.

CD-P-33 to CD-P-35 Promoting passive solar design, integrating solar collectors into roof structures, and encouraging architectural elements that aid in climate control.¹⁹ The project is consistent with these policies by encouraging solar orientation and integrating architectural features such as canopies and roof overhangs that enhance energy efficiency and pedestrian comfort.

C-P-33 to C-P-39 Establishing a safe and convenient network of bicycle routes and pedestrian infrastructure.²⁰ The project contributes to this goal by providing dedicated bike lanes, pedestrian walkways, as well as safe crossings and shaded canopies that improve comfort and accessibility for non-motorized users.

Although the proposed drive-through use would require a Specific Plan amendment, its inclusion is not expected to substantially alter the GHG impact conclusions reached in the Specific Plan EIR. Drive-through operations typically involve short-duration vehicle idling, but the site design incorporates efficient traffic circulation and queuing areas, as well as an exit lane, that reduce idling, minimize congestion and delay.²¹ Moreover, the proposed project is subject to anti-idling regulations enforced by the Valley Air District, which limit emissions from stationary vehicles.²²

Additionally, the proposed project is a small-scale commercial infill development that would not be expected to individually exceed the Valley Air District thresholds for ROG or NO_x.²³

Hydrology and Water Quality

The project site is currently graded, relatively flat, and located within a fully urbanized area with existing infrastructure, which minimizes the potential for erosion, sedimentation, or uncontrolled runoff. The project site is located within the Specific Plan area, which includes a comprehensive Storm Drain Master Plan designed to manage stormwater runoff through a system of detention basins sized to accommodate a 48-hour, 100-year storm event. These basins are designed in accordance with City of Manteca and South San Joaquin Irrigation District (SSJID) standards and include structural and nonstructural BMPs to treat stormwater before discharge.²⁴ The proposed project would comply with Specific Plan requirements during construction to control erosion, sedimentation, and

¹⁸ City of Manteca. Union Ranch Specific Plan, page 41. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

¹⁹ Ibid., 29-30.

²⁰ City of Manteca. Union Ranch Specific Plan, page 49-50. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

²¹ City of Manteca. Union Ranch Specific Plan EIR, page 4.3-27. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

²² Ibid., 4.3-16.

²³ Ibid., 2-22.

²⁴ Ibid., 4.9-18 – 4.9-19.

pollutant discharges. Long-term water quality impacts from urban runoff would be minimized through the use of BMPs that meet or exceed the City's design standards. The proposed project would not alter any natural drainage courses, nor would it place structures within a 100-year flood hazard area, as the site is protected by the east levee of the San Joaquin River. Additionally, the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge, as the site is not a designated recharge area and water supply would be provided through the City's conjunctive use system, including surface water and deep aquifer wells. Therefore, the proposed project would not be expected to violate water quality standards, increase flood risk, or result in significant hydrology or water quality impacts.

Hazards and Hazardous Materials

The project site is currently graded, relatively flat, and surrounded by urban development, which reduces the likelihood of encountering hazardous environmental conditions during construction. According to the Specific Plan EIR and Phase I Environmental Site Assessments (Phase I ESAs) conducted in 2002 and 2003, no recognized environmental conditions (RECs) in soil or groundwater associated with historical agricultural use of the property were identified, no contamination was documented, and the site is not listed in any federal or State hazardous materials databases.^{25,26,27}

During construction, the proposed project may involve the use of materials such as asphalt, fuel, lubricants, and paint, but these activities would be subject to local, State, and federal regulations, including those enforced by the California Department of Toxic Substances Control (DTSC), California Occupational Safety and Health Administration (Cal/OSHA), and the City of Manteca Fire Department (MFD). The project site is not located within 0.25 mile of a school, nor is it within an airport land use plan or within 2 miles of a public or private airport, eliminating concerns related to school proximity or aviation safety zones.

Emergency response services are adequately provided by the MFD and Manteca Police Department, which maintain high service standards and have facilities within the Specific Plan area to ensure timely response. The site is not located in a designated wildland fire area or High Fire Hazard Severity Zone, and therefore does not pose a wildfire risk.²⁸ Commercial uses proposed as part of the project may involve limited quantities of hazardous materials (e.g., cleaning agents or cooking oils), but these would be managed in compliance with applicable hazardous materials business plan requirements and would not pose a significant risk to public health or the environment. Therefore, the

²⁵ City of Manteca. Union Ranch Specific Plan EIR, page 4.6-1. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

²⁶ California Department of Toxic Substances Control (DTSC). Website: <https://www.envirostor.dtsc.ca.gov/public/>. Accessed October 22, 2025.

²⁷ California State Water Resources Control Board (State Water Board). GeoTracker Database. Website: <https://geotracker.waterboards.ca.gov/>. Accessed October 22, 2025.

²⁸ California Department of Forestry and Fire Protection (CAL FIRE). Fire Hazard Severity Zone Maps. Website: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning/fire-hazard-severity-zones-maps/>. Accessed October 23, 2025.

proposed project would not be expected to result in significant impacts related to hazards or hazardous materials.

Land Use and Planning

The site is currently graded, relatively flat, and surrounded by urban development, making it well-suited for small-scale infill. As such, the proposed project would not physically divide an established community or conflict with adjacent land uses.

In the context of land use and planning, a potentially significant impact may arise where a project's conflict with an applicable plan, policy, or regulation results in or contributes to a significant physical environmental effect. Inconsistency with a specific plan or zoning ordinance, alone—such as the need for a specific plan amendment or zone change—does not, in itself, constitute a significant impact under CEQA. Courts have consistently held that CEQA is concerned with physical impacts on the environment, not policy compliance in isolation. (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 C3d 68 and *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified Sch. Dist.* (1992) 9 CA4th 464). For example, in *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372, the California Supreme Court upheld the use of the common sense exemption where the adoption of a land use plan did not result in any physical environmental changes, despite questions about policy consistency. Therefore, unless a land use conflict leads to a reasonably foreseeable significant environmental impact, the exemption under Section 15061(b)(3) remains applicable.²⁹

Additionally, perfect consistency with all requirements is not required under CEQA. A project should be considered to be consistent with the local plan if it furthers one or more policies and does not obstruct other policies. (67 Ops Cal Atty Gen 75 (1984); Office of Planning and Research (OPR), State of California General Plan Guidelines (2003)). Generally, given that land use plans reflect a range of competing interests, a project should be compatible with the plan's overall goals and objectives but need not be in perfect conformity with every plan policy. Here, the Specific Plan specifically also allows for, "[v]ariations in permitted use-type and adopted development standards that do not substantially change the character of the Specific Plan."³⁰

Here, the proposed project includes MUPs and a Specific Plan amendment which would reduce potential conflicts. The proposed project is located within the Specific Plan area and is designated CMU, which allows for a variety of commercial, office, and high-density residential uses. The proposed development includes a Dutch Bros. coffee shop, retail buildings, and associated site improvements, all of which are consistent with the overall intended land use pattern and urban form

²⁹ See, e.g., City of Riverside using exemption under Section 15061(b)(3) to approve a Dutch Bros. coffee shop that required: (1) Rezone to amend the site's zoning designation from R-1-7000 – Single-Family Residential to CR – Commercial Retail; (2) Conditional Use Permit to allow a drive-through restaurant; and (3) Design Review of project plans. Website: https://files.ceqanet.lci.ca.gov/309164-1/attachment/bli3GDu0yVfCVYBN9OmHreHYUlvaeKD2Q9tT-ESgilk81dF_kWM1_CR2-_TpauUh2_HiyowSeva4wNVg0. Accessed October 27, 2025.

³⁰ City of Manteca. Union Ranch Specific Plan, page 98. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

envisioned in the Specific Plan.³¹ The proposed project supports the Specific Plan's goals of promoting infill development, enhancing pedestrian connectivity, and integrating commercial services into the surrounding residential neighborhoods. The site plan includes sufficient parking in the commercial areas, sidewalks, bike racks, and electric vehicle parking, which align with Policies CD-P-23 through CD-P-43 that promote walkability, multimodal access, and high-quality urban design.³²

The proposed project also supports circulation and infrastructure policies such as C-P-4 through C-P-8, which require new development to contribute to roadway improvements and provide efficient, interconnected street systems.³³ The site is located at the intersection of Union Road and Lathrop Road, both of which are identified in the Specific Plan as major arterials with enhanced landscape corridors and multimodal infrastructure.³⁴ The proposed project's layout and access points are consistent with these policies and do not conflict with any planned infrastructure improvements.

While the proposed drive-through use would require a Specific Plan amendment, it does not inherently result in a significant environmental impact or conflict with the Specific Plan's broader land use goals. The proposed project would be located within a designated commercial parcel, adjacent to similar uses, including an existing drive-through, and would be subject to site plan review as outlined in Section I.4 of the Specific Plan.³⁵ The amendment process provides a mechanism for evaluating the compatibility of the drive-through with surrounding uses and ensuring consistency with the Specific Plan's design and circulation objectives. The drive-through would be designed to minimize traffic conflicts and queuing impacts. Accordingly, the proposed project would be consistent with the existing character.

Additionally, the proposed project supports numerous Specific Plan policies related to community design and sustainability. For example, it advances Policies CD-P-40 through CD-P-43 by incorporating outdoor seating areas, pedestrian-scale lighting, and walkways that enhance the public realm.³⁶ It also aligns with Policies AQ-P-2 and AQ-P-5 by reducing vehicle trips by providing infrastructure for alternative transportation via electric vehicle charging stations and bicycle racks.³⁷ As such, the proposed project would complement and enhance the existing commercial uses and does not cause a significant environmental impact due to a conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects. Therefore, the proposed project would not result in significant impacts related to land use and planning.

³¹ City of Manteca. Union Ranch Specific Plan, page 98. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025, 31-33.

³² Ibid., 38-41.

³³ Ibid., 35-36, 45-46.

³⁴ Ibid., 27-28.

³⁵ Ibid., 97.

³⁶ Ibid., 41-42.

³⁷ Ibid., 51-52.

Mineral Resources

The proposed project would not result in significant impacts related to mineral resources. The project site is classified by the California Department of Conservation, Division of Mines and Geology as Mineral Resource Zone 3, which denotes areas where the significance of mineral deposits cannot be evaluated from existing data.^{38,39} Geotechnical investigations conducted for the Specific Plan identified the presence of sand throughout the Plan area; however, the sand occurs in discontinuous, shallow lenses and contains varying amounts of silt and clay, rendering it unsuitable for aggregate mining.⁴⁰ Additionally, nearby sand and gravel mining operations have ceased, and the site is not located within an active mineral extraction area. The Specific Plan EIR concludes that development of the site would result in less than significant impacts to mineral resources and does not require mitigation.⁴¹

The site is currently graded, relatively flat, and surrounded by urban development, which further limits its potential for mineral resource extraction. The proposed project is a small-scale infill development consistent with character of development anticipated in the CMU designation in the Specific Plan and does not involve activities that would preclude future access to regionally significant mineral resources. Therefore, the proposed project would not result in the loss of availability of a known mineral resource or a locally important mineral recovery site, and no significant impacts related to mineral resources would occur.

Noise

The project site is generally surrounded by urban development, on a site that was anticipated for commercial uses, which limits the potential for unplanned impacts on noise-sensitive receptors in the immediate vicinity. According to the Specific Plan EIR, construction activities may generate temporary noise, but these impacts are considered less than significant because development under the Specific Plan would be required to limit construction to the hours of 7:00 a.m. to 7:00 p.m., use properly maintained mufflers, and locate staging areas away from sensitive receptors.⁴² Operational noise from commercial uses, including parking lot activity, heating, ventilation, and air conditioning (HVAC) systems, and delivery trucks, could result in intermittent increases in ambient noise levels, but these are anticipated and would be addressed through site-specific acoustical analyses and design features such as sound-rated windows, mechanical ventilation systems, and strategic placement of equipment.⁴³

³⁸ California Department of Conservation. Geological Survey. *Mineral Land Classification Maps*. Website: <https://www.conservation.ca.gov/cgs/minerals/mineral-land-classification>. Accessed October 23, 2025.

³⁹ City of Manteca. Union Ranch Specific Plan EIR, page 4.7-11. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁴⁰ *Ibid.*, 4.7-19 and 4.7-20.

⁴¹ City of Manteca. Union Ranch Specific Plan EIR, page 2-44. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁴² *Ibid.*, 4.4-15 to 4.4-16.

⁴³ *Ibid.*, 4.4-17 to 4.4-22.

The proposed drive-through use would not be expected to result in unanticipated noise impacts. Drive-through operations typically generate localized noise from idling vehicles, speaker boxes, and customer interactions, but these sources are intermittent and generally occur during daytime and early evening hours. The City of Manteca's noise ordinance (Title 17, Section 17.13.040) establishes performance standards that limit exterior noise levels, which the proposed project would be required to meet.⁴⁴ Additionally, the Specific Plan includes soundwalls along arterial roads and design guidelines that promote noise attenuation through building orientation, landscaping, and setbacks.

The Specific Plan area is not located within the 60 dBA Community Noise Equivalent Level (CNEL) contour of any airport or railway, and no significant aircraft or rail noise impacts are anticipated.⁴⁵ Generally, the proposed project represents a small-scale infill development that would be required to be consistent with the Specific Plan and City of Manteca General Plan policies.

Population and Housing

The proposed project would not result in significant impacts related to population and housing. The proposed development does not include any residential units. As such, it would not directly induce population growth or displace existing housing. The site is currently graded, relatively flat, and surrounded by urban development, and no residential structures exist on the site. Construction-related employment would be temporary and met by the existing regional labor force, and operational employment generated by the commercial uses would be modest and consistent with the City's General Plan projections.⁴⁶

The Specific Plan EIR also confirms that the jobs-housing balance at full buildout of the Specific Plan, which the proposed project would contribute to, would be favorable, with a jobs-housing index of 2.4, indicating that the area would be housing-rich and not generate demand for additional housing. The proposed project is consistent with City policies encouraging infill growth, and it does not conflict with any housing goals or objectives in the City or County General Plans. Therefore, the proposed project represents a small-scale infill development that would not result in significant impacts related to population growth, housing demand, or displacement.⁴⁷

Public Services

The proposed project would not result in significant impacts related to public services. In approving the Specific Plan, the City found adequate capacity to provide essential public services, including fire protection, police services, schools, parks, and solid waste disposal, to support the proposed development without requiring new or expanded facilities that would result in significant environmental impacts. Fire protection services would be provided by the MFD which maintains five existing stations, with the closest, Fire Station 4, located approximately 0.3 mile from the site at 1465

⁴⁴ City of Manteca. Union Ranch Specific Plan EIR, page 4.4-14. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁴⁵ Ibid., 4.4-15.

⁴⁶ Ibid., 4.13-8 to 4.13-9.

⁴⁷ Ibid., 4.13-9–4.13-11.

West Lathrop Road, Manteca, CA 95336.⁴⁸ Additionally, the proposed project would be required to pay development fees to support equipment and facility needs.^{49,50}

Police services would be provided by the Manteca Police Department, which operates with approximately 80 sworn officers.⁵¹ The department is located approximately 2.1 miles from the site and, as part of the Specific Plan review, the department confirmed that no new police stations would be required to serve the Specific Plan area which includes the project site. The site plan includes design features that facilitate surveillance and access, consistent with Specific Plan Policies E.1.1 and PF-P-39 through PF-P-40.^{52,53}

The proposed project would not generate any residential units and therefore would not directly increase demand for school services. However, in approving the Specific Plan, the City evaluated school impacts for full buildout and concluded that nearby schools have sufficient capacity, and that payment of State-mandated school impact fees would fully mitigate any potential impacts.⁵⁴ Solid waste services would be provided by the City of Manteca and processed at the Forward Landfill, which has sufficient capacity to accommodate the waste generation in the Specific Plan area through 2053.^{55,56}

As discussed above, the proposed project is an infill commercial development and, as such, would not result in the need for new or physically altered park facilities. Additionally, the proposed project would pay applicable development impact fees and would be served by existing and planned infrastructure and service systems. Therefore, the proposed project represents a small-scale infill development that would not result in the need for new or physically expanded public service facilities. All impacts related to public services would be less than significant.

Recreation

The proposed project would not result in significant impacts related to recreation. The proposed project does not include residential uses and therefore would not directly generate demand for

⁴⁸ City of Manteca. Manteca Fire Stations. Website: <https://www.manteca.gov/departments/fire-department/fire-stations>. Accessed October 27, 2025.

⁴⁹ City of Manteca. Union Ranch Specific Plan, pages 64-65. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁵⁰ City of Manteca. Union Ranch Specific Plan EIR, pages 4.10-20 to 4.10-21. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁵¹ City of Manteca. The Bulletin. March 12, 2025, 1:36 AM. Website: <https://www.mantecabulletin.com/news/local-news/manteca-now-at-80-officers-chief-looks-to-add-six/>. Accessed October 27, 2025.

⁵² City of Manteca. Union Ranch Specific Plan, page 63. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁵³ City of Manteca. Union Ranch Specific Plan EIR, pages 4.10-21 to 4.10-22. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁵⁴ Ibid., 4.10-22.

⁵⁵ Ibid., 4.10-23.

⁵⁶ City of Manteca. Union Ranch Specific Plan, page 64. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

recreational facilities. Nonetheless, the Specific Plan includes a comprehensive recreational framework that provides open space, parkland and recreational amenities. These facilities are designed to meet and exceed the City of Manteca's parkland standards.^{57,58} The Specific Plan also includes a 12-foot-wide multiuse pedestrian and bicycle trail system that links neighborhoods, commercial areas, and public amenities, providing both recreational and alternative transportation benefits.⁵⁹

The inclusion of a drive-through use would not interfere with any of the Specific Plan's recreation facilities or uses. As such it would not alter this conclusion or impede existing recreational uses, as it would not increase recreational demand or conflict with the recreational framework established in the Specific Plan. Therefore, the proposed project is consistent with the recreational policies and standards of the Specific Plan and the City of Manteca General Plan, and would not result in significant impacts related to recreation.

Transportation

The Specific Plan includes a comprehensive circulation framework that supports infill and commercial development and outlines improvements to major arterials such as Union Road, Lathrop Road, and Airport Way, including widening, medians, sidewalks, bike lanes, and multiuse trails.⁶⁰ The proposed project would be generally consistent with Specific Plan Policies C-P-2 through C-P-15, which promote safe intersection design and multimodal connectivity. The proposed project includes adequate parking, pedestrian infrastructure, and bicycle facilities, aligning with Policies C-P-29 through C-P-40.⁶¹ (

In approving the Specific Plan, the City certified an EIR that found that the full buildout of the Specific Plan area would generate approximately 22,330 daily vehicle trips, with 1,958 trips during the PM peak-hour, primarily from commercial mixed-use development.⁶² The proposed project is in a mixed-use area, surrounded by development. It is a small-scale infill development that typically serves residents and commuters already traveling. The presence of safe and convenient bike routes encourages non-automobile travel to the site. The proposed project's design includes bicycle parking and pedestrian-friendly access, further supporting active transportation modes. These features align with CEQA's emphasis on reducing VMT and promoting sustainable mobility. As such it would not be

⁵⁷ City of Manteca. Union Ranch Specific Plan, page 66-67. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁵⁸ City of Manteca. Union Ranch Specific Plan EIR, pages 4.10-23 to 4.10-24. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁵⁹ City of Manteca. Union Ranch Specific Plan, pages 109-109. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁶⁰ City of Manteca. Union Ranch Specific Plan, pages 61-67. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁶¹ Ibid., 45-50.

⁶² City of Manteca. Union Ranch Specific Plan Final EIR, page 2-16. Website: <https://www.manteca.gov/home/showpublisheddocument/3406/637910738523970000>. Accessed October 22, 2025.

expected to generate long-distance trips or independently result in a conflict with the requirements in CEQA Guidelines Section 15064.3.

The inclusion of a drive-through use, while requiring a Specific Plan amendment, would not result in significant adverse unanticipated transportation impacts. Drive-through operations typically generate short-duration vehicle queueing and localized circulation impacts. The site plan demonstrates that the proposed project includes adequate queueing space and access design to prevent spillover onto public streets. Additionally, the drive-through would be subject to City of Manteca design standards and traffic review during the permitting process.⁶³

Emergency access would be maintained from both Union Road and Lathrop Road, and the proposed project would comply with City standards for turning radii, lane widths, and unobstructed access during construction.⁶⁴ The proposed project also supports alternative transportation modes through the inclusion of bike racks, sidewalks, and proximity to transit corridors, consistent with Policies C-P-33 through C-P-40.⁶⁵

The design and location of the proposed project would not contribute to increased congestion on public or private streets adjacent to the project site, nor would it impede access to or exit from the parking lot serving the proposed project nor impair normal circulation within the parking lot. Finally, the proposed project would introduce complementary commercial uses and the design and location of the proposed project would not, therefore, create a nuisance for adjoining properties.

Utilities and Service Systems

The proposed project would not result in significant impacts related to utilities and service systems. The Specific Plan and its certified EIR confirm that the City of Manteca has adequate infrastructure capacity to serve the proposed development, including water supply, wastewater, stormwater, energy, and solid waste services. Potable water would be provided through a combination of two new groundwater wells and the City's conjunctive use system, which integrates groundwater and surface water. These wells would provide up to 1,800 gallons per minute and are supported by a looped 12-inch water main system designed to meet fire flow and pressure requirements.^{66,67}

Wastewater would be conveyed via a phased gravity sewer system connected to a temporary pump station and 24-inch force main, ultimately discharging to the City's wastewater treatment facility. The system would accommodate both residential and commercial flows, and the proposed project would

⁶³ City of Manteca. Union Ranch Specific Plan EIR, page 4.11-21. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁶⁴ Ibid., 4.11-29 to 4.11-30.

⁶⁵ City of Manteca. Union Ranch Specific Plan, pages 49-50. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁶⁶ City of Manteca. Union Ranch Specific Plan, pages 70-71. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁶⁷ City of Manteca. Union Ranch Specific Plan EIR, pages 4.10-12 to 4.10-13. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

pay its fair share of sewer collection fees.^{68,69} Stormwater would be managed through detention basins sized for a 48-hour, 100-year storm event, with discharge to SSJID facilities. The basins incorporate water quality features and BMPs consistent with City and Regional Water Quality Control Board (RWQCB) standards.^{70,71}

Electricity and natural gas would be provided by PG&E, which confirmed adequate capacity to serve the Specific Plan. All new utility lines would be installed underground, and the proposed project would comply with applicable City and Uniform Building Code standards.⁷² Solid waste services would be provided by the City and processed at the Forward Landfill, which has sufficient capacity through 2053.^{73,74}

The proposed project involves modest water and wastewater demand, energy use, and solid waste generation, all of which are well within the service capacity assumptions evaluated in the Specific Plan EIR for the approved Specific Plan. The site plan includes adequate infrastructure connections and utility easements to support the proposed uses. Therefore, the proposed project would not result in significant impacts related to utilities and service systems.

Wildfire

The proposed project would not result in significant impacts related to wildfire. The site is not located in a designated wildland fire area or a High Fire Hazard Severity Zone, as identified by the California Department of Forestry and Fire Protection (CAL FIRE).⁷⁵ The site directly abuts established urban uses, further reducing the potential for wildfire exposure. As such, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, and this impact is considered less than significant under CEQA Appendix G thresholds.

The Specific Plan includes fire protection policies and standards that ensure adequate emergency response and fire suppression capabilities for all new development. The MFD has a fire station (Fire Station 4) within 1 mile of the proposed project and the Specific Plan accounted for fire protection services to serve the project site. Streets and access points within the site plan are designed to meet

⁶⁸ Ibid., 4.10-14 to 4.10-15.

⁶⁹ City of Manteca. Union Ranch Specific Plan, pages 74-75. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁷⁰ City of Manteca. Union Ranch Specific Plan, pages 75-77. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁷¹ City of Manteca. Union Ranch Specific Plan EIR, pages 4.9-19 to 4.9-20. Website: <https://www.manteca.gov/home/showpublisheddocument/3402/637910738515070000>. Accessed October 22, 2025.

⁷² Ibid., 4.10-16 to 4.10-17.

⁷³ Ibid., 4.10-23.

⁷⁴ City of Manteca. Union Ranch Specific Plan, page 64. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁷⁵ California Department of Forestry and Fire Protection (CAL FIRE). Fire Hazard Severity Zone Maps. Website: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning/fire-hazard-severity-zones-maps/>. Accessed October 23, 2025.

City standards for emergency vehicle access, and the proposed project would be subject to review by City Engineer to ensure compliance with fire response requirements.⁷⁶

All structures would be constructed in accordance with the CBC and local fire safety regulations. Therefore, the proposed project, including the drive-through component, would not result in significant wildfire-related impacts.

Conclusion

The project site is located within the Specific Plan area and is designated for commercial uses. The proposed project would be generally consistent with the intended land use pattern, urban form and would be similar to other adjacent development and retail uses. In each topical area discussed above, there is no substantial evidence of a reasonably foreseeable significant effect. Therefore, it can be determined with certainty that the activity is not subject to CEQA, and the proposed project qualifies for exemption under Section 15061(b)(3), the common sense exemption.

2.5.2 - Class 32 Criteria

In addition to the common sense exemption under Section 15061(b)(3) described above, development on the parcels considered individually may also independently qualify for a Class 32 categorical exemption (CEQA Guidelines § 15332), which applies to infill development projects in urban areas. Each parcel is located within the Specific Plan area and is designated CMU.

Parcel 1 would include a drive-through coffee shop which would require a Specific Plan amendment, which is allowed for under the Specific Plan where the “[v]ariations in permitted use-type and adopted development standards that do not substantially change the character of the Specific Plan.”⁷⁷ Parcel 2 is proposed for a Tractor Supply retail store, and Parcel 3 is planned for a 9,000-square-foot retail or office building—both of which are consistent with the CMU designation and surrounding urban development. The site plan confirms that these parcels are fully served by existing infrastructure, including water, sewer, and storm drainage systems, and do not contain sensitive environmental resources. As small-scale infill projects located on parcels less than 5 acres, with no significant impacts related to traffic, noise, air quality, or biological resources, the development of Parcels 1, Parcels 2 and 3 meets all criteria for a Class 32 exemption both individually and collectively.

As discussed above, because CEQA allows lead agencies to combine exemptions to find the entire project exempt, the City may determine that the Class 32 exemption applies to each parcel individually, or the project collectively.

⁷⁶ City of Manteca. Union Ranch Specific Plan, pages 64-65. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁷⁷ City of Manteca. Union Ranch Specific Plan, page 98. Website: <https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

a) General Plan and Zoning Consistency

The project site is designated as CMU according to the Specific Plan. The CMU designation allows for industrial, manufacturing, office, retail, and service uses that provide support to employees. The Specific Plan also allows for additional uses that are consistent with the character of the Specific Plan, through an amendment process.⁷⁸

The proposed project is entirely commercial in nature and would complement the existing commercial uses and the community. Each parcel individually, and the project collectively, is designed to be pedestrian- and bicycle-friendly, with access to multiuse paths and electric vehicle infrastructure.⁷⁹ The Specific Plan also includes a procedure to allow for variations in use. The proposed project would be required to comply with all applicable General Plan and municipal code development standards. Therefore, each parcel individually and the proposed project as a whole meets the criteria of CEQA Guidelines Section 15332(a).

b) Project Location and Size

The entire project site is located within city limits on 4.42 acres and is surrounded in all directions by urban land uses. Each parcel is less than 5 acres. Therefore, each parcel individually, and the proposed project as a whole, meets the criteria of CEQA Guidelines Section 15332(b).

c) Biological Resources

As discussed in more detail above in Section 2.5.1, the project site is in a developed area and is bounded by residential, commercial and industrial uses on all sides. Based on the lack of suitable habitat due to the developed nature of the project site and its history of surface disturbances, as well as its location in an urbanized area, special-status plants are not expected to occur on the project site and no further analysis is required. Similarly, because of the lack of suitable habitat due to the urbanized/developed nature of the project site and vicinity, special-status wildlife is not expected to occur on the project site and no significant impacts are anticipated.

The project site is developed and is surrounded in all directions by extensive urban development, roadways, and other structures that serve as existing barriers to wildlife movement. The project site does not appear to provide value as habitat.

d) Less than Significant Effects Related to Air Quality, Noise, Traffic, or Water Quality

As discussed in more detail above in Section 2.5.1, potential impacts related to traffic, noise, air quality and water quality are discussed in more detail above. From a traffic standpoint, the site plan includes adequate parking and circulation infrastructure, and the proposed uses are not expected to generate traffic volumes that would exceed thresholds or degrade intersection level of service beyond

⁷⁸ City of Manteca. Union Ranch Specific Plan, page 98. Website:

<https://www.manteca.gov/home/showpublisheddocument/3408/637914932996200000>. Accessed October 22, 2025.

⁷⁹ Ibid., 10.

what is already anticipated and planned for in the Specific Plan area. The intersection of Lathrop Road and Union Road, which serves the site, was modeled as part of the approval of the Specific Plan and was found to remain below CO concentration thresholds even under peak conditions.

Regarding noise, the proposed uses are typical of commercial infill and would not introduce stationary noise sources or operational activities that exceed City noise standards. The proposed project would comply with local ordinances and design features such as setbacks and building orientation.

In terms of air quality, the proposed project would comply with Valley Air District regulations, and the small scale of the development ensures that emissions would remain below regional thresholds for ROG, NO_x, and PM₁₀.

For water quality, the proposed project would connect to existing stormwater infrastructure and implement BMPs consistent with the City's standards. Therefore, the development meets all criteria for a Class 32 exemption, including absence of evidence of significant environmental effects related to traffic, noise, air quality and water quality.

e) Public Services and Utilities

As discussed above, the proposed project is situated in an urban area already served by all necessary municipal utilities (i.e., water, wastewater, stormwater, solid waste) and public services (i.e., fire, police, schools). The proposed project would connect to existing water mains and sewer laterals. Electricity would be provided by PG&E.

Furthermore, the proposed project would be required to adhere to all goals and policies outlined in the Specific Plan which ensure provision of adequate resources for the response of health, fire, and police emergencies, and implementation of programs and regulations to improve the efficiency of fire and police services. Therefore, approval of the proposed project would not result in any significant effects relating to public services and utilities, and the proposed project meets the criteria of CEQA Guidelines Section 15332(e).

Conclusion

Therefore, the development of each parcel individually, and the entire project collectively, meets the criteria for a Class 32 exemption, including consistency with the Specific Plan, location within city limits, limited size, absence of significant environmental effects, and availability of public services and utilities.

2.5.3 - Class 3 Applies to Parcel 1

The proposed development of Parcel 1 would also qualify for a Class 3 categorical exemption under CEQA Guidelines Section 15303(c). This exemption applies to the "construction and location of limited numbers of new, small facilities or structures," including "a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area." The proposed QSR building is anticipated to be a Dutch

Bros. coffee shop and would not use significant amounts of hazardous substances. It would be approximately 950 square feet, well below the 2,500-square-foot threshold. Because the proposed QSR meets all criteria outlined in Section 15303(c), including size, use and absence of hazardous materials, it separately qualifies for a Class 3 exemption from CEQA.

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3 - ANALYSIS OF POTENTIAL EXCEPTIONS TO A CATEGORICAL EXEMPTION

CEQA Guidelines Section 15300.2 lists exceptions to qualifying for a categorical exemption. These exceptions are as follows:

- a) **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. This exception is not applicable to Class 32 exemptions.
- b) **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type, in the same place, and over time is significant.
- c) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- g) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway.
- d) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- e) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historic resource.

The following evaluates the proposed project for exceptions (a) through (f) and is supported by substantial evidence in the record.

a) Location

The proposed project is not relying on an exemption under Classes 3, 4, 5, 6, or 11. Therefore, the exception under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

b) Cumulative Impact

CEQA Guidelines Section 15300.2 (b) asks whether the cumulative impact of successive projects of the same type, in the same place, and over time would be significant.

The proposed project is surrounded by urban uses. The proposed project is commercial in nature and consists of the construction and operation of commercial and retail uses. Therefore, its contribution, if any, to cumulative impacts would not be cumulatively considerable. Furthermore, as shown in the analysis above for Class 32 conditions (a) through (e), the proposed project would not result in any adverse impacts and, therefore, would not have the potential to significantly contribute to cumulative impacts related to those environmental issues. Additionally, commercial development of the project area was anticipated and comprehensively evaluated in the Specific Plan and its certified EIR, which accounted for buildout of the CMU designation, including retail, office, and restaurant uses. The Specific Plan includes a phasing and infrastructure framework designed to accommodate cumulative traffic, noise, air quality, and water quality impacts associated with full buildout.

When evaluated both individually by parcel and collectively, the proposed development is consistent with the land use character and infrastructure assumptions of the Specific Plan and does not introduce new or unanticipated environmental effects. Additionally, as described above, Parcel 1, although it requires a Specific Plan amendment, does not result in any significant environmental impacts. As such, the proposed project represents a small-scale infill development within an urbanized area that was planned for this type of use, and its contribution to cumulative impacts has already been addressed and mitigated through the Specific Plan process. Therefore, the proposed project would not result in cumulatively considerable impacts and supports the applicability of a CEQA exemption. Accordingly, the exception under CEQA Guidelines 15300.2(b) does not apply to the proposed project.

c) Significant Effect

As discussed above, the proposed project is consistent with land uses anticipated in the General Plan and previously evaluated in the Specific Plan EIR.

d) Scenic Highways

There are no eligible or officially designated State Scenic Highways within the City.⁸⁰ Therefore, the project site is not visible from a State Scenic Highway. As such, the proposed project would not damage scenic resources within a State Scenic Highway or the scenic views from the highway itself, and the exception under CEQA Guidelines Section 15300.2(d) does not apply to the proposed project.

⁸⁰ California State Scenic Highway System Map. Website:
<https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>. Accessed October 22, 2025

e) Hazardous Waste Sites

No portion of the project site is included on the list of hazardous waste sites (Cortese List) compiled by the DTSC pursuant to Government Code Section 65962.5. Therefore, the excavation of soils is not anticipated to release known hazardous materials. Further, should any potentially hazardous materials be discovered during construction, the transport, removal, and disposal of potentially hazardous materials would be conducted by a permitted and licensed service provider consistent with federal, State, and local requirements including the United States Environmental Protection Agency (EPA), the DTSC, Cal/OSHA, Caltrans, the Resource Conservation and Recovery Act, and the MFD.

f) Historical/Cultural Resources

Under Criterion 15300.2(f), a categorical exemption cannot be used for a project that may cause a substantial adverse change in the significance of a historical resource. For purposes of this analysis, a significant historical resource is a resource listed or eligible for listing on the CRHR or a local register, identified as significant in a qualified historical survey, or determined by a lead agency to be historically significant based on substantial evidence, typically meeting criteria such as association with significant events or persons, architectural or artistic merit, or potential to yield important historical or prehistoric information (PRC § 5020.1 and CEQA Guidelines § 15064.5(a)).

As discussed above, the project site does not contain any structures and is not included on any register. Nonetheless, the proposed project would be required to comply with State and federal laws in the event of an inadvertent discovery of Native American remains or archaeological artifacts. As such, the exception under CEQA Guidelines 15300.2(f) does not apply to the proposed project.

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4 - CONCLUSION

CEQA includes a presumption against requiring any further environmental review once an EIR has been certified for a project. PRC §21166; *Friends of the College of San Mateo Gardens v San Mateo County Community College Dist.* (2016) 1 C5th 937, 949; *San Diego Navy Broadway Complex Coalition v City of San Diego* (2010) 185 CA4th 924, 934; *Moss v County of Humboldt* (2008) 162 CA4th 1041, 1049. Agencies are prohibited from undertaking additional CEQA review in connection with a further discretionary approval unless at least one of the following exceptions specified in the statute is met. *Melom v City of Madera* (2010) 183 CA4th 41, 48. The only exceptions allowing for additional review include a demonstration that: (1) Substantial changes are proposed in the project that will require major revisions of the EIR; (2) Substantial changes occur in the circumstances under which the project is being undertaken that will require major revisions in the EIR; or (3) New information of substantial importance to the project that was not known and could not have been known at the time the EIR was certified as complete becomes available. The above exemption discussion demonstrates that the proposed project does not represent a “substantial change” and none of these exceptions allowing for further environmental review are present.

Additionally, Section 15061(b)(3), states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Accordingly, as discussed in the analysis above, there is no substantial evidence that the proposed project would have any adverse environmental impacts and is therefore not subject to CEQA.

An agency may also rely on and cite several different exemptions to support a determination that CEQA review is not required for a particular activity. In that situation, if one exemption is found not to apply, the agency's actions may still be upheld on the basis of other exemptions. See *North Coast Rivers Alliance v. Westlands Water Dist.* (2014) 227 CA4th 832 (upholding CEQA exemption determination on basis of some, but not all, cited exemptions).

As described above, case law interpreting CEQA further specifies that an agency may combine several exemptions to find an entire project exempt. As evaluated in the analysis above, the proposed project is comprised of three parcels. Minor Use Permits and a Specific Plan amendment are only required to facilitate some of the development proposed. The remaining development would be consistent with existing zoning and land use regulations. Additionally, the development on Parcel 1 would be exempt under Class 3.

With implementation of the requested entitlements, the proposed project is consistent with land use designation and zoning and is located on an incorporated project site of no more than 5 acres surrounded by urban uses. There is no substantial evidence that with implementation of applicable Specific Plan and City policies and compliance with the Municipal Code detailed in this document, approval of the proposed project would result in any significant effects relating to the environment. Therefore, CEQA's presumption in the finality of the certified EIR should be upheld and no further

review required. Additionally, the proposed project is exempt both individually under CEQA Guidelines Section 15061(b)(3) and, separately, under the combined criteria of CEQA Guidelines Sections 15061(b)(3), Section 15303 and 15332, because it is an infill project with no significant adverse impacts.