CITY OF MERCED
Planning & Permitting Division

STAFF REPORT:	**#11-09**	**AGENDA ITEM:**	**4.1**
FROM:	Kim Espinosa, Planning Manager	**PLANNING COMMISSION** **MEETING DATE:** July 20, 2011 **CITY COUNCIL** (Tentative Date) **MEETING DATE:** September 19, 2011	

SUBJECT: **Adoption of the *Merced Vision 2030 General Plan* and its associated Environmental Impact Report.** The General Plan includes Urban Expansion, Land Use, Transportation & Circulation, Public Facilities & Services, Urban Design, Open Space, Conservation & Recreation, Sustainable Development, Housing (previously adopted May 16, 2011), Noise, and Safety Elements. The expansion of the City's growth boundary will define the limits for extending City services and infrastructure so as to accommodate new development anticipated within the 20 year time-frame of the General Plan. The current growth boundary or Specific Urban Development Plan (SUDP) contains approximately 20,000 acres and the current Sphere of Influence (SOI) contains approximately 33,700 acres. The proposed SUDP/SOI (now combined into one) contains 33,576 acres. Policies in the proposed General Plan promote compact urban development and provide for an orderly transition from rural to urban land uses. *PUBLIC HEARING*

ACTION: PLANNING COMMISSION:

Recommendation to City Council

1) Certification of Final Environmental Impact Report (FEIR) #10-01; Adoption of Draft Findings of Fact and a Draft Statement of Overriding Considerations; and Adoption of a Mitigation Monitoring Program
2) Adoption of *Merced Vision 2030 General Plan*
3) Adoption of *Merced Vision 2030 General Plan* Land Use Diagram

CITY COUNCIL:

Approve/Disapprove/Modify

1) Certification of Final Environmental Impact Report (FEIR) #10-01; Adoption of Findings of Fact and a Statement of Overriding Considerations; and Adoption of a Mitigation Monitoring Program
2) Adoption of *Merced Vision 2030 General Plan*
3) Adoption of *Merced Vision 2030 General Plan* Land Use Diagram

SUMMARY

The *Merced Vision 2030 General Plan* is a comprehensive update of the City's General Plan and will replace the *Merced Vision 2015 General Plan* adopted in 1997. The General Plan includes revised Land Use, Transportation & Circulation, Open Space/Conservation, Noise, and Safety Elements as well as optional elements—Urban Expansion, Public Services & Facilities, Urban Design, and Sustainable Development. (The Housing Element was adopted under a separate process in May 2011.) After extensive public review over the last six years, the *Merced Vision 2030 General Plan* is now ready for adoption after the Environmental Impact Report is certified. City staff is recommending approval.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval of:

A) Certification of the Draft and Final Environmental Impact Report (EIR) #10-01; Adoption of Draft Findings of Fact and a Draft Statement of Overriding Considerations (Attachment G); and Adoption of a Mitigation Monitoring Program (Attachment F), subject to the Draft Resolution at Attachment H and with Page 2-2 of the Final EIR corrected to read "Letter 22: Thomas C. Grave" (not Thomas Lollini as noted); and,

B) Adoption of the *Merced Vision 2030 General Plan* in accordance with the August 24, 2010 Draft and the proposed changes at Attachment D, subject to the Draft Resolution at Attachment I; and,

C) Adoption of the *Merced Vision 2030 General Plan* Land Use Diagram (Figure 3.1 of the *Merced Vision 2030 General Plan*—Exhibit 1) with changes as outlined in Attachment C and divided into the following sectors as seen at Attachment A, subject to the Draft Resolution at Attachment I:

1) Sector I—South of Highway 99 until Glen Ave and then South of Highway 140
2) Sector II—East of G Street, North of Highway 140, & South of Olive Ave
3) Sector III—North of Highway 99 between G and M Streets, East of M between Olive & Yosemite Ave, and North of Yosemite, East of Paulson Rd
4) Sector IV—West of M St between Highway 99 and Yosemite Ave, North of Yosemite between San Jose Ave/M St and Paulson
5) Sector V—North of Yosemite Ave, West of San Jose Ave

PROJECT DESCRIPTION

The *Merced Vision 2030 General Plan* is organized into 14 separate chapters plus an Executive Summary as follows:

1) Introduction
2) Urban Expansion
3) Land Use
4) Transportation and Circulation
5) Public Services and Facilities
6) Urban Design
7) Open Space, Conservation, and Recreation
8) Sustainable Development
9) Housing (adopted separately on May 16, 2011, to be inserted into the final document)
10) Noise
11) Safety
12) Glossary of Terms
13) Bibliography
14) Subject and Policy Index (to be completed after adoption)

A Draft Environmental Impact Report (DEIR) and Final EIR (FEIR) have been completed for the *Merced Vision 2030 General Plan*. The current growth boundary (adopted in 1997 with the *Merced Vision 2015 General Plan*) or Specific Urban Development Plan (SUDP) contains approximately 20,700 acres and the current Sphere of Influence (SOI) contains approximately 33,700 acres. The proposed SUDP/SOI (now combined into one) contains 33,576 acres. An additional 10,000 acres are also included in the Area of Interest (AOI), which represents growth beyond the next 20 years.

BACKGROUND

Brief Overview of the General Plan Update Process

The following is a brief overview of the General Plan Update process. For a more detailed history of the project, please refer to Attachment B.

The General Plan Update process first began in 2005 and was originally supposed to simply add the UC Merced Campus, the University Community, and areas in between to the City's growth boundary. During 2006, much of the work was focused on defining the General Plan Update Study Area, which grew to include areas of expansion to the northwest, southwest, and southeast in addition to the UC Merced-related areas. In July 2006, after reviewing various options for a Draft SUDP/SOI boundary and several public meetings, the City Council adopted a Draft SUDP/SOI of approximately 43,591 acres or over double the size of the City's current SUDP (20,540 acres). In August 2006, a new firm, Quad-Knopf of Roseville, was hired to complete the General Plan Update and EIR after the original consultant contract was terminated.

Because of the size and population capacity of the General Plan Study Area, it became necessary to define a smaller boundary to accommodate the next 20 years of growth. Currently the City's Specific Urban Development Plan (SUDP) boundary and the Sphere of Influence (SOI) boundary are different boundaries with the SUDP reflecting a 20-year growth plan and the Sphere of Influence defining a longer time frame. However, since the City's SOI boundary was adopted by the Local Agency Formation Commission (LAFCO) in 1997, new criteria has been put in place by LAFCO that will require the City to demonstrate how we can provide services to all areas within the SOI. Because of those criteria, staff and the consultants recommended that the SUDP and SOI boundaries be co-terminus and that a larger Area of Interest (AOI) be defined that represents long-term growth areas. Areas within the SUDP/SOI will have City land use designations, but areas within the AOI will not. However, there are criteria included in the Draft General Plan defining how areas within the AOI can be added to the SUDP/SOI as time goes on. Further environmental studies will also be required before any of these AOI areas could be developed.

In September 2007, a Draft Land Use Diagram with a Draft SUDP/SOI was released for public review. After input from the community and property owners, the Draft Land Use Diagram was modified in February 2008 and included a 33,463-acre SUDP/SOI within the larger 43,591-acre Area of Interest, which corresponded to the original Draft SUDP/SOI. The combined SUDP/SOI is almost the same size (33,463 acres) as the current SOI (37,300 acres), but includes some different areas and the large area northeast of Lake Yosemite, the former planned site of the UC Merced Campus, has been removed.

During 2008 to 2010, the consultants worked with City staff to complete the Draft *Merced Vision 2030 General Plan* document (including all the goals, policies, and implementing actions) and the Draft EIR, both released for public review on August 24, 2010. The Draft *Merced Vision 2030 General Plan* is based on the *Merced Vision 2015 General Plan* and contains many of the same goals, policies, and implementing actions. The Draft General Plan has been updated to include new information since the 1997 adoption, new policies to address the proposed SUDP/SOI and Area of Interest, and new policies to address new issue areas (such as the High Speed Rail, the San Joaquin Valley Blueprint process, climate change, etc.) which have arisen since the 1997 adoption of the *Merced Vision 2015 General Plan*. Many public meetings were held throughout the General Plan Update process (see Finding D).

FINDINGS/CONSIDERATIONS:

State General Plan Law

A) California state law (Government Code Section 65300 et seq) requires each city and county to adopt a general plan for all the physical development of the county or city, and any land outside its boundaries which bears relation to its planning. State law requires the General Plan, at the minimum, to consist of seven elements or chapters (Land Use, Circulation, Open Space, Conservation, Housing, Noise, and Safety) and spells out the required contents of each (Section 65302). The *Merced Vision 2030 General Plan* has been prepared in accordance with these laws and meets the minimum requirements. General Plan law also allows the inclusion of additional chapters as deemed appropriate by the local jurisdiction. The *Merced Vision 2030 General Plan* contains the following optional elements—Urban Expansion, Public Services & Facilities, Urban Design, and Sustainable Development. The Housing Element was adopted through a separate process on May 16, 2011.

What is the General Plan and Why Is It Important?

B) According to State law, each city and county in California is required to adopt a General Plan which provides for "the physical development of the County or City, and any land outside its boundaries, which bears relation to its planning." The General Plan must consist of seven required elements—land use, circulation, open space, conservation, housing, noise, and safety—all of which must contain specific content, also prescribed by the State, and which shall be consistent with one another. (For example, the land use element can't designate a property as residential if the open space element indicates that it should be preserved as open space.) The General Plan may also consist of as many optional elements as the community wants.

Most people associate the General Plan with the Land Use Diagram, which shows the various land uses (residential, commercial, industrial, schools, open space, etc.) for specific pieces of property within the community's growth boundary. The Land Use Diagram is important, but the General Plan is primarily a policy document which spells out the community's vision for growth and development. All new development within the community must conform with the General Plan, its diagrams, maps, and policies. In fact, the City Council cannot approve a development project which does not conform to its General Plan. The General Plan must be amended, through a public hearing process, before such a project could be approved. An example would be that a shopping center could not be built on a vacant parcel that is designated on the General Plan for single-family residential unless the General Plan is amended and the shopping center conforms to all the policies in the General Plan. When applications for development are presented to the Planning Commission and City Council, staff provides an analysis of the project's conformity to the General Plan. City infrastructure plans, zoning, impact fee programs, etc., also need to conform to the General Plan.

The *Merced Vision 2015 General Plan* is the City's current General Plan, which was adopted in 1997. The *Merced Vision 2015 General Plan* contains a 20,540-acre Specific Urban Development Plan (SUDP) boundary, a 37,300-acre Sphere of Influence (SOI), and the seven state-required elements, along with additional elements covering urban expansion, public facilities, urban design, and sustainable development. Once adopted, all policies in the General Plan, no matter which element they are in, should be treated with equal importance and must be implemented.

Major Changes from the *Merced Vision 2015 General Plan*

C) The Draft *Merced Vision 2030 General Plan* is based on the current *Merced Vision 2015 General Plan*, adopted in 1997. Most of the Vision 2015 Plan is still relevant today so the vast majority of the goals, policies, and implementing actions from the 2015 Plan are maintained in the 2030 Plan. Factual information in the General Plan text has been updated to reflect current conditions and other text has been added or modified to reflect changes in the 2030 Plan.

The following is a brief summary of major policies that have been added in each Element of the General Plan from the 2015 Plan to the 2030 Plan.

1) Urban Expansion—A co-terminus SUDP/SOI has been proposed along with an Area of Interest (AOI) representing over 40 years of growth.
2) Land Use—Increased flexibility has been added for retail at major intersections under unique circumstances; development standards have been added for large research parks and freeway-oriented developments; the South Merced Community Plan (adopted in 2008) has been incorporated; a transit-oriented development overlay has been proposed in the vicinity of the Downtown High Speed Rail station; large Community Plan areas have been added (University Community, Castle Farms, Mission Lakes, Bellevue Corridor, etc.), and implementation of the San Joaquin Valley Blueprint principles and densities has been added.
3) Transportation & Circulation—Policies have been added regarding "Complete Streets" that accommodate all modes of travel; the Merced-Atwater Expressway and Campus Parkway have been added to the Circulation system; and the Bicycle Advisory Commission is discussed.
4) Public Services & Facilities—Policies relating to schools have been substantially modified to better define City/School relations and a new goal area regarding telecommunications was added.
5) Urban Design—No major changes.
6) Open Space, Conservation, & Recreation—Policies from the 2004 Parks and Open Space Master Plan were added as well as more information about wetlands and wildlife resources.
7) Sustainable Development—Policies were added relating to Climate Change and Greenhouse Gas Emissions, including the completion of a Climate Action Plan and implementing "green" building codes, and a policy was added relating to "healthy communities."
8) Housing—Adopted by a separate process in May 2011.
9) Noise—New noise measurement techniques were added and noise data was updated.
10) Safety—Information regarding Fire Department practices was updated along with emergency preparedness procedures and policies regarding the 200-Year Floodplain in addition to the 100-Year Floodplain were added.

Public Review Process

D) State law requires that the City conduct a public hearing on the General Plan and its environmental document prior to adoption. The General Plan Guidelines suggest that the adoption process provide broad public access to the plan prior to adoption. However, there are no specific standards in the law except for the normal public notice requirements.

Since 2005, the City has been receiving public input into the General Plan process. Joint Planning Commission/City Council Study Sessions were held in July 2005, September 2005, May 2006, May 2007, February 2008, December 2010, and January 2011. The Planning Commission, acting as the General Plan Update Citizens Advisory Committee (CAC), met three times in February 2007, August 2007, and September 2010. Public hearings were held before the Planning Commission and City Council in June and July 2006 in order to adopt a Draft SUDP boundary for use in completion of the General Plan Update.

The City's General Plan Technical Advisory Committee (TAC), including representatives from the four school districts, UC Merced, MID, Merced County Planning and Public Works, MCAG, and various City Departments, met six times—March 2007, May 2007, July 2007, September 2007, February 2008, and March 2008. A separate sub-committee of the TAC, made up of school district representatives, met several times with City Planning staff and the City Attorney to work on draft policies relating to schools. City Department Heads also held three workshops on the General Plan in March 2006, June 2009, and November 2009.

Stakeholder/property owner meetings for all those property owners within the Study Area were held in April 2006, March 2007, and September 2007; special meetings with property owners along the Bellevue Corridor were held in June and July 2008; and a smaller group of Bellevue Corridor property owners and UC Merced staff met with City staff four times in July-September 2008 to discuss a draft land use concept for the Bellevue Corridor Community Plan. Community forums were held in April 2007 and September 2010.

In addition to these public meetings, City staff has made presentations to various community groups on the General Plan throughout the process, including the Building Industry Association, the Farm Bureau, the Sierra Club, Com-VIP, the Merced County Board of Realtors, the League of Women Voters, Kiwanis Club, UC Merced, and others. Input has also been sought from City boards and commissions, such as the Economic Development Advisory Commission, the Regional Airport Authority, the Recreation and Parks Commission, and the Bicycle Advisory Commission.

Over the last six years, written correspondence has been received by City staff regarding the General Plan Update. Most of that correspondence related to specific concerns about different pieces of property (whether they were in or out of the growth boundary or what land use they wanted). That input was incorporated into the Draft General Plan and Land Use Diagram and most of it is no longer relevant to the adoption of the General Plan in its current form. That correspondence is available within the City records, but only correspondence that is relevant to the current adoption process has been provided to the Planning Commission in this report.

Public Notice

E) On June 30, 2011, a public hearing notice for the Planning Commission's consideration of the *Merced Vision 2030 General Plan* was published in the *Merced County Times*. On June 28, 2011, notices were mailed to approximately 280 interested citizens who had asked to be on the General Plan mailing list over the 6-year process. Public Hearing Notices were also mailed to all those 26 individuals and agencies who had submitted comments on the Draft EIR during the public review period as well as 47 individuals and agencies that receive notification of all City EIR's. The Public Hearing Notice was also posted to the City's website.

Proposed Changes to the General Plan Since the August 2010 Draft

F) Since August 2010, the City has received numerous comments on the *Merced Vision 2030 General Plan*, both verbal and written, from members of the general public, other public agencies, City staff, City boards or commissions, etc. Staff has kept a record of these comments and, as much as possible, changes have been incorporated into the document in response to these comments. Other changes were required to respond to comments on the Draft EIR. These changes are outlined at Attachment D along with the source of the comments.

Most of the proposed changes are relatively minor word changes, clarifications, typographical errors, or updating factual information. The major changes are mostly in Chapter 3 (Land Use), Chapter 4 (Transportation and Circulation), Chapter 5 (Public Services and Facilities), and Chapter 11 (Safety). The Chapter 3 (Land Use) changes are related to various Community Plans, especially changes asked for by UC Merced relating to the new boundary for the campus and University Community North, which also affects the Land Use Diagram. The Chapter 4 (Transportation & Circulation) changes include many recommended by the Bicycle Advisory Commission and some changes related to Castle Airport (some changes to Chapter 11 were also related to Castle Airport). The changes in Chapter 5 (Public Services and Facilities) and Chapter 11 (Safety) are mostly from Fire Chief Mike McLaughlin, appointed in 2011, in order to better reflect policies and procedures of the Merced Fire Department under his new leadership. (Retired Fire Chief Ken Mitten had served on the General Plan Technical Advisory Committee and had previously provided his input on the General Plan.)

G) Two recent letters related to the General Plan were received by the City Council at their December 6, 2010 and January 10, 2011 joint study sessions with the Planning Commission. One letter from Jim Sanders (Attachment E2) asks the City to delay adoption of the General Plan for at least two years and asks for more consideration regarding solar farms. The other letter is from the Merced County Farm Bureau (Attachment E1) and asks for the Council to consider requiring agricultural land mitigation. Staff has not proposed any changes to the General Plan based on these comments and awaits direction from the Planning Commission and the City Council on whether any of the above issues should be addressed.

H) Changes will need to be made to the proposed Land Use Diagram as well. Since the Diagram was substantially completed in February 2008 (with only minor modifications in August 2010), there have been eight general plan amendments approved through the normal City public hearing process which will need to be reflected on the proposed map. These proposed changes are outlined at Attachment C. There are also 3 pending general plan amendment applications that have been scheduled for either Planning Commission or City Council public hearing within the next few months. If those amendments are approved prior to the City Council taking final action on the General Plan, they will need to be added to the Land Use Diagram.

General Plan Proposals Relating to Specific Properties

I) The Land Use Diagram reflects proposals which affect specific properties in one of three ways:

1. Changing the current Land Use Designation of properties either within the current City Limits and/or within the 2015 SUDP area; or,
2. Including properties that were previously outside the 2015 SUDP within the proposed 2030 SUDP/SOI and giving them a specific land use designation; or,
3. No change in land use designation is proposed.

J) Case #1 involves approximately 1,700 acres within the 2015 SUDP. These properties are along both sides of the North Highway 59 corridor from Yosemite to the northern SUDP boundary (approximately 1,100 acres) and along both sides of the Bellevue Corridor from G to Gardner (approximately 600 acres). The properties along the west side of Highway 59 have been changed from various land use designations to "Community Plan" as they are best planned as part of the "Castle Farms Community Plan" described in Section 3.7.5 of the Draft General Plan. Some of the properties along the east side of Highway 59 have been changed from Low Medium Density Residential or Business Park to Low Density Residential. This was proposed in order to better reflect the change in the Highway 59 corridor from the primary access corridor to Highway 99 to a secondary access with the addition of the Atwater-Merced Expressway. Those properties at the corners of Yosemite, Cardella, Bellevue, and Old Lake along the Highway 59 corridor have remained the same.

One 40-acre property along the Highway 59 corridor, just north of Olive Avenue, was proposed to be changed from Regional Commercial to Business Park, but the property owner, Mr. Ridenour, has submitted a letter asking that the current land use designation remain (Attachment E3). Staff has reviewed this request and believes the original designation should be maintained since there has been significant interest in developing commercial property in that location despite the changes to the Highway 59 corridor. The recommended change to the Draft Land Use Diagram is reflected in Attachment C.

The properties along both sides of the Bellevue Corridor from G to Gardner have been changed from various land use designations to a conceptual "Mixed Use" corridor with specific land uses to be defined as part of the Bellevue Corridor Community Plan process described in Section 3.7.4 of the Draft General Plan.

K) Case #2 involves over 12,800 acres that were added within the proposed 2030 SUDP/SOI that were not included in the 2015 SUDP. In April 2006, all of these property owners who owned 1 acre or more were notified by letter of the possibility of being included in the City's growth boundary and were invited to attend informal stakeholder meetings to ask questions about or respond to the proposals. Stakeholder meetings with this same group were also held in March and September 2007. Over 100 property owners attended these meetings. To date, the City has received only two letters from any of these property owners regarding the proposed Land Use Diagram.

Staff received two letters from property owners who disagreed with the City's proposals—one property owner who wanted to be included in the SUDP/SOI and one who wished to be removed from the SUDP/SOI. The Roginas, owners of approximately 150 acres at the southeast corner of Yosemite & Lake Road, which is included in the Area of Interest but not the SUDP/SOI, asked to be included in the SUDP/SOI. An agent for Mr. Steiner, owner of 100 acres located north of North Bear Creek Drive, ¼ mile east of Whitegate Drive, which is partially within the 2015 SOI adopted in 1997, asked that his property be removed so he could deal with the County on his proposed subdivision. (See Attachments E4 and E5 for those letters.) Adding properties to the SUDP/SOI after completion of the EIR would be problematic because additional environmental analysis would need to be completed. Removing properties from the SUDP/SOI can be done more easily if that is the direction from the City Council.

L) Case #3 applies to the vast majority of properties within the current City limits and 2015 SUDP. In fact, there are no sites within the current City limits for which changes in land use are proposed and only a few properties within the 2015 SUDP with proposed changes in land use, discussed above in Case #1. Only one property owner within the current City limits has asked for a change in land use designation. City staff received one letter from Jim Todd representing Merced Gateway, LLC, regarding 70 acres near the southeast corner of Coffee and Gerard Avenues, which is currently designated as Regional Commercial and High Density Residential (Attachment E6). Mr. Todd asked that either a collector roadway segment through the property be deleted from the proposed Circulation Map or included in the City's Public Facilities Impact Fee program. Staff believes the roadway segment is necessary to serve the area and, therefore, does not support removing it. Including the roadway in the City's fee program is outside the scope of the General Plan, so that request cannot be addressed at this time. Mr. Todd expresses a concern about an "over abundance of housing" and asks that residential designations on his property be reconsidered. City policy calls for locating high density residential uses adjacent to commercial developments and staff believes that the current designations for this property should not be changed.

Adopting the Land Use Diagram and Avoiding Conflicts of Interest

M) In order to avoid potential or perceived conflicts of interest regarding properties owned by the Planning Commissioners and City Council members, the City Attorney has advised that the General Plan Land Use Diagram should be adopted in segments. Although no changes in land use designation are proposed within the current City limits where these properties are located, this approach reflects an abundance of caution to avoid even perceived conflicts of interest. Staff has divided the Land Use Diagram into five sectors as shown in Attachment A for the purposes of adoption, based on the locations of the primary residences of the Commission members and other property interests that were provided to the City by the individual members. These sectors have been drawn so that no more than one member present should have to declare a potential conflict for any one sector. Two Commissioners, Commissioner McCoy and Commissioner Madayag, have informed staff that they would not be able to be present at the July 20, 2011 public hearing, so that has also been factored into the manner in which the sectors were drawn since there will only be 5 Planning Commissioners present.

The five sectors are described as follows (see also Attachment A) and the Commissioner with property interests in that area is also noted:

1) Sector I—South of Highway 99 until Glen Ave and then South of Highway 140 (Commissioner Ward)
2) Sector II—East of G Street, North of Highway 140, & South of Olive Ave (Commissioner Amey)
3) Sector III—North of Highway 99 between G and M Streets, East of M between Olive & Yosemite Ave, and North of Yosemite, East of Paulson Rd (Commissioner Colby—two properties)
4) Sector IV—West of M St between Highway 99 and Yosemite Ave, North of Yosemite between San Jose Ave/M St and Paulson (Commissioners Acheson and McCoy)
5) Sector V—North of Yosemite Ave, West of San Jose Ave (Chairman Cervantes and Commissioner Madayag)

FINDINGS/CONSIDERATIONS (Environmental Impact Report):

Purpose of an EIR

N) The purpose of an Environmental Impact Report (EIR) is to evaluate the anticipated physical environmental impacts of a project, and to provide mitigation measures necessary to decrease those impacts to a less than significant level. The EIR process also allows public review of the expected environmental effects by agencies and the public, and provides a method for identifying unavoidable significant impacts and adopting overriding considerations, if deemed necessary. EIRs also identify project alternatives and cumulative impacts of a project.

Preparation of the Environmental Impact Report

O) The Draft and Final Environmental Impact Reports (EIR) for the *Merced Vision 2030 General Plan* (SCH#2008071069) were prepared by Quad-Knopf. (A previous consultant was involved in the General Plan process from May 2005-June 2006, but Quad-Knopf took over the project in August 2006.) Specialized sub-consultants serving with Quad-Knopf in the environmental assessment process included Fehr & Peers (traffic), J.C. Brennan & Associates (noise), Peak and Associates (cultural resources), and Geocon (geology). The contract with Quad-Knopf was amended twice in order to make sure that the analysis was as complete and accurate as possible. The following table provides a summary of key events leading up to the Final EIR.

Event	Date
EIR Contract Approved by City Council with Quad-Knopf	August 21, 2006
EIR Contract Amendment #1 Approved by City Council	June 16, 2008
Notice of Preparation (NOP) Distributed	July 14, 2008
Comment Period on NOP Ends	August 18, 2008
Draft EIR Completed	August 2010
Draft EIR 60-day Public Review Period Begins	August 24, 2010
Draft EIR 60-day Public Review Period Closes	October 22, 2010
EIR Contract Amendment #2 Approved by City Council	May 16, 2011
Final EIR Made Available to Public & Distributed to Those Who Submitted Comment Letters	July 8, 2011

Impacts Identified from the Project

P) The Draft EIR for the proposed *Merced Vision 2030 General Plan* has identified potentially significant physical environmental impacts that are expected to result from the Project. The EIR also provides appropriate measures to mitigate the impacts and to reduce anticipated *physical* environmental impacts to less than significant levels. Significant Environmental Effects Requiring Mitigation include impacts on aesthetics, agriculture & forest resources, air quality, biological resources, noise, transportation/traffic, and greenhouse gas emissions (global climate change). These impacts and mitigation measures are summarized in the table below and in more detail in Table ES-2 in the Executive Summary of the Draft EIR (modified in the Final EIR, see Section 4) as well as in the Mitigation Monitoring Program in Section 5 of the Final EIR and at Attachment F.

Impacts	Mitigation (If Available)
3.1-Aesthetics	♦ Guidelines for outdoor lighting provided.
3.2-Agriculture & Forest Resources	♦ Encourage property owners to maintain their land in ag production until urban development takes place in SUDP/SOI, work cooperatively with land trusts on conservation easements; Prefer infill development over fringe development.
3.3-Air Quality	♦ Require developments to follow SJVAPCD regulations during construction; Consider City ordinance to reduce emissions during construction; Follow BACT (Best Available Control Technology) mitigations for discretionary projects; Encourage energy conservation features.
3.4-Biological Resources	♦ Require surveys/mitigation/avoidance for vernal pool species, special status plants, Valley Elderberry Longhorn Beetle, Burrowing Owls, special status birds, special status amphibians, special status reptiles, special status fish, and special status mammals. ♦ Streambed alteration agreement for riparian habitat ("no net loss"). ♦ Conduct Wetlands delineation & require Section 404 & 401 permits.
3.5-Cultural Resources	♦ No mitigation required.
3.6-Geology & Soils	♦ No mitigation required.
3.7-Hazards & Hazardous Materials	♦ No mitigation required.
3.8-Hydrology & Water Quality	♦ No mitigation measures are available.
3.9-Land Use & Planning	♦ No mitigation required.
3.10-Mineral Resources	♦ No mitigation required.
3.11-Noise	♦ Implement criteria for evaluating construction vibration impacts.
3.12-Population & Housing	♦ No mitigation required.
3.13-Recreation	♦ No mitigation required.
3.14-Public Services	♦ No mitigation required.
3.15-Traffic & Transportation	♦ Increase number of travel lanes on 53 various roadway segments to achieve Level of Service (LOS) "D" or better, including Highway 59, R Street, M Street, Martin Luther King Jr. Way, G Street, Parsons/Gardner, Campus Parkway, Tyler Road, Old Lake Road, Bellevue Road, Cardella Road, Yosemite Ave, Olive Ave, Highway 99, Childs Ave, Mission Ave, & Thornton Ave. ♦ Require traffic studies for CEQA analysis of general plan amendments, specific/community plans, and annexations.
3.16-Utilities & Services	♦ No mitigation required.
3.17-Greenhouse Gas Emissions (Global Climate Change)	♦ Per Policies and Implementing Actions in the Sustainable Development Chapter, address greenhouse gas emissions during the CEQA process for development projects, develop a Climate Action Plan, consider various measures for new development regarding recycling, alternative transportation, tree planting, mixed-use, reducing "urban heat island" effect, motor vehicle emission reduction, water use efficiency, and energy efficiency.

Q) The EIR for the proposed *Merced Vision 2030 General Plan* also identified Unavoidable Significant Environmental Effects (summarized in Section 5.1, starting on page 5-1 of the Draft EIR). These irreversible impacts cannot be mitigated below the relevant threshold of significance. These impacts include aesthetics, agricultural and forest resources, air quality, hydrology and water quality, noise, transportation/traffic, and greenhouse gas emissions (global climate change).

R) Significant Irreversible Environmental Changes are also addressed in the Draft EIR in Section 5.2. A project results in a significant irreversible impact if 1) it involves a large commitment of nonrenewable resources; 2) primary and secondary impacts would commit future generations to similar uses; and 3) it involves uses which irreversible damage could result from any potential environmental accidents associate with the project. Development allowed under the General Plan would commit nonrenewable resources to the construction and maintenance of buildings, infrastructure, and roadways. Changes in land use under the General Plan will also result in the conversion of agricultural and vacant land to urban uses, which is a commitment for future generations. No significant impact would result from environmental accidents.

S) Significant Cumulative Environmental Effects resulting from the General Plan implementation are described in Section 5.7 of the Draft EIR. Significant and unavoidable impacts, which will require a Statement of Overriding Considerations, were found in the area of agricultural and forest resources, air quality, hydrology and water quality, public services (electric and gas), transportation/traffic, and greenhouse gas emissions (global climate change).

Project Alternatives

T) Three project alternatives were analyzed in Chapter 4 of the Draft EIR. Alternative 1—Existing General Plan (No Project) assumed that the *Merced Vision 2030 General Plan* was not adopted and the *Merced Vision 2015 General Plan* remained in effect, which would leave the SUDP at approximately 21,700 acres. Alternative 2—Reduced Project Area assumed a smaller growth boundary and slower growth by eliminating two large Community Plan areas (Castle Farms and Mission Lakes, totaling approximately 5,000 acres) and reducing the proposed SUDP/SOI from 33,576 acres to 28,576 acres. Alternative 3—Concentrated Growth assumed that the proposed SUDP/SOI boundary would remain the same, but residential densities would be increased in and around existing developed areas and more land would be designated for Open Space or Reserve. In the Findings of Fact and Statement of Overriding Considerations at Attachment G, all three alternatives are rejected for not meeting the project objectives and failing to accommodate the City's projected growth.

Final EIR and Response to Comments

U) The Draft EIR for the proposed *Merced Vision 2030 General Plan* was distributed to interested agencies and the public for a 60-day-period (beginning on August 24, 2010 and ending on October 22, 2010). The City received 26 letters commenting on the DEIR. One of those letters arrived after the close of the comment period, but it has been responded to as well. Those letters can be seen in their entirety in Section 3 of the Final EIR (distributed to the Planning Commission on July 8, 2011). Responses to comments contained in those letters are located immediately following each letter in Section 3 of the Final EIR.

As required per Section 21092.5(a) of the State of California Public Resources Code, a copy of the response to comments was sent to each public agency who had submitted a letter on July 8, 2011 (at least 10 days prior to the Planning Commission hearing). A notice was also sent to all those individuals who had commented on the DEIR regarding the availability of the Final EIR, including the Responses to Comments, on July 8, 2011. (The DEIR commenters were also mailed public hearing notices for the July 20 Planning Commission hearing on June 28, 2011, which indicated that the Final EIR would be available on July 8, 2011.) The Final EIR was made available for public review at City offices, the Main Branch of the Merced County Library, and the City's website on July 8, 2011. (The Final EIR was actually on the City's website by the afternoon of July 7, 2011.) Printed copies and copies on CD-ROM were also made available.

V) The Final EIR for the proposed *Merced Vision 2030 General Plan* also contains minor modifications to the text and mitigation measures in response to the comments received (see Section Four of the Final EIR). Section Five of the Final EIR includes a revised table of proposed mitigation measures, which serves as the Mitigation Monitoring Program, and is excerpted at Attachment F of this staff report. One error was noted after publication of the Final EIR—page 2-2 should be corrected to read "Letter 22—Thomas C. Grave" (not "Thomas Lollini" as noted).

Findings of Fact and Statement of Overriding Considerations

W) The Environmental Impact Report (EIR) for the *Merced Vision 2030 General Plan* identified significant impacts associated with the Project. Approval of a Project with significant impacts requires that findings be made by the City pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines. These findings must state that significant impacts of the Project would either: 1) be mitigated to a less-than-significant level pursuant to the mitigation measures identified in this EIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Considerations.

Quad-Knopf in consultation with City staff has prepared Draft "Findings of Fact and Statement of Overriding Considerations" (Attachment G). The findings are divided into six sections: 1) Introduction; 2) Findings Associated with Certification of the EIR; 3) Findings Associated with Specific Impacts and Mitigation Measures; 4) Findings Associated with Significant Cumulative Environmental Effects; 5) Findings Supporting Rejection of Alternatives; and 6) a Draft Statement of Overriding Considerations.

X) All significant impacts associated with the Project have been mitigated to a level of insignificance except those described in Findings Q, R, and S. Therefore, a Draft Statement of Overriding Considerations (beginning on page 36 of Attachment G) has been prepared.

Mitigation Monitoring

Y) In accordance with CEQA requirements, the City is required to adopt a Mitigation Monitoring and Reporting Program when approving mitigation measures contained in an EIR or mitigated negative declaration. The Program is to be designed to ensure compliance with the adopted project mitigation measures that were required by the public agency in order to reduce or avoid significant environmental effects. A Mitigation Monitoring Program is required for this project and can be found in Section 5 of the Final EIR and at Attachment F.

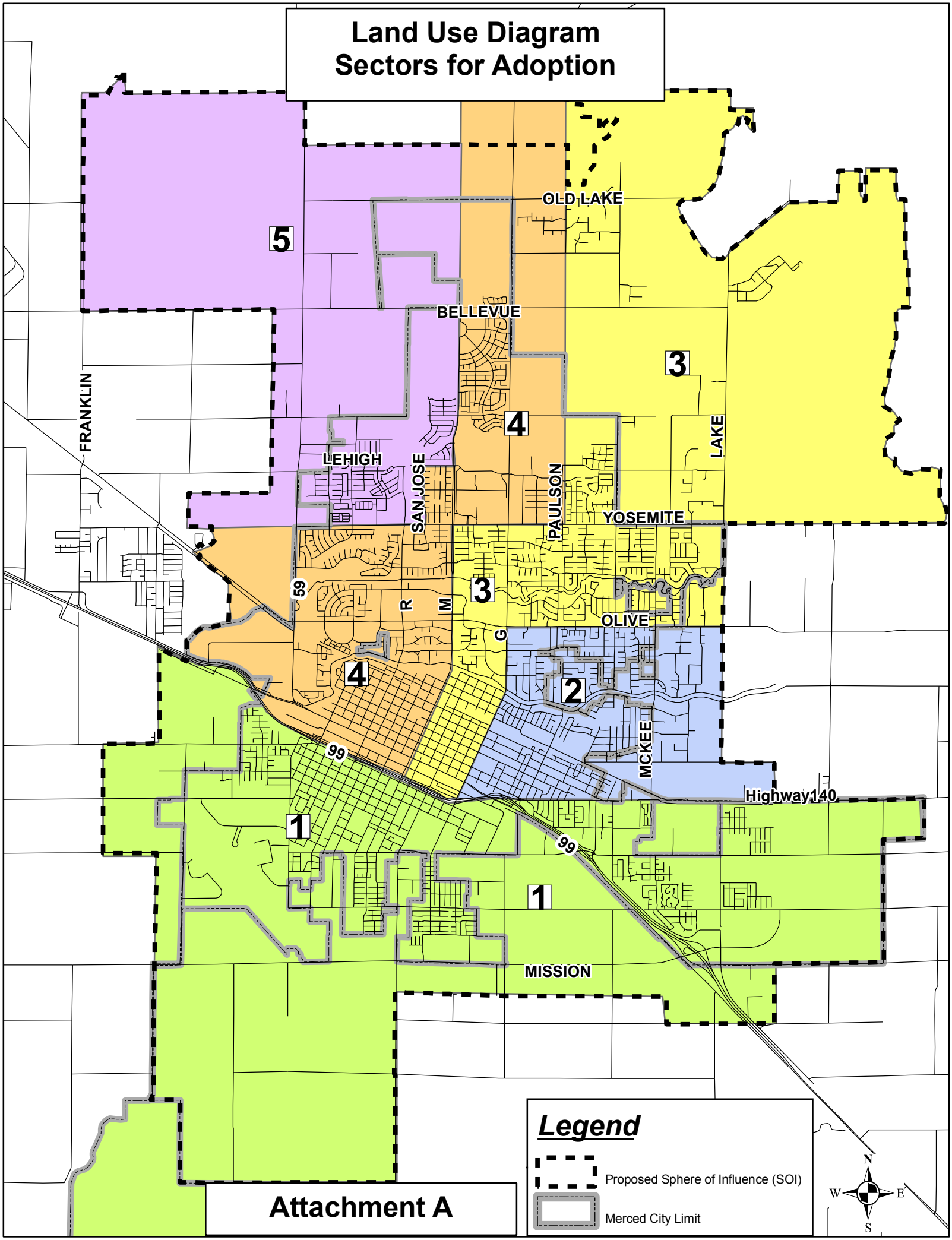
PLEASE BRING YOUR COPIES OF THE DRAFT MERCED VISION 2030 GENERAL PLAN, THE DRAFT EIR, AND FINAL EIR TO THE MEETING. (Please contact City staff if you need another copy.)

Attachments:

A) Land Use Diagram Divided Into Sectors for Adoption Purposes
B) Detailed History of the *Merced Vision 2030 General Plan*
C) Proposed Change to General Plan Land Use Diagram
D) Proposed Changes to the General Plan Since the August 2010 Public Review Draft
E) Correspondence Regarding the General Plan
   1) Merced County Farm Bureau (January 2011)
   2) Jim Sanders (December 2010)
   3) Paul Ridenour (February 2011)
   4) David and Carolyn Rogina/RA Sano Farms (December 2010)
   5) John Hinchey for Louis Steiner (May 2010)
   6) Jim Todd for Merced Gateways, LLC (December 2010)
F) Mitigation Monitoring Program
G) Draft CEQA Findings of Fact and Statement of Overriding Considerations
H) Draft Planning Commission Resolution (EIR)
I) Draft Planning Commission Resolution (General Plan)

[Ref: KE\Projects\2011\General Plan Update\Public Hearings\03-Planning Commission\Merced Vision 2030 General Plan Adoption-PC Staff Rpt #11-09-July20-11.docx]

Land Use Diagram
Sectors for Adoption



Attachment A

DETAILED HISTORY OF
THE *MERCED VISION 2030 GENERAL PLAN*

2005—The Process Begins

On May 16, 2005, the City Council approved a professional services contract with URS Corporation for preparation of the General Plan Update and EIR. The General Plan Study Area included 10,815 acres not included in the City's current Specific Urban Development Plan (SUDP) of 20,540 acres, for a total Study Area of approximately 31,355 acres.

After the contract had been awarded, staff began to receive numerous requests from property owners requesting to be added to the General Plan Update Study Area. On July 5 and 12, 2005, joint Planning Commission/City Council Study Sessions on the General Plan Update were held. The City Council and Planning Commission directed staff to expand the study area to include other land areas where development interest was evident, thereby providing the City with a more comprehensive city planning effort. There was discussion that the General Plan Update be geared for a typical planning horizon for a growing community as well as a long term view of growth.

On September 7, 2005, the Planning Commission recommended to the City Council approval of an expanded General Plan Update Study Area, which encompassed approximately 40,000 acres or almost double the size of the City's current SUDP (20,540 acres). On September 19, 2005, the City Council approved the same study area.

On December 5, 2005, the City Council approved a modified scope of work for the General Plan Update. This "Growth Study" task involved the development of alternative SUDP boundaries and the selection of a preferred alternative.

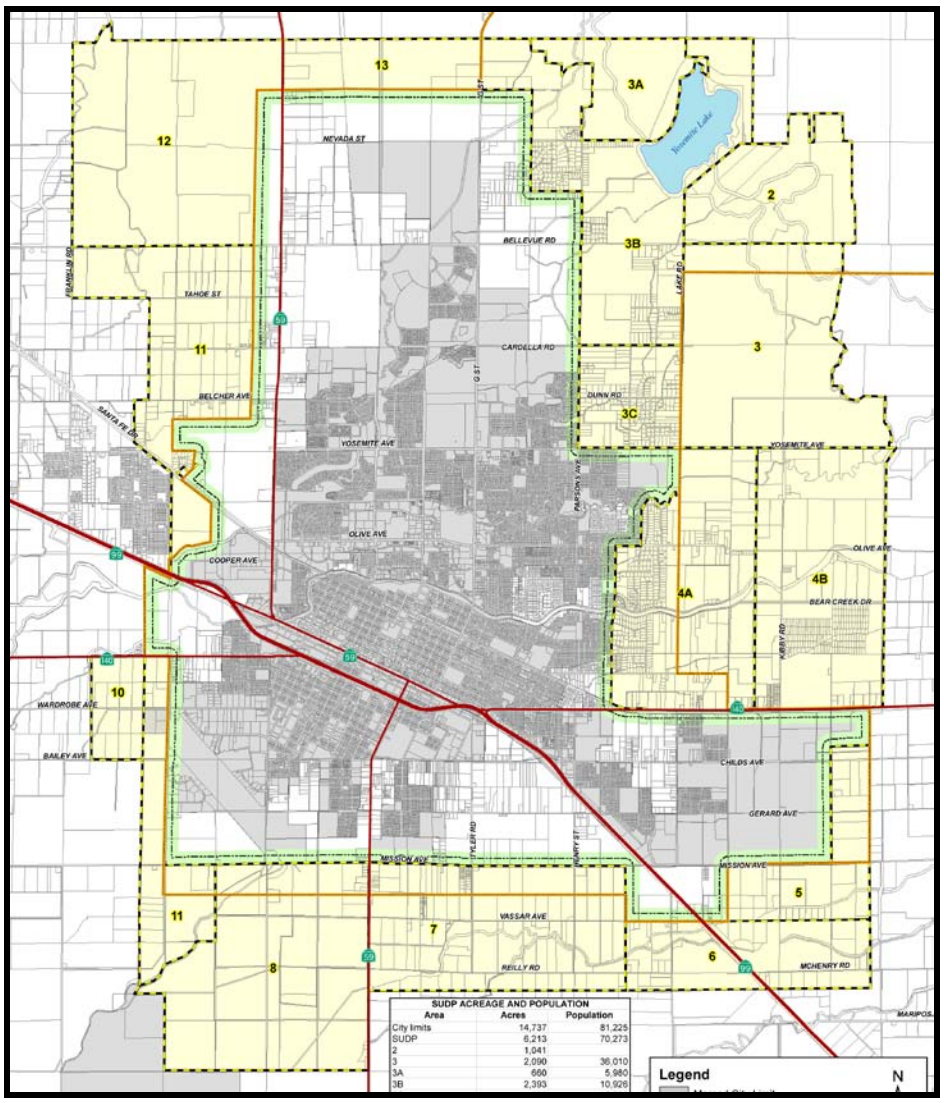
2006--Adoption of a Draft SUDP Boundary

After public meetings in March/April 2006 and a joint Planning Commission/City Council study session in May 2006, the City was ready to proceed with the adoption of a Draft SUDP boundary to be used for the preparation of the General Plan Update. Three Options for the Draft SUDP, ranging in size from 32,566 acres to 41,591 acres, were developed and analyzed, along with possible phasing policies to address the large size of the SUDP and the need to designate specific areas for immediate growth versus long-term growth.

On June 21, 2006, the Planning Commission held a public hearing on the Establishment of a Draft SUDP. After public testimony, the Planning Commission voted to recommend to the City Council adoption of Option #3 with the addition of the area east of Subarea 4, bounded by Yosemite Avenue to the north, Highway 140 to the south, and the Fairfield Canal to the east (see next page). This involves the 41,591 acres in Option #3 plus an additional approximate 2,000 acres. On July 17, 2006, the City Council adopted the Planning Commission recommendation.

Unfortunately, in June 2006, City staff elected to terminate its contract with URS Corporation for the General Plan Update and EIR. Negotiations began with Quad-Knopf, Inc., another consulting firm, to complete the General Plan Update and EIR.

General Plan Study Area and Sub-Areas/Draft SUDP (2006)



2006—A New Consultant

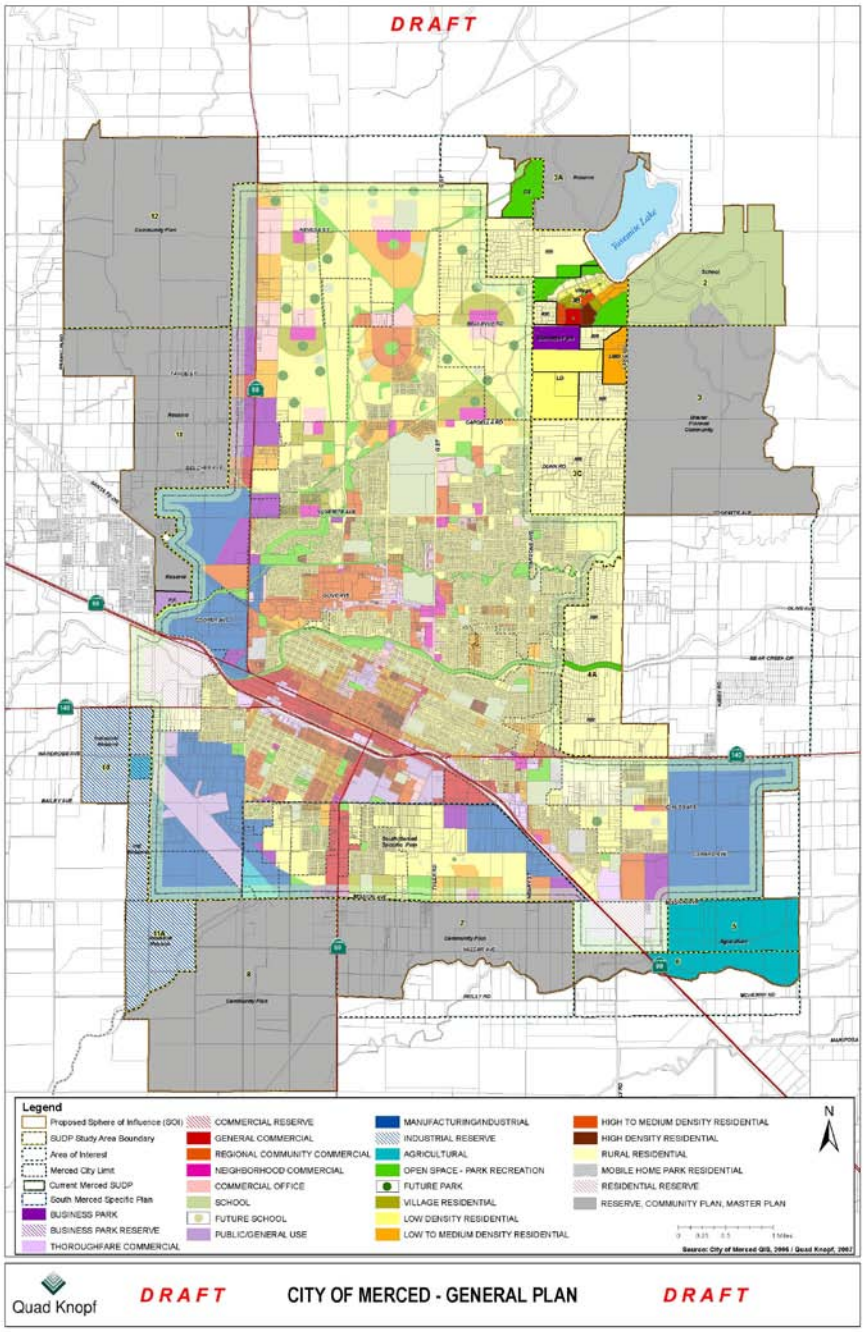
In August 2006, a new firm, Quad-Knopf of Roseville, was hired to complete the General Plan Update and EIR. In September 2006, Quad-Knopf met with City staff for the project "kick-off" meeting. In preparation for the City's Annual Open House on September 14, Quad-Knopf prepared a color flyer to hand out to the public regarding the status of the General Plan Update and the Draft SUDP. In October 2006, Quad met with the several developers to discuss their development plans. In early November, City staff met with County staff to discuss issues related to the General Plan Update and the tax-sharing agreement. In late November 2006, City staff sent out letters to various State and local agencies asking them to designate representatives to the City's General Plan Technical Advisory Committee (TAC). The City Council decided that the Planning Commission would act as the General Plan Citizens Advisory Committee or CAC.

In 2006-2007, several public meetings were held (see below), an analysis of the 16 Sub-areas of the Draft SUDP (see map below) was performed, and work began on the Draft EIR, etc.

2007—A Draft Land Use Diagram

In August 2007, a Draft Land Use Diagram was reviewed by the Planning Commission in their role as the General Plan Citizens Advisory Committee (CAC) and the Technical Advisory Committee (TAC) before being released to the public. The Draft Land Use Diagram included a draft Sphere of Influence (SOI)/SUDP boundary, a proposed Area of Interest (AOI) boundary, and draft land use designations for those areas within the Draft SOI/SUDP.

August 2007 Draft Land Use Diagram



2006-2007--Public Meetings

Joint Planning Commission/City Council Study Sessions were held in May 2006 and May 2007. The Planning Commission, acting as the General Plan Update Citizens Advisory Committee (CAC), met twice in February 2007 and August 2007. The City's General Plan Technical Advisory Committee (TAC), including representatives from the four school districts, UC Merced, MID, Merced County Planning and Public Works, MCAG, and various City Departments, met four times—March, May, July, and September 2007. Stakeholder/property owner meetings were held in April 2006, March 2007, and September 2007; and a community forum was held in April 2007.

On December 6, 2007, City staff and Quad-Knopf met with the Local Agency Formation Commission (LAFCO) board to discuss the City's Draft Sphere of Influence (SOI) boundary. City staff and the consultants were very pleased with the specific feedback and suggestions that was received from LAFCO board members. The issues raised by LAFCO were discussed in detail at the Joint Planning Commission/City Council Study Session in February 2008.

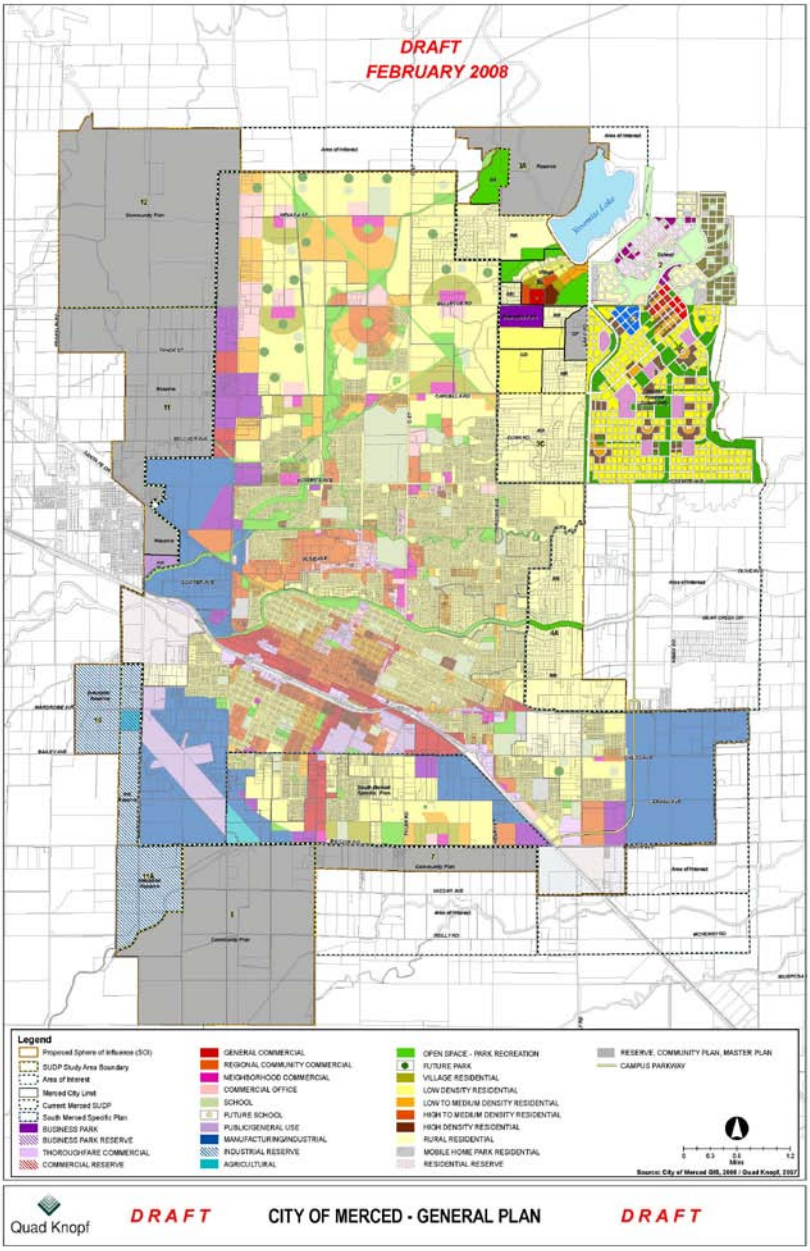
2008—A Modified Land Use Diagram

After input from the community and property owners, the Draft Land Use Diagram was modified in February 2008 and included a 35,541-acre SUDP/SOI within the larger 43,591-acre Area of Interest, which corresponds to the original Draft SUDP. Because of the large size and population capacity of the General Plan study area, it was necessary to define a smaller boundary to accommodate the next 20 years of growth. Currently the City's SUDP boundary and the Sphere of Influence (SOI) boundary are different boundaries with the SUDP reflecting a 20-year growth plan and the SOI defining a longer time frame. However, since the City's SOI boundary was adopted by LAFCO in 1997, new criteria has been put in place by LAFCO that will require the City to demonstrate how we can provide services to all areas within the SOI. Because of that criteria, staff and the consultants recommended that the SUDP and SOI boundaries be co-terminus and that a larger Area of Interest (AOI) be defined that represents long-term growth areas. Areas within the SUDP/SOI will have City land use designations, but areas within the AOI will not. However, criteria was included in the General Plan defining how areas within the AOI could be added to the SUDP/SOI in the future. With a Draft Land Use Diagram finalized, the consultants could begin preparing the draft General Plan document and Draft EIR.

2008 Public Meetings

A Joint Planning Commission/City Council Study Session was held in February 2008. The City's General Plan Technical Advisory Committee (TAC) met twice in 2008—February and March to discuss draft policies. A special subcommittee of the TAC involving the representatives from the various school districts met three times in late 2008 with City Planning staff and the City Attorney to discuss potential school policies. Special meetings with property owners along the Bellevue Corridor were held in June and July 2008, and a smaller group of Bellevue Corridor property owners and UC Merced staff met with City staff four times in July, August, and September 2008 to discuss a draft land use plan for the Bellevue Corridor Community Plan area.

February 2008 Draft Land Use Diagram



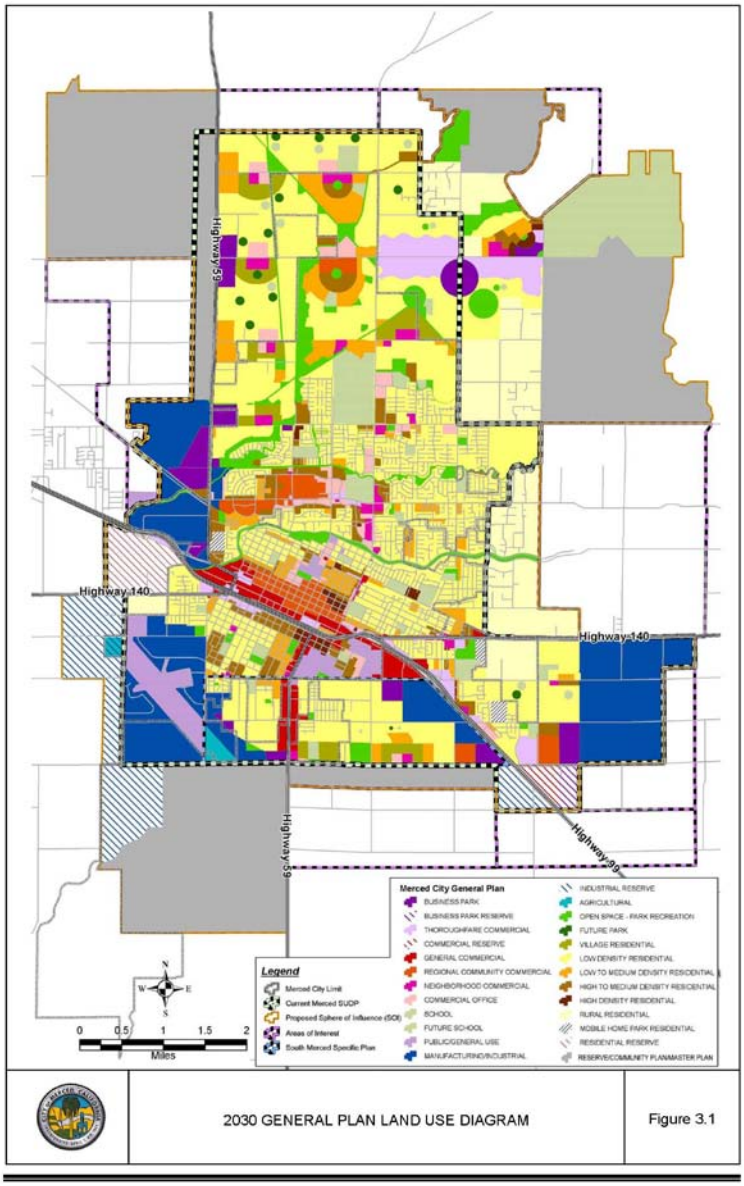
2009-2011

During 2009 to 2011, the consultants worked with City staff to complete the Draft *Merced Vision 2030 General Plan* document (including all the goals, policies, and implementing actions) and the Draft EIR, which were both released for public review on August 24, 2010. The Draft *Merced Vision 2030 General Plan* is based on the *Merced Vision 2015 General Plan* and contains many of the same goals, policies, and implementing actions. The Draft General Plan has been updated to include new information since the 1997 adoption, new policies to address the proposed SUDP/SOI and Area of Interest, and new policies to address new issue areas (such as the High Speed Rail, the San Joaquin Valley Blueprint process, climate change, etc.) which have arisen since the 1997 adoption of the *Merced Vision 2015 General Plan*.

The 60-day public review period for the Draft EIR (DEIR) took place from August 24, 2010 to October 22, 2010. 26 comment letters were received. On July 8, 2011, the Final EIR was released. The Final EIR contains responses to all the comments received on the DEIR, minor changes to the DEIR in response to the comments, and the mitigation monitoring program.

Public hearings to consider adoption of the Merced Vision 2030 General Plan and certification of the EIR are scheduled before the Planning Commission in July 2011 and before the City Council, tentatively, in September 2011.

<u>August 2010 Draft Land Use Diagram</u>



MERCED VISION 2030 GENERAL PLAN

Recommended Changes Since August 2010 Draft
(Modified 7/20/11)

Land Use Diagram

#	APN#	Location	Designation on Land Use Diagram (8/24/10)	Corrected Designation	Source
1	52-300-021 52-300-024 52-300-26 60-010-001 60-020-007 (UC 815 acres & Univ Comm North 833 acres)	Northeast and Southeast corners of Bellevue Rd & Lake Rd (UC Merced Campus & University Community)	School and Community Plan	Designations of School (SCH) and Community Plan (CP) remain but the boundaries change per Exhibit 1	The UC Board of Regents adopted an EIR for the revised boundaries for the UC Merced Campus & University Community North on March 25, 2009.
2	057-200-076 (40 acres)	West of Highway 59, north of Santa Fe Drive	Business Park (BP)	Regional/ Community Commercial (RC)	Property owner request to retain 1997 General Plan land use designation
3	052-230-083 (58 acres)	Southwest corner of G and Farmland	Low Density Residential (LD)	School (SCH)	GPA #07-02 11-15-2010 CC Res# 2010-89
4	224-212-001, -002, -003, -8, -009, -010, -012, -013 (1.7 acres)	Northeast corner of Bancroft and Cardella	Fire Station (PG)	Low Density Residential (LD)	GPA #08-03 8-2-2010 CC Res #2010-71
5	058-020-058 (2.5 acres)	Southeast corner of Hwy 59 & Buena Vista	Business Park (BP)	Neighborhood Commercial (CN)	GPA #09-01 5-18-2009 CC Res #2009-37
6	058-290-036 (1 acre)	South of Yosemite, east of R Street	Low Density Residential (LD)	Business Park (BP)	GPA #09-02 8-17-2009 CC Res #2009-60
7	231-010-009 (42 acres)	Southwest corner of Gardner and Cardella	Low Density Residential (LD)/Low Medium Density Residential (LMD)	Commercial/ Professional Office (CO) & Low Medium Density Residential (LMD)	GPA #09-03 11-16-2009 CC Res #2009-81

#	APN#	Location	Designation on Land Use Diagram (8/24/10)	Corrected Designation	Source
8	030-204-007, -008 (15,000 SF)	Southwest corner of W 24th and G Streets	High Medium Density Residential (HMD)	General Commercial (CG)	GPA #10-01 3-15-2010 CC Res #2010-21
9	231-040-004, -005 -006 (11.5 acres)	Northeast corner of Yosemite & G	High Medium Density Residential (HMD)	Commercial/ Professional Office (CO)	GPA #10-02 8-2-2010 CC Res #2010-73
10	006-061-005 (14,000 SF)	North of Donna/East of G Street (PD #26)	Low Density Residential (LD)	Commercial/ Professional Office (CO)	GPA #10-04 11-15-2010 CC Res #2010-100
11	Not Applicable	Kibby Road (between Childs & Gerard Ave)	Collector Street shown from Childs to Gerard	Kibby Road has been vacated from Childs to Gerard	GPA #06-01/ Vacation #06-01 9-28-2009 CC Res #2009-69/ CC Res #2009-70

MERCED VISION 2030 GENERAL PLAN

Proposed Changes Since August 2010 Public Review Draft

*(*Revised--7/15/2011)*

Abbreviations:

Pg	=	Page #
¶	=	Paragraph #
Col.	=	Column
R	=	Right Column
L	=	Left Column

Sources:

BAC	=	Bicycle Advisory Committee
BIA	=	Building Industry Association
CC	=	City Council
CL	=	Citizen Letter (Various)
CO	=	County Planning Staff
CS	=	City Staff (Planning, City Attorney, etc.)
EIR	=	Changes proposed in Final EIR for the General Plan
FC	=	Fire Chief (Appointed in 2011)
GP LU Map	=	General Plan Land Use Diagram (Fig. 3.1)
GPA	=	General Plan Amendment (approved since GP LU Map was drafted)
LF	=	LAFCO Staff
PC	=	Planning Commission
TYPO	=	Typographic Error
UC	=	University of California Staff

Entire Document

#	Pg.	¶	Col.	Change	Source
1	--	--	--	Various Figures, Maps, and Table throughout the General Plan document will be modified to reflect the 2009 UC Merced and University Community North boundaries as adopted by the UC Board of Regents in 2009. This will include changes to the Land Use Diagram and SUDP/SOI boundary for those areas only. See Exhibit 1 for the 2009 UC/UCP boundaries.	CS/UC

Executive Summary

#	Pg.	¶	Col.	Change	Source
2	I-ii	2	L	2nd sentence should read: "The seven required elements are land use, ~~transportation,~~ circulation, open space, conservation, housing, noise, and safety."	CS
3	I-ii	4	L	Last sentence should read: "It presents the general distribution of the uses of land within the City of Merced and its Specific Urban Development Plan/Sphere of Influence (SUDP/SOI), or growth boundary."	CS
4	I-v	1	R	1st sentence should read: "The *Merced Vision 2030~~5~~ General Plan* is organized…"	TYPO
5	I-xi	9	R	The italics should be removed from the entire sentence.	TYPO
6	II-xiii	--	--	Under Goal Area S-3: Flooding, Policy S-3.1 should read: "S-3.1—Implement Protective Measures for Areas in the City and the SUDP/SOI Within the 100-Year and 200-Year Floodplains." (Needs to match text on pg. 11-33).	CS

Chapter 1--Introduction

#	Pg.	¶	Col.	Change	Source
7	1-3	1	R	Text in 1st sentence noted in ALL CAPS "67 OPS.CAL.ATTY. GEN.75" should read "67.Ops.Cal.Att.Gen.75" instead.	CS

Chapter 2--Urban Expansion

#	Pg.	¶	Col	Change	Source
8	2-1	1	L	Last sentence should read: "County policies ~~that~~ also affect the rural and suburban areas immediately outside the City's incorporated limits."	CS
9	2-6	4	R	The 1st sentence of the 4th paragraph should read: "The Land Use Diagram will accommodate a population larger than what is projected in ***Table 2.1.a***, which reflects projections done by the Merced County Association of Governments in 2004, and includes the projected population for the City of Merced and its SUDP/SOI along with the UC Merced campus and University Community. MCAG provides separate population projections for the UC area, which are included in the City's SUDP/SOI numbers in Table 2.1. (The 2030 population number was subsequently reduced from 154, 961 to 137,779 by MCAG in July 2010 when new population projections were adopted. A 2035 population projection of 152,100 was also added. A new Table 2.1.b has been added to show the July 2010 population projections for both the City and UC Merced/University Community as well as Merced County.)"	CS

#	Pg.	¶	Col	Change	Source
10	2-7	--	--	Under Table 2.1.a, "City of Merced Population Projections (2000 to 2030)", which has been re-titled "Table 2.1.a, "the following should be added: "Source: Merced County Association of Governments, 2004"	CS
11	2-7	--	--	Under Table 2.1.a, a new Table 2.1.b, *"City of Merced Population Projections (2010-2035)"* should be added (see Exhibit 2).	CS
12	2-27	--	--	Implementing Action UE-1.2.c should read as follows: **"Continue to limit expansion of City utilities to only those areas within ~~an~~ the established urban boundary."**	CL
13	2-27	--	--	Under the explanation under Implementing Action UE-1.2.c, after the 3rd sentence, the following should be added: "If it is necessary for technical/economic reasons to allow utilities to cross unincorporated territory (i.e. water/sewer main extensions), actual access to such utility services will be restricted to those inside the City limits until such time as annexation occurs."	CL
14	2-27	--	--	Under the explanation for Implementing Action UE-1.2.d, the 2nd sentence should read as follows: "The highest densities should, in general, be directed toward central areas of the City and not along the urban fringes unless they are in Community Plan areas, where higher densities may be justified."	CL
15	2-29	--	--	Under Implementing Action UE-1.3.g, in the "explanation" section following the Action itself, should read: "a) Urban Expansion Policies—UE 1.1, UE 1.2, and UE 1.3.~~, and UE 1.7~~."	CS
16	2-33	--	--	In the explanation under Implementing Action UE-1.5.d, the following should be added after the 2nd sentence: "The City will consider establishing a 'Rural Residential' (R-R) zoning district, which can be used in these areas upon annexation. The R-R district would address standards for existing private wells and septic systems, the keeping of animals and livestock, the level of public improvements in such areas (i.e. the possible omission of sidewalks, etc.), and other issues that often arise when such developed areas are proposed for annexation."	CS

#	Pg.	¶	Col.	Change	Source
17	3-4	2	L	Text in the 3rd sentence noted in ALL CAPS "67 OPS.CAL.ATTY. GEN.75" should read "67.Ops.Cal.Att.Gen.75" instead.	CS
18	3-5	--	--	Table 2.1—Merced Planned Land Use Summary will be modified as shown in Exhibit 3	CS
19	3-6	1	R	In the 1st sentence, "*duplexes*" should NOT be italicized.	TYPO
20	3-9	2	L	The title above the 2nd paragraph should read: "P/G <u>or SCH</u> (Public/Government <u>or School).</u>"	CS
21	3-9	3	L	The 2nd sentence shall be revised to read: "OS-PK areas may be designated in areas containing public parks, golf courses, greens, commons, playgrounds, landscape areas and similar types of public and ~~public~~ <u>private</u> open spaces."	TYPO
22	3-13	2	L	Last sentence should read "The *City of Merced Housing Element* (Chapter 9) was ~~adopted~~ <u>last revised</u> in 2004 and will be updated in ~~2010~~ <u>2011</u>."	CS
23	3-19	--	--	Under Implementing Action L-1.4.b, the 1st sentence of the explanation under the Action should read: "In 2010, the City of Merced currently has a significant inventory of over ~~2,000~~ <u>2,500</u> lots, which are within approved subdivisions but have not yet been built on."	CS
24	3-19	--	--	Under Implementing Action L-1.4.b, the 2nd sentence of the explanation under the Action should read: "In addition, the City has significant numbers of foreclosed homes. ~~(i.e. Merced has for the last few years, consistently lead the nation in the number of foreclosures)~~." *{Note: The information in "( )" was somewhat misleading as the foreclosure stats refer to Merced County and not the City of Merced, so staff recommends deleting it since the first part of the sentence makes the point on its own.}*	CS
25	3-19	--	--	Under Implementing Action L-1.4.b, the 3rd sentence of the explanation under the Action should read: "The City should consider developing incentives to spur the development of these <u>undeveloped</u> lots, including reduced development fees for "in-fill" areas and <u>expedited processing of development applications for construction on "in-fill" lots</u> in addition to reviewing the City's current annexation policies to make sure such "in-fill" development is favored over new "Greenfield" development in outlying areas." *(The above was suggested by Commissioner Colby at the Joint PC/CC Study Session on 1/10/11. Not all of his suggested language was supported by the other members, but there seemed to be agreement on the additions above.)*	PC

#	Pg.	¶	Col	Change	Source
26	3-44	--	--	Under Implementing Action L-2.2.d, last sentence of explanation following the Action should read: "Special attention should be given to areas within the ~~northwestern~~ northeastern portion of the City as job centers for businesses seeking a location near UC Merced."	TYPO
27	3-53	--	--	Implementing Action L-2.9.a should read: **"Plan for job centers in the ~~northwestern~~ northeastern portion of the City capitalizing on the proximity of a research university, UC Merced."** 1st sentence of explanation under L-2.9.a should read: "As part of the development of the ~~northwestern~~ northeastern area, research and development campuses should be encouraged."	TYPO
28	3-53	--	--	After the last sentence of the explanation under Implementing Action L-2.9.a, the following should be added: "Business parks to accommodate research and development, technology, light industry, and business uses complimentary of the UC Merced Campus research could also be located on appropriately-designated properties along the Bellevue Corridor and other transportation corridors in the vicinity of the UC Merced Campus if the market exists for such uses."	CL
29	3-64	--	--	In the explanation under Implementing Action L-3.6.b, No. 2 should read: "2) Community Plans which include or are adjacent to established neighborhoods will address the needs of those ~~neighbor-hoods~~ neighborhoods and potential adverse impacts resulting from plan implementation."	TYPO
30	3-64	--	--	In the explanation under Implementing Action L-3.6.b, No. 4 should read: "4) Community Plan areas need connectivity with existing and planned urban areas. This includes all modes of transportation, including vehicles, bicycles, public transit, etc."	BAC
31	3-64	--	--	In the explanation under Implementing Action L-3.6.b, the last paragraph should read as follows: "The City ~~shall~~ may undertake the development of these Community Plans subsequent to the adoption of the General Plan or require developers to complete such plans. The costs of developing the plans may be assessed to those property owners, builders, and developers who will benefit from the plans as development takes place."	CS
32	3-66	2	L	The 1st sentence should read: "The 'Specific Plans' ~~do not necessarily conform with the requirements of~~ may or may not be a 'specific plan' as contemplated by Government Code Section 65450 *et seq*."	CS
33	3-69	2	L	1st sentence should read: "As envisioned in this plan, a 'Community Plan' may or may not ~~conform with~~ meet the requirements of a 'specific plan' contemplated by Government Code Section 65450 *et seq.* ~~for 'Specific Plans."~~	CS

#	Pg.	¶	Col	Change	Source
34	3-69	8	R	The 2nd sentence of No. 6 of "Community Plan Guiding Principles" should read: "These elements may include but not be limited to Land Use, Circulation (including all modes of transportation), Open Space, and infrastructure phasing."	BAC
35	3-71	1	L	The 1st and 2nd sentences should read: "The City ~~shall~~ may undertake the development of these Community Plans subsequent to the adoption of the General Plan or require developers to complete such plans. The costs of developing the plans may be assessed to those property owners, builders, and developers who will benefit from the plans as development takes place."	CS/CL
36	3-71	3	L	The 3rd paragraph shall read as follows: "Unlike the other Community Plans discussed in this Section, the University Community Plan (UCP) has already been adopted by Merced County. The City's 1997 Sphere of Influence ~~currently~~ includes the UC Merced Campus, although the Campus' footprint has been revised since 1997. ~~and t~~The City of Merced assumes implementation of ~~the~~ a Revised ~~University Community Plan~~ UCP at some future date."	UC/ EIR
37	3-71	2	R	The 2nd paragraph should read as follows: "In ~~2004~~ 2002, the Merced County Board of Supervisors adopted the ~~University Community Plan~~ UCP (also called a "Specific Urban Development Plan" or "SUDP") and associated environmental impact report for the development of an adjacent university community. In 2004, when the SUDP was adopted by the County of Merced, the ~~University Community Plan~~ UCP covered 2,133 acres and consisted of high-, medium-, and low-density housing; commercial buildings; buildings to house research and development; and parking, parks, schools, and open space."	UC/ EIR
38	3-71	3	R	The 1st sentence of the 3rd paragraph should read: "The 2004 ~~University Community Plan~~ ~~(~~UCP~~)~~ has been adopted as part of the Merced County General Plan and includes goals, objectives, policies, and implementation programs to address the development of the University Community. "	UC/ EIR

#	Pg.	¶	Col	Change	Source
39	3-71 & 3-72	4 & 1	R & L	The paragraph that follows the header "Current Revisions Under Consideration" should read as follows and the header should be modified to read "2009 Revisions": "After the 2002 adoption of the LRDP, UC Merced applied for a CWA Section 404 permit to fill approximately 86 acres of wetlands on the campus site. During discussions with various federal agencies, the University ~~is proposing~~ proposed an alternative to reduce the Campus' impacts on wetlands by reducing the size of the developed portion of the Campus from 910 acres to 810 acres and shifting the Campus boundary south into an area that was to be occupied by the University Community and shifting the Community boundary east. This proposed change brought about the need to revise the UC Merced LRDP and the University Community Plan, for which UC Merced officials prepared applications and an associated EIR, adopted by the University of California Board of Regents in 2009. ~~Now Merced County will review the proposed change to the University Community Plan based on principles and objectives of the University Community Plan adopted in 2004~~. After that adoption, the University Board of Regents had indicated that it intended to submit an application for a University Community Plan Update to Merced County, which has land use jurisdiction over the University Community. Although this application has not yet been submitted to the County, the City of Merced has chosen to acknowledge the revised 2009 boundaries for the University and the University Community North within the *Merced Vision 2030 General Plan* since the environmental impacts of those boundaries have been fully analyzed in UC's EIR, which involved the participation of the University, the County of Merced, and the City of Merced."	CS
40	3-73	2	L	After the 1st bullet under the heading "Economics/Market", the following paragraph should be added: "Project specific market studies may be provided by individual landowners in support of development proposals as an adjunct to and in support of the overall Bellevue Corridor market study. Individual landowners providing a "project" level market study showing support for planned land uses/activities may not be required to participate in the overall Bellevue Corridor market study after an evaluation of the project level study is completed by staff and deemed to be adequate to substitute for the overall Bellevue Corridor market study."	CL

#	Pg.	¶	Col	Change	Source
41	3-74	3	L	After the two bullets at the top of the page under "Character/Design," the following paragraph should be added under a new heading entitled "Timing": "Development projects may proceed in advance of the Bellevue Corridor Community Plan if all of the following findings can be made, as determined by the City Council upon recommendation by the Planning Commission: • There is an immediate or near term need for the facilities or uses proposed by the plan; • That the project is supportable by a project specific market study; • That the project is designed consistent with the "Urban Village Policies and Design Guidelines" as defined in Chapter 6 of the Merced Vision 2030 General Plan; • That the project is designed to be compatible with adjacent land uses as illustrated in the General Plan; and, • The owner consents that the development project, at the City's discretion, may be required to be consistent with the plans and specifications approved as part of the Bellevue Corridor Community Plan."	CL
42	3-89 to 3-97	--	--	The following note, which already appears on p. 3-89, shall appear on each subsequent page with a Conceptual Land Use Plan: "Note: Plans are included here for illustrative purposes only. These are, with the exception of the 2004 University Community Plan, NOT adopted plans and no land use entitlements are granted by including these plans here."	CS

#	Pg.	¶	Col.	Change	Source
39 a	4-5	--	--	*Figure 4.1-Circulation Plan* should be modified to remove Kibby Road as a collector between Childs & Gerard per General Plan Amendment #06-01, approved on Sept. 28, 2009.	CS
39 b	4-7	2	L	1st sentence should read: "It will be ~~extremely~~ important for the City to continue to work closely with Caltrans, the County, and MCAG in the future regarding several important regional circulation issues which are discussed in more detail later in this chapter:"	CS
40	4-22	3	R	Last sentence should read: "Construction efforts are anticipated to begin ~~by as early as 2011~~ within the next few years."	CS
41	4-26	1	L	The 3rd sentence should read: "Details of the existing and planned system are presented in the Merced Bicycle Plan, adopted in 2008 (Figure 4.9), an implementing action of the General Plan, which is updated every four years. The alignments shown are conceptual and subject to further refinement prior to actual construction."	BAC/ CL
42	4-27	2	R	The 2nd sentence is revised to read as follows: "The airport is the only ~~"regionally significant"~~ "General Aviation Airport" ~~airport~~ in the County according to criteria used by the ~~Civil Aeronautics Board~~ Federal Aviation Administration. A "General Aviation Airport" is one used for both private and commercial air transport."	CL
43	4-28	2	L	3rd and 4th sentences should read: "The subsidy ~~would expire~~ which was due to expire on August 31, 2010 ~~and at this time it is not known whether EAS would be~~ has since been renewed. If ~~not~~ the subsidy was ever eliminated, Merced would need to obtain alternative funding or seek other solutions in order to maintain this air service."	CS
44	4-56	--	--	After the 2nd sentence of the explanation under Implementing Action T-2.1.f, the following should be added: "The City/County Revenue Sharing Agreement could be one method of coordinating bicycle facility planning between the City, the County, and UC Merced."	BAC
45	4-57	--	--	After the 1st sentence of the explanation under Implementing Action T-2.2.f, the following should be added: "One such location could be the future Downtown High Speed Rail Station, where bike-friendly routes to the station and short/long term bike parking facilities could be incorporated into the station design to assist bicycle commuting."	BAC
46	4-59	--	--	After the 2nd sentence of the explanation under Implementing Action T-2.4.b, the following should be added: "The City should also pursue partnerships with local cycling advocacy groups, such as the Merced Bike Coalition and the UC Cycling Alliance, and local bike shops in efforts to promote cycling in Merced."	BAC

#	Pg.	¶	Col.	Change	Source
47	4-60	--	--	After the last sentence of the explanation under Implementing Action T-2.5.a, the following should be added: "Bicycle parking guidelines from the Association of Pedestrian and Bicycle Professionals (APBP) should be considered as a resource for developing such a bike parking ordinance. The City should also encourage employers to provide end-of-trip facilities, such as bike lockers, bike rooms, and shower facilities, to encourage bicycle commuting. "	BAC
48	4-60	--	--	The 1st sentence of the explanation under Implementing Action T-2.5.c should read: "Although the City does not operate the Bus system so it cannot mandate such, the City should encourage the transit provider to continue to provide ~~the provision of~~ bicycle racks on buses, which has proven to be an effective tool for promoting bicycle and transit use."	BAC
49	4-61	--	--	The 4th sentence of the explanation under Implementing Action T-2.6.a should read: "Coordinating bicycle planning with the University is, therefore, critical, and should be incorporated into the development of the University's Long Range Development Plan, the University Community Plan, the Regional Bike Plan, and Merced Bicycle Plan."	BAC
50	4-61	--	--	In the explanation under Implementing Action T-2.6.a, the 4th sentence should read: "The City should update the Bicycle Master Plan, an implementing action of the General Plan, every ~~five~~ four years to remain eligible for state funding."	BAC
51	4-61	--	--	The last sentence of the explanation under Implementing Action T-2.6.a should read: "The South Merced Community Plan, as an implementing action of the General Plan, also includes various bicycle-related improvements, which should be incorporated into the Bicycle Master Plan for implementation. Through the South Merced Community Plan and the Bicycle Master Plan, the City will focus on adding and improving bicycle facilities in South Merced for recreation and commuting.	BAC

#	Pg.	¶	Col.	Change	Source
52	4-66	--	--	Under Policy T-3.1, the following new Implementing Action T-3.1.d and its associated explanation should be added: **"3.1.d Work with the County of Merced on land use and master planning issues in the vicinity of Castle Airport and its Land Use Compatibility Zones."** "The City of Merced recognizes that Castle Airport is a County asset with the potential to generate job growth within the County of Merced. Merced County is currently in the process of developing a new Castle Airport Master Plan, which would outline Castle's proposed development over the next 20 years. Merced County has expressed an interest in expanding Castle's current role as mostly a general aviation airport (the County's website in 2011 indicates that general aviation uses are 99% of current operations) to include air cargo, military exercises, and commercial air service. If such a Master Plan was approved, the Land Use Compatibility Zones for Castle Airport would need to be modified to reflect those changes. If modified, Castle Airport's Land Use Compatibility Zones could affect development within the existing City and the proposed SUDP/SOI. (Long time residents will remember the significant noise impacts of Castle's military operations until Castle Air Force Base closed in 1995.) Therefore, the City wants to continue to work with the County on ensuring that any adopted Castle Airport Master Plan contains realistic aircraft operation projections that do not hinder both existing and future development within the City."	CS/CO
53	4-73	2	--	After the 3rd sentence of the 1st paragraph under "Expressways" section, the following should be added: "Expressways should be designed to include separated Class I bike paths if feasible to provide a safe avenue for bike commuters."	BAC
54	4-73	4	--	After the 4th sentence of the 3rd paragraph under "Expressways", the following should be added: "The Campus Parkway north of Yosemite Avenue has not yet been designed in detail and may require modified access spacing, right-of-way, and/or alignment. Standards for the design of Campus Parkway north of Yosemite Avenue will need to be defined in the University Community Plan and any subsequent modifications."	CL
55	4-86 & 4-87	--	--	Add Note #3 as follows to Figures 4.28 and 4.29: "3. Bike lanes shall be added to the extent safe and feasible within the proposed right-of-way at these intersections."	BAC

#	Pg.	¶	Col.	Change	Source
56	5-2	3 1 2 3 4	L R R R R	The section under "Merced Fire Department" should be amended to read as follows: "The City of Merced Fire Department provides fire protection, rescue, and emergency medical services from five fire stations strategically located throughout the ~~urban area~~ City. The Department's ~~Central Fire Station and~~ Headquarters (Station 51) is located near the intersection of East 16th and G Streets. Station 52 is located at Merced Regional Airport on Falcon Way; Station 53 is on Loughborough Drive ~~behind~~ adjacent to the Merced Mall; Station 54 is on East 21st Street; and Station 55 is ~~near~~ at the intersection of Parsons and Silverado within Carpenter Park. The Fire Department call volume continues to increase on an annual basis. Some of the increase is a result of a larger population base, others significant factors that affect the call volume are socioeconomic factors and access to services. In 2010, the Department responded to 6325 incidents: 6% of which were to fires and 57% were emergency medical or rescue incidents. The remaining 37% of incidents were comprised of good intent calls, false alarms, service calls, and other special types of incidents. Fire Department personnel are typically assigned ~~on~~ to a three-shift ~~platoon~~ work schedule, which provides the City coverage 24 hours a day, seven days a week. The Department equipment includes ~~first line~~ engine companies ~~(carry and pump water)~~ (water, hose, and pump), and ladder companies (ladders, rescue tools, and rescue equipment), ~~reserve engines and ladder trucks, airport emergency vehicles,~~ aircraft rescue firefighting (ARFF) vehicle, medium rescue trailer, mass decontamination trailer, personnel rehabilitation unit, and other ~~miscellaneous~~ support vehicles. ~~Merced's fire protection system operates according to a central station concept. Under this concept, a central station can respond to calls from within its own service area or district, and can provide back-up response to other districts as well. From 1990 to 2010, response activity doubled. "~~ ~~"~~The Department is regularly evaluated and rated ~~under the auspices~~ of by the Insurance Services ~~Office~~ Organization (ISO). The ISO utilizes the Fire Protection Rating System (FPRS) to assess the Department and to provide a final score ~~, which.~~ The score defines the level of fire protection services on a scale of 1 to 10; with 1 representing the best level of protection and 10 indicating no protection at all. The Department's ~~2009~~ current rating is Class 2, which is considered to be well above average. ~~, despite manning levels~~	FC

				~~below national averages.~~ The Class 2 rating ~~helps keep the costs of~~ is used to determine the fire insurance premiums ~~low~~ for ~~City~~ businesses and residences within the City."	
57	5-4	1 2	L L	The above section under "Merced Fire Department" continues on the following page and should read as follows: "Fire stations are strategically located, fixed facilities that are developed to house personnel and equipment to provide the identified level of service to a specific geographic area or district. The ~~City's~~ Fire Department Facilities Master ~~Facilities~~ Plan is developed using the approach previously outlined and is used in the planning of stations ~~that will~~ to provide protection within a primary service area. The Department has a goal of maintaining a response time of four to six minutes for the first crew to arrive at a fire or medical emergency within an assigned district. This goal was chosen on the basis of proven factors affecting property damage and, more importantly, life. As the City continues to grow in population and area, the fire protection system will ~~have to change if it is~~ need to evolve to meet this response time standard. This would require the potential relocation of existing facilities and the development of new stations ~~two existing stations to be relocated and five new facilities~~ with personnel and equipment to be added to the system. ***Figure 5.1*** shows tentative fire station locations within the Area of Interest. ~~A fewer number of stations may needed to just serve the proposed SUDP/SOI."~~	FC
58	5-10	3	L	Last sentence should read: "The State of California has enacted legislation requiring communities to prepare flood damage control ordinances based on a 200-year event, ~~requiring~~ which may require the City to update this ordinance for certain areas of the City."	CS
59	5-12	--	--	Figure 5.4 incorrectly shows the "Franklin-Beachwood" area inside the City limits. The Figure will be modified to show the correct City limit boundary.	CS
60	5-13	3	L	The last sentence should read: "However, the City in recognizing ~~t~~ the importance of public education to the well-balanced community we desire…" (rest of sentence unchanged)	TYPO
61	5-14	1	R	The 2nd & 3rd sentences should read: "The first phase of the campus opened in Fall 2005 with 870 students. Development of the campus has advanced significantly with approximately ~~3,500~~ 4,300 attending the Fall 2010 session."	CS
62	5-17	3	L	The 2nd sentence should read: "The first phase of the hospital consists of an 8-story, 260,000-square-foot hospital with 185 beds, a power ~~plan~~ plant, a helipad, and approximately 950 parking spaces."	TYPO

#	Pg.	¶	Col.	Change	Source
63	5-24	--	--	Implementing Action P-1.3.f should read as follows: **"Consider changes to the Public Facilities Financing Plan and Public Facilities Impact Fee program, under applicable provisions of law, to reflect lower fees for "in-fill" development, transit-oriented development, and new development within the 2015 SUDP vs. areas being added to the SUDP/SOI in the *Merced Vision 2030 General Plan*."**	BIA/ CL
64	5-25	--	--	Implementing Action P-2.1.a should be amended to read as follows: "**Periodically review existing and potential station facilities, equipment and staffing levels ~~manpower~~ in light of protection service needs."**	FC
65	5-25	--	--	1st sentence of explanation under P-2.1.b should read: "Subject to the resource constraints of the City, fire stations should be located so that no development within the City is located outside of the primary response ~~areas~~ time objectives (4 to 6 minutes, at least 90 percent of the time) ~~of~~ for at least one fire station ~~within the resource constraints of the City~~."	CS/ FC
66	5-26	--	--	Implementing Action P-2.1.f and the explanation under it should be amended to read as follows: "**Provide fire facilities and related resources to support the Fire Department Facilities Master Plan and any subsequent updates ~~"central station concept"~~.** In order to maintain ~~above average~~ fire insurance ratings and to plan for additional stations, fire facilities should be provided and sited to support the ~~"central station concept" described in Section 5.2.1 of this chapter~~ current Fire Department Facilities Master Plan and any subsequent updates."	FC
67	5-26	--	--	The explanation under Implementing Action P-2.1.g should read as follows: "The City should continue participation in and support community level crime prevention programs such as the Neighborhood Watch, ~~and~~ VIP (Volunteer In Police), and Community Emergency Response Team (CERT) programs."	FC
68	5-32	--	--	Implementing Action P-5.1.d should read as follows: **"Installation or design of facilities necessary to provide services to development projects will be based on the full build-out scenario."**	BIA

#	Pg.	¶	Col.	Change	Source
69	5-36	--	--	The 2nd paragraph, 2nd sentence of the explanation under Implementing Action P-7.1.a should read as follows: "However, the City in recognizing the importance of public education to the well balanced community we desire, will look to those seeking entitlements from the City to be good trustees of the future and to go beyond the statutory minimums to address the impacts of their development on schools by entering into voluntary agreements with the relevant public school districts to the extent permitted by law."	BIA
70	5-44	--	--	The 1st sentence of the explanation under Implementing Action P-9.1.a should read: "The City would develop plans and standards for the installation of telecommunications infrastructure."	BIA
71	5-47	2	R	2nd sentence should read: "This fee program is administered by the Merced County Association of Governments and ~~all the~~ most cities in Merced County and the County participate."	CS

Chapter 6--Urban Design

#	Pg.	¶	Col.	Change	Source
72	6-11	--	--	The 1st sentence of the 2nd paragraph of the explanation under Implementing Action UD-1.1.f should read: "Similarly, light industrial uses should not generally be permitted in Villages except that those business park/research & development type uses may be appropriate in those Villages in the ~~northwestern~~ northeastern portion of the City near UC Merced."	TYPO

Chapter 7--Open Space, Conservation, & Recreation

#	Pg.	¶	Col.	Change	Source
73	7-13	4	L	1st sentence should read: "Two ~~Three~~ other sites of ~~significant~~ groundwater contamination are located on the former Castle Air Force Base property northwest of the City and the GE Kendall plant in the southeast portion of the City's planning area. ~~, and at the site of the former wood treatment facility in the Franklin Beachwood area west of the City.~~"	CS
74	7-31	--	--	In the explanation under Implementing Action OS-3.2.h, after the 2nd sentence, the following should be added: "Where feasible, bike paths should be designed so that at least one side is open to a public street. Situations where bike paths are located along the back sides of homes with limited visibility should be avoided as much as possible."	CL

Chapter 8--Sustainable Development

#	Pg.	¶	Col.	Change	Source
75	8-27	--	--	Periods need to be added to the end of the last sentences of the explanations under both Implementing Actions SD-1.3.e and SD-1.4.a.	TYPO
76	8-32	--	--	Section C-1 of Implementing Action SD-1.7.d should read: "1. The City shall ~~utilize~~ consider guidance from the Institute for Local Government…" (rest of sentence remains unchanged).	CS
77	8-31	--	--	Implementing Action SD-1.7.d should read as follows: **"In addition to the measures described in ~~SD-1.7.d~~ SD-1.7.c, … (rest of sentence remains the same)"**	TYPO
78	8-40	--	--	Implementing Action SD-3.2.d should read as follows: **"Encourage builders to develop "green" and/or LEED-Certified (or other similar programs) buildings."**	BIA
79	8-41	--	--	After the last sentence of the explanation under Implementing Action SD-4.2.b, the following should be added: "On December 6, 2010, the City Council adopted Resolution #2010-101 supporting the City of Merced becoming a Healthy Eating Active Living (HEAL) City."	CS

Chapter 9—Housing [Adopted Separately—May 16, 2011]

#	Pg.	¶	Col.	Change	Source
80	All			The Housing Element, adopted separately on May 16, 2011, will be incorporated into the final adopted General Plan document.	CS

Chapter 10--Noise

#	Pg.	¶	Col.	Change	Source
81	10-24	2	L	After the 1st sentence of the paragraph, the following should be added: "(Pepsi Beverage Co. subsequently closed the plant on December 8, 2010.)"	CS

#	Pg.	¶	Col	Change	Source
82	11-1	2	R	Section "11.1.2—City of Merced Emergency Response/Disaster Plan" should read as follows: "In ~~2003~~ 2011, the City of Merced updated its Emergency ~~Response/Disaster~~ Operations Plan ~~and a countywide plan was also adopted~~. ~~Both~~ The plan~~s~~ is ~~are~~ updated ~~as needed~~ on a regular basis to ~~respond to~~ meet the evolving emergency response needs and to address new hazards. The Plan addresses mitigation, planning, response, and recovery activities for various emergency situations. The Plan consists of: ~~1) general information; 2) initial response operations; 3) extended operations; and 4) recovery.~~ a) Purpose, scope, situations, and assumptions; b) concept of operations; c) organization and assignment of responsibility; d) direction, control, and coordination; e) information collection and dissemination; f) communications; g) administration, logistics, and finance; h) preparedness, training and exercises; i) plan development and maintenance; j) authorities; and k) supporting documents and annexes. The purpose of the plan is to provide emergency planning, organization, ~~and~~ response, mitigation, and recovery guidance. The Plan ~~deals~~ is compliant with the emergency management requirements of ~~through~~ the Standardized Emergency Management System (SEMS), the Incident Command System (ICS), and the National Incident Management System (NIMS). Further, the Plan supports law enforcement, ~~traffic~~ access control, fire, medical, rescue, ~~and radiological~~ hazardous materials, care and shelter, ~~and~~ support, and resources. The plan is designed to prepare the community for responding to an emergency situation in a highly organized and efficient manner ~~way so chaotic situations are avoided~~."	FC
83	11-16	5 1	L R	The 2nd and 3rd paragraphs under "Risk Factors and Mitigations" should read as follows: "Urban fire risks include personal safety practices, construction materials and methods, built-in fire protection systems, site planning, and overall land use. In order to mitigate the risk and impact of fire within Merced, the City ~~has adopted the concepts of Community Fire Protection Master Planning (C.F.P.M.P.)~~ uses a master planning process that identifies potential risks and/or hazards and then proposes methods to address those risks ~~As a system with many components, C.F.P.M.P. received a commitment from the City Council~~ This master planning process has been used since 1982 to provide fire protection planning with a goal of a "fire safe community." ~~As a system, C.F.P.M.P. states that~~ Fire protection planning requires involvement of all City agencies, individuals, and organizations that have input and support community health, safety, development, and stability."	FC

#	Pg.	¶	Col	Change	Source
84	11-16	3	R	The paragraph under "Personal Safety Practices" should read: "~~Merced's current~~ The number one cause of residential fires is cooking. Kitchen safety revolves mainly around an individual's safety practices. For this reason, the Fire Department has developed and is conducting several public education programs. These programs stress emphasis on children and senior citizens who have been identified by the National Fire Protection Agency as high-risk groups for fire death and injuries. Within the scope of the *Merced Vision 2030 General Plan*, the Fire Department will be committing resources toward educating the adult population about the risks of fire."	FC
85	11-16 11-17	4 1	R L	The paragraph under "Construction Materials, Methods, and Site Planning" should read: "The California Building Code and the California Fire Codes work together to regulate building construction and related items such as the care of vacant lots and the storage of flammable liquids. On average, each ~~Each~~ year, the Fire Department ~~and engine companies~~ conducts in excess of 4,000 inspections and eliminated approximately 8,000 Fire Code violations which could attribute to the cause and severity of a fire. The inspection program primarily targets the high and medium hazard occupancies identified in the ~~"Land Use"~~ "Hazards and Risks" section on the following pages. To provide effective fire prevention activities for low hazard ~~land uses~~ occupancies, the Fire Department conducts ~~year-round~~ seasonal hazard removal programs (primarily weed abatement)."	FC
86	11-17	3 4	L L	The 2nd and 3rd paragraphs under "Vacant Lots" should read: "The City of Merced ~~currently has a~~ employs a weed ~~control~~ abatement program, which requires ~~weed abatement during the year~~ property owners to eliminate flammable vegetation and rubbish from their properties. Each property within the City is ~~served annually~~ surveyed each spring ~~with~~ and notices are sent ~~for removal of weeds, etc.~~ to the owners of property that has been identified to pose a fire risk. Since inception of this program in 1992, grass or brush related fires within the City have ~~fallen dramatically~~ been greatly reduced. The City ~~Fire, Police, and Public Works Departments~~ also picks up abandoned vehicles, and a "Spring Clean-up" conducted annually allows people to have bulky refuse picked up at transfer stations without charge. Naturally, the use of built-in protection such as fire resistant materials and automatic sprinklers in all new structures ~~above that~~ as required by the Building and Fire Codes significantly reduces the risk of urban fires and may reduce the City's reliance upon fire suppression crews."	FC

#	Pg.	¶	Col	Change	Source
87	11-17 11-19	2 3 4 1 2	R R R L L	The "Land Use" section should be re-titled "Hazards and Risks" and should read as follows: "Merced has a variety of ~~land use~~ occupancy types. Some ~~Many~~ of these require tailored fire protection considerations. These ~~land uses~~ occupancies are included as follows: • Special Risk ~~High Hazard~~ Occupancies (schools, hospitals, nursing homes, and other high life hazard or large fire potential occupancies) • High Risk ~~Medium Hazard~~ Occupancies (apartments, offices, mercantile and industrial occupancies) • Medium Risk ~~Low Risk~~ Occupancies (one-, two-, or three-family dwellings and scattered small businesses) • Low Risk Occupancies ~~Rural Operations~~ (vehicles, vacant land, storage shed, and outbuildings ~~scattered dwellings, outbuildings, vacant lots~~) ~~Each of these land use types requires somewhat different fire suppression resources (e.g., emergency medical services, hazardous materials response, and heavy rescue).~~ ~~Merced's current policy~~ The Fire Department's response objective is to ~~provide~~ arrive at the scene of an emergency ~~response~~ within 4 to 6 minutes 90-percent of the time within the resource constraints of the City. ~~and~~ The Merced Fire Department also strives to provide adequate resources to ~~combat fires in these occupancies~~ mitigate emergency incidents within ~~the financial constraints of~~ the City. ~~The target of this response is to place a fire unit on scene at 90 percent of the incidents in five minutes.~~ Therefore, it is important that ~~those~~ industries using hazardous materials, large facilities, or ~~requiring special fire hazard considerations going into~~ special or high risk occupancies being developed in new areas of the City ~~not currently occupied by these types of businesses~~ be accompanied by additional fire department facilities, equipment, and/or personnel. The current ~~response practice provides for a~~ structure fire first-alarm assignment consists of ~~two pumpers~~ three engines, one ~~ladder~~ truck, ~~one mini pumper,~~ and ~~a~~ one chief officer ~~for all structure fires~~. The increased awareness and use of hazardous materials, and the need for heavy, confined space, and water rescue services,~~;~~ however, have led the Fire Department to develop programs to provide expanded services."	FC

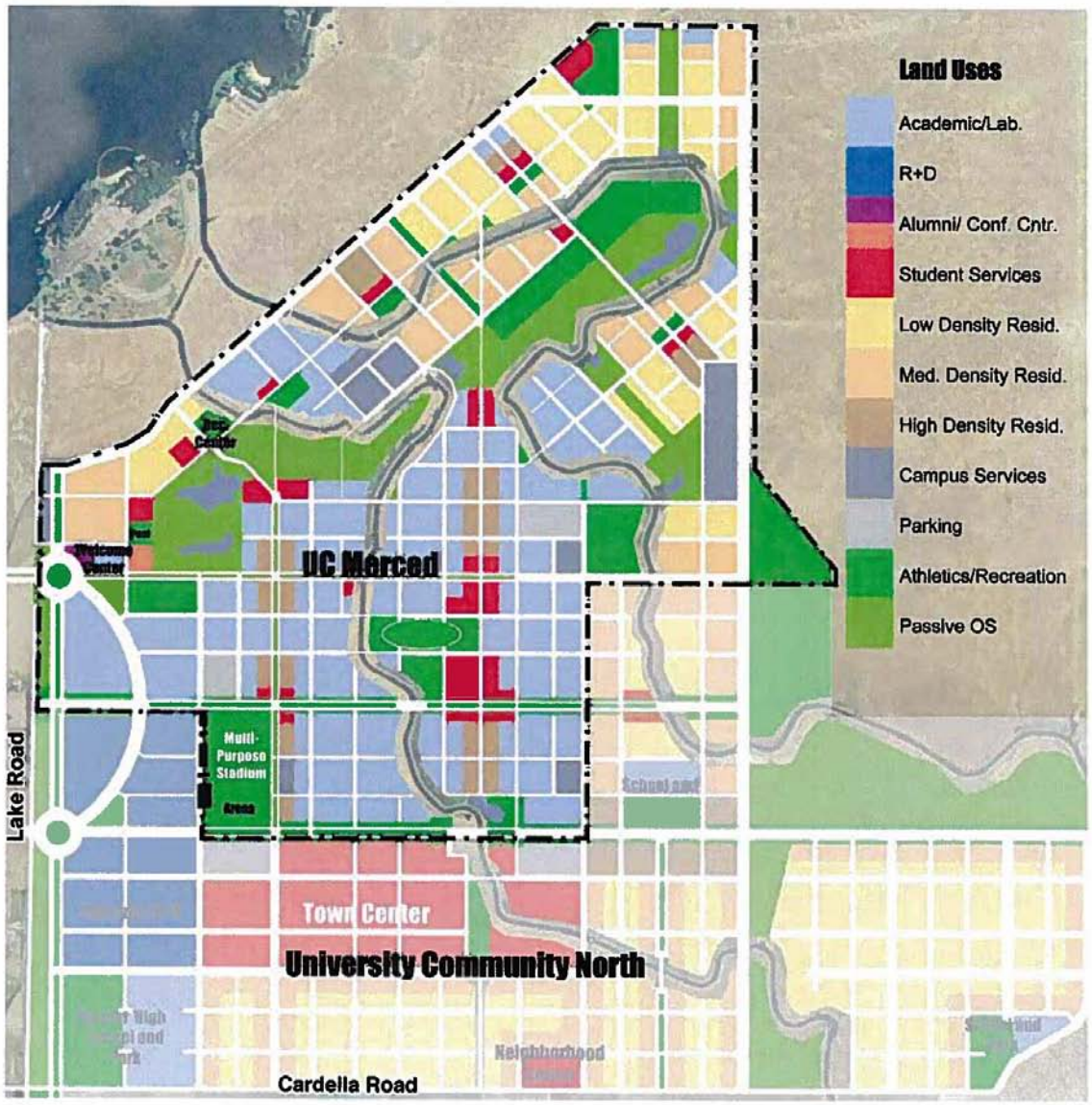
#	Pg.	¶	Col	Change	Source
88	11-19	3 4	L L	The "Wildland Fires" section should be re-titled "Wildland and Vegetation Fires" and should read as follows: "Wildland and vegetation fire hazards exist in ~~varying degrees over approximately 90 percent of~~ Merced County, mostly outside urban areas. The Valley's long, hot, dry summers and extensive vegetation ~~makes for~~ creates a fire season that extends from late spring to early fall. ~~Approximately fifty to~~ More than one hundred wildland fires can occur in Merced County ~~in any one year~~ on an annual basis. Irrigated agricultural land, however, is less susceptible to wildland fires than grazing areas. As the City has ~~increasingly~~ annexed large blocks of undeveloped land, the potential for wildland and vegetation fires ~~(mainly grassland fires)~~ within the City has increased. The City Fire Department ~~is typically called~~ responds to ~~6 to 10 significant grassland~~ 50-75 vegetation fires per year ~~which occur in County fringe areas adjacent to the City limits~~. The Fire Department is also frequently called to provide mutual aid to the Merced County Fire Department for ~~grassland~~ vegetation fires in the wider Merced area ~~due to increasingly strained fire fighting resources within the County over the last decade~~."	FC
89	11-19 11-21	2 3 1	R R L	The 1st and 2nd paragraphs under "Hazard Response—Urban and Wildland Fires: Access" should read as follows: "Access, as it relates to urban fires, is promoted or restricted based on three factors: (1) the geographical proximity of ~~the proper equipment~~ fire resources, (2) the location of physical boundaries in relationship to the station and fire, and (3) the road system. ~~The proximity of the proper equipment is discussed in the land use portion of the "Risks Factors and Mitigations" section of this chapter.~~ The location of the physical boundaries in relationship to the station and fire is addressed in a station service area plan (see ***Figure 11.6***) ~~that is found in the "Fire Department Service Level Report." The plan~~ Fire station location planning allows for the distribution of stations and resources to provide protection for areas geographically separated by physical boundaries, such as creeks and railways, and also protects against the elimination of all of the fire response resources by an earthquake, flood, or other disaster. A well-defined system of local streets and roads is also important to provide emergency access for firefighting equipment and evacuation routes for the public. The circulation system is a critical part of the Fire Department's ability to maintain a desired response time of four to six minutes ~~minute response time~~ to any area of the City, 90-percent of the time. To provide adequate access and room for firefighting operations, the National Fire Protection Association standards recommend minimum roadway widths of 28 feet with parking on one side only and 36 feet if parking is allowed on both sides. Provision of bridges over creeks and grade separated railroad crossings are also critical elements in meeting response times." (Note: the 3rd paragraph under this section remains the same.)	FC

#	Pg.	¶	Col	Change	Source
90	11-21	3	L	The 2nd sentence of the 1st paragraph under "Water Supply" should read: "This is especially important in large commercial and industrial ~~buildings~~ occupancies."	FC
91	11-21	4	L	The 2nd sentence of the 2nd paragraph under "Water Supply" should read: "In addition to providing water supplies for fire suppression ~~forces~~ operations, the effectiveness of automatic fire sprinkler systems is dependent upon the water service."	FC
92	11-21	2 3 4 5	R R R R	The "City of Merced Fire Department" section should read as follows: "As of ~~2009~~ 2011, the City of Merced Fire Department's ~~fire control equipment~~ resources consisted of five first-line engine companies ~~(carry and pump water)~~ ~~at five stations throughout the City~~, one ladder company (85 feet), two reserve engines, one reserve truck, technical rescue and mass decontamination trailers, and ~~several miscellaneous~~ command and support vehicles, that respond out of five fire stations within the City. The Fire Department personnel, as of ~~2009~~ 2011, totals ~~81~~ 64.5 personnel ~~employees~~, all of whom are paid professionals, ~~which~~ who provide City coverage 24 hours a day, seven days a week. The City of Merced Fire Department has a mutual aid agreement with the Atwater and Merced County Fire Departments. Moreover, the Fire Department is a member of the California Master Mutual Aid Plan. These ~~This~~ agreements enable the different jurisdictions to request aid from ~~another~~ each other when necessary. ~~At present,~~ The Merced Fire Department holds a Class II ISO rating. ~~This ration schedule~~ The Fire Protection Rating Schedule is used by the Insurance Service ~~Office~~ Organization (ISO) to measure a fire department's capabilities, which are used to establish insurance rates for commercial and residential properties. "	FC
93	11-22	3	R	The 3rd paragraph under "Evacuation Routes" should read: "The ~~*Merced City Emergency Plan*~~ *City of Merced Emergency Operations Plan* addresses various emergency situations ~~designates the Police Chief as~~ and identifies a Care and Shelter Branch Director ~~Evacuation Coordinator (in case of a wider emergency, the County Sheriff is designated)~~ who is responsible for supporting and coordinating the evacuation efforts in the field. At the time of an emergency, ~~the Evacuation Coordinator~~ the Care and Shelter Branch Director will evaluate the situation, access various routes ~~(many of which will have been planned out in advance)~~, determine the best routes, alert the public via radio and/or TV of evacuation routes and procedures, and coordinate the evacuation with state and local officials, such as the Highway Patrol, Caltrans, etc. Evacuation routes for most emergencies can be seen in ***Figure 11.8***."	FC

#	Pg.	¶	Col	Change	Source
94	11-22	2 3	R R	The "Hazard Response—Wildland and Vegetation Fires" should read as follows: "The City's response to fighting wildland and vegetation fires is much the same as the response to urban fires. Typically, the Fire Department will dispatch two ~~trucks~~ engines and one chief officer to ~~such~~ vegetation fires and evaluate whether there is a need for additional ~~apparatus~~ resources.~~,~~ ~~especially if there is a threat to nearby structures.~~ The Fire Department ~~is also in the process of redesigning their fire apparatus (adding larger water tanks, adding four-wheel drive, etc.)~~ needs to consider obtaining fire apparatus that are designed for off-road operations in order to better combat ~~grassland~~ vegetation fires, where water supply can be limited and off-road response may be necessary. Most wildland fires outside the City limits are responded to by Merced County or the California Department of Forestry and Fire Protection (~~CDF~~ CalFIRE) ~~although the City Fire Department is often called upon to provide mutual aid when needed~~. In order to prevent wildland fires before they start, the City's weed abatement program requires that flammable vegetation ~~on vacant lots~~ be plowed under or mowed down ~~if it is not irrigated agricultural land~~. The Police, Fire, and Inspection Services Departments combine to make sure that abandoned vehicles or building (potential fire hazards) are removed."	FC
95	11-26	1	R	The paragraph under "Hazard Response—Airport Ground Safety" should read: "Merced County's Airport Land Use Compatibility Plan calls for approach protection through land use restrictions in Zone A areas, a maximum occupancy level for commercial/ industrial uses, and density restrictions on residential uses in Zone C ~~Zones B1 and B2~~, and the retention of existing agricultural uses and the discouragement of residential land uses in Zones B1 and B2 ~~the entire referral area (Zones A, B1, B2, and C)~~."	CL
96	11-30	--	--	Under Policy S-1.1, add new Implementing Action 1.1.g as follows: **"1.1.g—Complete preparation and implementation (and updates as needed) of a Local Hazard Mitigation Plan for the City per the requirements of the Federal Emergency Management Agency (FEMA)."**	CS
97	11-33	--	--	The 1st sentence of the explanation after Implementing Action S-3.1.d should read: "In 2008, the State of California adopted new legislation that requires jurisdictions to prepare certain floodplain regulations based on the 200-year flood event, instead of the previously used 100-year flood event."	CS

#	Pg.	¶	Col	Change	Source
98	11-34	--	--	Implementing Action S-4.1.a should read as follows: "**Provide additional fire station locations as expansion of the City occurs in order to maintain a response <u>time</u> objective of 4 to 6 minutes citywide <u>90 percent of the time</u>, within the financial constraints of the City."**	FC
99	11-35	--	--	Implementing Action S-4.2.d should read as follows: **"Continue close collaboration between Inspection Services, Fire Prevention, and Fire Suppression support personnel to ensure public safety and improve construction safety through the building permit and life safety inspections process."** Replaces the following: **"~~Expand the inspection program to include the following recommendations by the Insurance Services Office:~~** **~~a. Perform fire prevention inspections of all buildings other than dwellings once a year, except hazardous occupancies which should be inspected twice a year.~~** **~~b. Establish a program of adequate reinspection of electrical wiring and equipment.~~** **~~c. Perform fire inspections on residential rental properties on a change in tenants."~~**	FC
100	11-36	--	--	Under Policy S-5.1, the following new Implementing Action S-5.1.d and its associated explanation should be added: **<u>"5.1.d Work with the County of Merced on land use and master planning issues in the vicinity of Castle Airport and its Land Use Compatibility Zones."</u>** <u>"The City of Merced recognizes that Castle Airport is a County asset with the potential to generate job growth within the County of Merced. Merced County is currently in the process of developing a new Castle Airport Master Plan, which would outline Castle's proposed development over the next 20 years. Merced County has expressed an interest in expanding Castle's current role as mostly a general aviation airport (the County's website in 2011 indicates that general aviation uses are 99% of current operations) to include air cargo, military exercises, and commercial air service. If such a Master Plan was approved, the Land Use Compatibility Zones for Castle Airport would need to be modified to reflect those changes. If modified, Castle Airport's Land Use Compatibility Zones could affect development within the existing City and the proposed SUDP/SOI. (Long time residents will remember the significant noise impacts of Castle's military operations until Castle Air Force Base closed in 1995.) Therefore, the City wants to continue to work with the County on ensuring that any adopted Castle Airport Master Plan contains realistic aircraft operation projections that do not hinder both existing and future development within the City."</u>	CS/CO

EXHIBIT 1



NOT TO SCALE

SOURCE: UC Merced – May 2008

FIGURE 2.0-4

2009 LRDP Campus Land Use Map

974-001-10/08

EXHIBIT 2

(Note: This entire table is new and will be inserted after Table 2.1.a on page 2-7.)

Table 2.1.b
City of Merced Population Projections (2010-2035)

Year	*City of Merced*	*UC Merced/ University Community*	*Merced + UC Merced/Univ. Community*	*County of Merced*	*Percentage of County (Merced & UC)*
2010	81,500	1,900	**83,400**	260,000	32.1%
2015	91,500	4,700	**96,200**	287,000	33.5%
2020	107,600	9,400	**117,000**	331,000	35.3%
2025	121,800	15,600	**137,400**	372,000	36.9%
2030	137,400	22,500	**159,900**	417,500	38.3%
2035	152,100	31,300	**183,400**	465,500	39.4%

Source: Merced County Association of Governments, July 2010

EXHIBIT 3

Table 3.1
Merced Planned Land Use Summary

(2015 General Plan SUDP vs. 2030 General Plan SUDP/SOI)

	2015 GP SUDP		*2030 GP SUDP/SOI*		
Land Use Classification	*Acres*	*Percent of Total*	*Acres*	*Percent of Total*	*Percent Change*
RR (Rural Residential)	~~296~~ 280	~~1.44~~ 1.35	~~2,301~~ 2,285	~~6.88~~ 6.80	~~677~~ 816
AG (Agriculture)	~~114~~ 149	~~0.55~~ 0.72	~~114~~ 149	~~0.34~~ 0.45	0
Total Agricultural Residential	*~~410~~ 429*	*~~1.99~~ 2.07*	*~~2,415~~ 2,434*	*~~7.22~~ 7.25*	*~~489~~ 566*
LD (Low-Density Residential)	~~8,497~~ 7,792	~~41.25~~ 37.62	~~8,771~~ 8,066	~~26.21~~ 24.02	~~3~~ 3.5
LMD (Low-Medium Density)	~~1130~~ 1,209	~~5.49~~ 5.84	~~1,177~~ 1,256	~~3.52~~ 3.74	~~4~~ 3.8
Total Single-Family Residential	*~~9,627~~ 9,001*	*~~46.74~~ 43.46*	*~~9,948~~ 9,322*	*~~29.73~~ 27.76*	*~~3~~ 3.5*
HMD (High-Medium Density)	~~807~~ 775	~~3.92~~ 3.74	~~833~~ 800	~~2.49~~ 2.38	~~3~~ 3.2
HD (High Density Residential)	92	~~0.45~~ 0.44	116	~~0.35~~ 0.34	~~26~~ 25.5
RMH (Residential Mobile Home)	80	~~0.39~~ 0.38	~~80~~ 79	0.24	0
Total Multi-Family	*~~979~~ 947*	*~~4.75~~ 4.56*	*~~1,029~~ 995*	*~~3.08~~ 2.96*	*~~5~~ 5.1*
P/G (Public/Government)	~~538~~ 535	~~2.61~~ 2.59	~~578~~ 576	~~1.73~~ 1.71	~~7~~ 7.5
CO (Commercial Office)	~~474~~ 713	~~2.30~~ 3.44	~~474~~ 713	~~1.42~~ 2.12	0
Total Office	*~~1,012~~ 1,248*	*~~4.91~~ 6.03*	*~~1,052~~ 1,289*	*~~3.14~~ 3.83*	*~~4~~ 3.1*
IND (Industrial)	~~2,877~~ 2,542	~~13.97~~ 12.27	~~2,877~~ 2,542	~~8.60~~ 7.57	0
IND-R (Industrial Reserve)	150	0.73	1,223	~~3.65~~ 3.64	~~715~~ 813
Total Industrial	*~~3,027~~ 2,692*	*~~14.70~~ 13.00*	*~~4,100~~ 3,765*	*~~12.25~~ 11.21*	*~~35~~ 39.8*
BP (Business Park)	~~582~~ 631	~~2.83~~ 3.05	~~659~~ 709	~~1.97~~ 2.11	~~13~~ 12.2
BP-R (Business Park Reserve)	~~88~~ 328	~~0.43~~ 1.59	~~88~~ 328	~~0.26~~ 0.98	0
Total Business Park	*~~670~~ 959*	*~~3.25~~ 4.64*	*~~747~~ 1,037*	*~~2.23~~ 3.09*	*~~11~~ 8.0*
CG (General Commercial)	~~494~~ 566	~~2.40~~ 2.73	~~494~~ 566	~~1.48~~ 1.69	~~0~~
CN (Neighborhood Commercial)	~~252~~ 268	~~1.22~~ 1.30	~~275~~ 291	~~0.82~~ 0.87	~~9~~ 8.5
CT (Thoroughfare Commercial)	~~505~~ 219	~~2.45~~ 1.05	~~679~~ 392	~~2.03~~ 1.17	~~34~~ 79
RC (Regional/Community)	~~518~~ 706	~~2.51~~ 3.41	~~518~~ 707	~~1.55~~ 2.10	0
Total Commercial	*~~1,769~~ 1,759*	*~~8.59~~ 8.49*	*~~1,966~~ 1,956*	*~~5.88~~ 5.83*	*~~11~~*
OS-PK (Open Space/Park)	~~954~~ 870	~~4.63~~ 4.20	~~1,107~~ 1,022	~~3.31~~ 3.04	16
Total Open Space	*~~954~~ 870*	*~~4.63~~ 4.20*	*~~1,107~~ 1,022*	*~~3.31~~ 3.04*	*16*
Total School	*~~746~~ 731*	*~~3.62~~ 3.53*	*~~1,740~~ 1,725*	*~~5.20~~ 5.14*	*~~133~~ 236*
*Total Other Lands**	*~~1,404~~ 2,075*	*~~6.82~~ 10.02*	*~~1,244~~ 2,074*	*~~3.72~~ 6.18*	*~~-11~~ 0*
Community Plan Areas	*0*	*0.00*	*~~8,115~~ 7,957*	*~~24.25~~ 23.71*	*N/A*
TOTAL SUDP/SOI AREA	**~~20,598~~ 20,711**	**100.00**	**~~33,463~~ 33,576**	**100.00**	**62**

Note: Open Space Inventory for the 2030 SUDP/SOI includes arterial street rights-of-way
*"Other Lands" includes "Village Residential," "Residential Reserve," "Commercial Reserve," "Future School," "Future Park"
Source: Figure 3.1-Land Use Diagram as calculated by Quad Knopf, Inc., 2011

Merced County
Farm Bureau

RECEIVED
JAN 10 2011
CITY OF MERCED
PLANNING DEPT.

January 10, 2011

City of Merced
678 W 18th Street
Merced, Ca 95340

Re: MCFB's comments on the General Plan Update

Mayor Spriggs:

Merced County Farm Bureau (MCFB) is a nonprofit organization made up of farmers and ranchers throughout the county. We exist for the purpose of improving the ability of individuals engaged in production agriculture to utilize California resources to produce food and fiber in the most profitable, efficient and responsible manner possible. As the city continues to work through the General Plan Update, MCFB would like to submit our official comments for the record.

MCFB's Land Use Committee has reviewed the Draft Environmental Impact Report (EIR), met with city staff as well as submitted official comments to make sure agriculture's voice is heard in the public process. One concern not previously addressed is that MCFB would like the City Council and staff to seriously consider the mitigation measures for loss of agriculture land.

The ag section of the Draft EIR fails to mention any possibilities for ag mitigation when land is converted from ag zoned land to residential zoned land. Stanislaus County although covering a larger jurisdiction proves to have a legally sound purpose and intent which we believe City Council and staff should seriously look at including in our ag section of the Draft EIR which states:

> *The purpose of the Farmland Mitigation Program (FMP) is to aid in mitigating the loss of farmland resulting from residential development in the unincorporated areas of Stanislaus County by requiring the permanent protection of farmland based on a 1:1 ratio to the amount of farmland converted. The FMP is designed to utilize agricultural conservation easements granted in perpetuity as a means of minimizing the loss of farmland. (Stanislaus County Farmland Mitigation Program Guidelines)*

As an organization we are not here to hinder the possibility of businesses and job growth within the city limits or countywide, and we applaud staff for their willingness to follow the California Partnership's higher density numbers and placing focus on smart growth. Likewise, we urge the

ATTACHMENT E1

(209) 723-3001 - FAX (209) 722-3814 - 646 South Highway 59 - P.O. Box 1232 - Merced, CA 95341
E-mail: mcfb@pacbell.net

Council and staff to sincerely look at the ag mitigation option for the city's update to the General Plan as there are no current conservation tools in the books.

Thank you for your time and we look forward to further conversations on this matter.

Sincerely,

Amanda Carvajal
Executive Director

Agenda Item: 5D
Meeting Date: 12-06-10

December 6, 2010

Mayor Spriggs
Members of the City Council
Members of the Planning Commission

I am unable to attend the Joint Session of the Council and Planning Commission tonight due to a prior commitment.

First, I would respectfully request consideration of postponing the adoption of the Proposed General Plan.

We have yet to meet population numbers planned for in the Vision 2015, as one example of my concerns.

Second, since the closing of Castle Airforce Base in 1995, Merced has floundered in achieving a vision for its future, that vision should drive future General Planning. We can, should, and must look at how the Valley has become "Commuterville" due to the buildout and over priced homes in the Bay and Los Angeles, forcing people into the Valley, raising home prices along the way. While demand was there initially, this last building orgy was driven mostly by speculation.

I would hate to see this City I grew up in and served for all these years believe residential construction is a cash cow for the general fund.

Instead, we should look at each home in our future, with its massive roof as an energy farm. While ag is the biggest industry now, alternatives to energy production and consumption should be reflected in our future planning, both residential and commercial.

The era of following the past into the future is dead. We must realize that dependence on fossil fuel sources is ending and the the quest for newer, cleaner and better forms of energy is an on-going search around the world and Merced could be the center.

All energy, after all, is from the Sun. In using fossil fuels, we are using trapped sunlight stored underground as part of the evolution of the Planet. It is almost gone…the Sun will be around for so much longer!

Postpone the adoption of a new General Plan for at least two years. Plan for using our acres of rooftops as "solar farms" for current and future building. Involve the Public as much as possible in forging a new vision of what Merced has, what it has been and what it can be as it relates to the General Plan….as George Harrison wrote in one of his songs: "If you don't know where you are going, any road will take you there."

Using our land are the most important decisions you make as elected and appointed officials. Treat our future accordingly.

Jim Sanders

ATTACHMENT E2

DERREL'S mini STORAGE, INC.

CORPORATE OFFICE: 3265 W. ASHLAN AVE., FRESNO, CA 93722 (559) 224-9900 FAX: (559) 224-1884

RECEIVED
FEB 15 2011
CITY OF MERCED
PLANNING DEPT.

February 14, 2011

David Gonzalves, Director of Development Services
City of Merced
678 West 18th Street
Merced, California 95340

Subject: Retain APN 057-200-076 Land Use Designation as Regional Commercial

Dear Mr. Gonzalves,

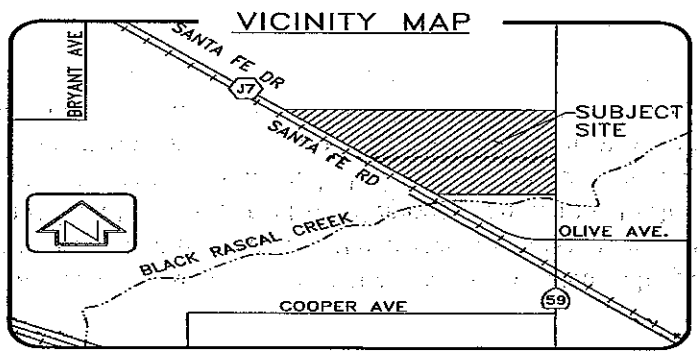
I represent Ridenour Enterprises, Inc., doing business as Derrel's Mini Storage, Inc. We own the Derrel's Mini Storage facility located at 2425 North Sante Fe Drive within the City's "Growth Boundary." Our storage facility occupies about one-third of APN 057-200-076. The balance of our land is approximately forty-acres and is undeveloped.

The City's current General Plan Land Use exhibit shows our parcel designated as Regional Commercial, and we wish to keep it that way. I understand that the City is in the process of working on a 2030 General Plan and is proposing to change the designation of our property from Regional Commercial to Business Park. We are opposed to changing the designation from Regional Commercial. If the City allows the site to remain Regional Commercial, we will file an application for annexation into the City of Merced with the intent of developing the site as a regional shopping center. During a meeting with Bill Nicholson and Dave Gilbert of Merced County Development Services, both told me that the County doesn't have the ability to serve our site with sewer and water, and both were supportive of our goal to annex to the City of Merced.

Your consideration is appreciated. Please feel free to call my cell at (559) 269-0844.

Sincerely,

Paul Ridenour
Sr. Vice President, Development and Construction



ATTACHMENT E3

December 6, 2010

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CITY OF MERCED
PLANNING DEPT.

City of Merced
678 West 18th Street
Merced, California 95340

We are writing this letter to request that our property on Yosemite Ave.(APN:238-010-001-000), be considered into the Merced City General Plan .

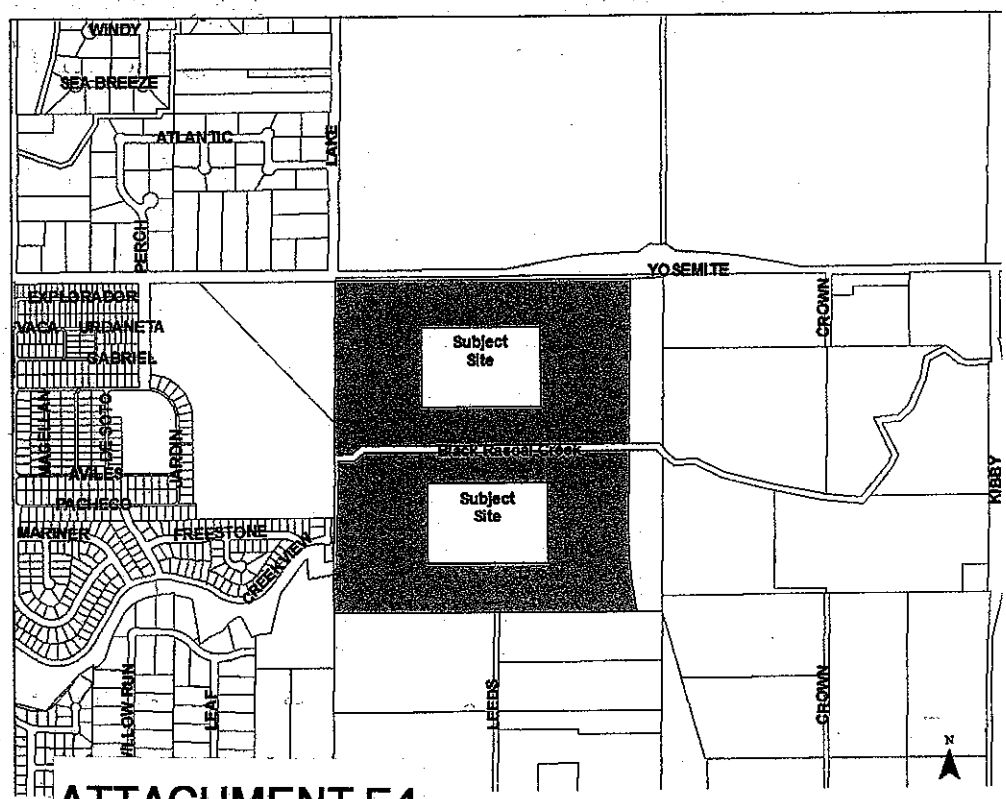
It is extremely important that the city of Merced include our property because the cities boundary needs to be large enough to accommodate approximately 20 years of growth. Our property is directly south east of Lake Road at Yosemite Avenue. This is a major intersection considering its relation to UC Merced and the City of Merced. Our property also borders the south end of the proposed Campus Community.

The increase in traffic near the property has already made farming difficult. Additionally, with the proposed Campus Parkway, farming this particular piece of property will be less efficient.

We appreciate your careful consideration of our property into the city of Merced, General Plan Update.

Sincerely,

David and Carolyn Rogina



ATTACHMENT E4

RECEIVED
DEC - 7 2010
CITY OF MERCED
PLANNING DEPT.

December 6, 2010

City of Merced
678 West 18th Street
Merced, California 95340

We are writing this letter to request that our property on Yosemite Ave.(APN:238-010-001-000), be considered into the Merced City General Plan .

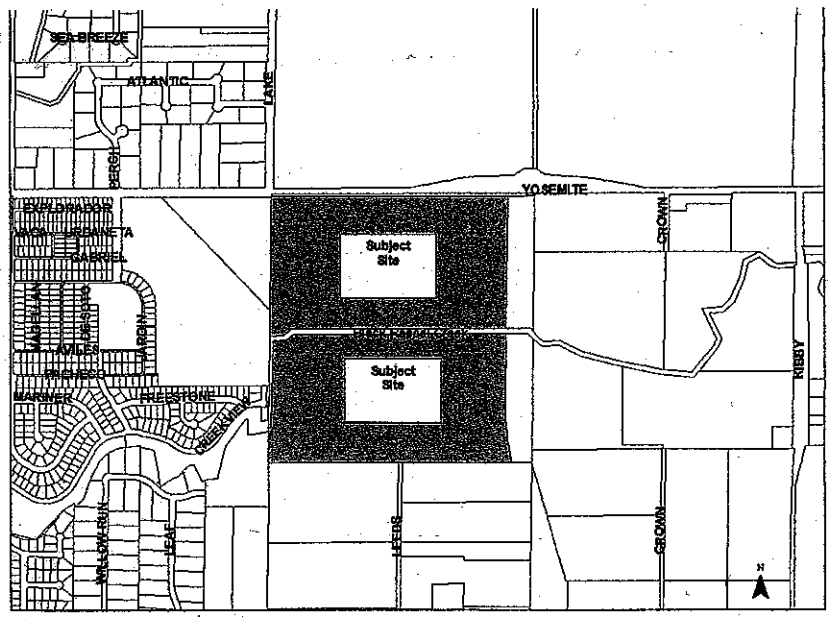
It is extremely important that the city of Merced include our property because the cities boundary needs to be large enough to accommodate approximately 20 years of growth. Our property is directly south east of Lake Road at Yosemite Avenue. This is a major intersection considering its relation to UC Merced and the City of Merced. Our property also borders the south end of the proposed Campus Community.

The increase in traffic near the property has already made farming difficult. Additionally, with the proposed Campus Parkway, farming this particular piece of property will be less efficient.

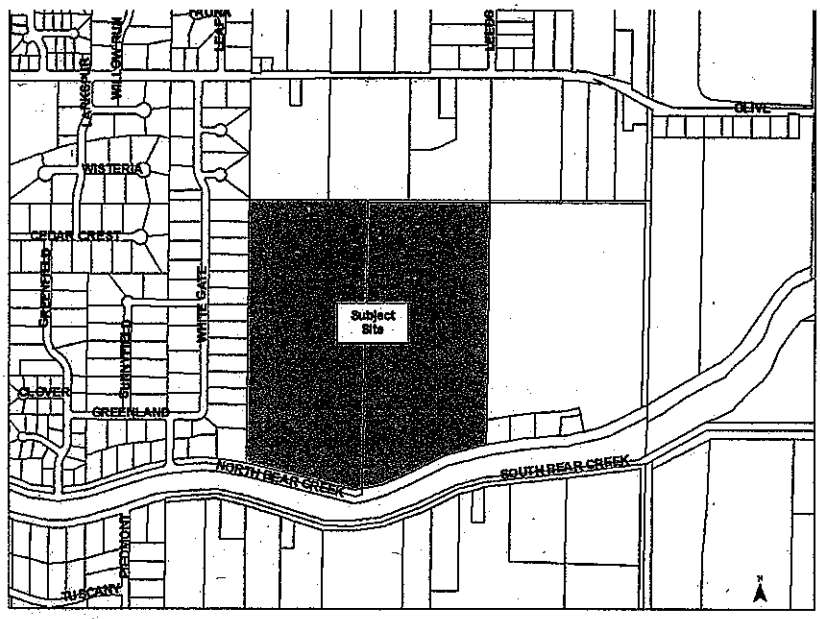
We appreciate your careful consideration of our property into the city of Merced, General Plan Update.

Sincerely,

RA Sano Farms



Fahrens Park Plaza



May 4, 2010

David Gonzalves

City of Merced
678 West 18th Street
Merced, CA 95340

Subject: Sphere of influence

Dear Dave,

I know that the City is presently working on the general plan Amendment. As you are aware the current North/South line bisects our Bear Creek Ranch property rendering it in Limbo and worthless.

I would respectfully like to request that the sphere of influence line be moved over to McKee Rd North to Olive Ave. The Whitegate community doesn't want to be annexed and would fight such a proposal. In addition it would free our property to be developed within the County.

Lou had submitted to the County to develop our site back in 1998. He respectfully withdrew the application pending the selection of the "Campus Parkway" Location.

Lou has yielded to the community's best interest and would appreciate some help with this project now as it is twelve years later.

Your mindful consideration would be greatly appreciated.

RECEIVED
MAY - 4 2010
CITY OF MERCED
PLANNING DEPT.

Sincerely,

John B Hinchey

Director of Real Estate
LJ Steiner LLC

209-480-5158

c.c. Duane Andrews
Golden Valley Engineering

ATTACHMENT E5

Merced Gateway, LLC
133 Old Wards Ferry Rd. Ste. G
Sonora, CA 95370
(209) 533-3333

City of Merced
678 West 18th Street
Merced, CA 95340

City of Merced General Plan Update

December 3, 2010

Dear Councilmen:

Merced Gateway, LLC would like to thank you for the opportunity to comment on the draft General Plan Update for the City of Merced as it relates to the property we own consisting of the approximately seventy (70) acres APN 061-250-013 (Lots 173, 175, 228-30 part of the Map of Merced Colony 1910) located just east of the Mission Avenue/Campus Parkway interchange. The subject property is presently divided by Campus Parkway which is now currently being constructed with approximately fifty (50) acres to the north and twenty (20) acres to the south. The site currently has Regional Commercial (RC) and High Density Residential (HDR) land use designations with about 75 % listed as RC and the northernmost 25% being HDR. The property is presently zoned Central Commercial and R-3.

We have submitted specific questions regarding the draft plan and are awaiting the City's response to them. We have met with planning staff and have been told to expect those responses in the next 2-3 months. In the meantime, our primary concern relates to the proposed circulation as indicated within the document. Specifically, the Circulation Plan shows an extension of Parsons across the property to the east and a new road (presumably Pluim Ave.) to the south.

Given the history of the Campus Parkway and its relationship to this property, we understood that the Parsons connection east to Coffee Road south would be adequate circulation infrastructure to accommodate the City's growth plan as indicated in the current General Plan. Since this is now forecast to change, we would respectfully ask your Council to direct staff and your consultant to qualify the necessity of this road work.

If it is found that this road segment is indeed warranted, we would argue that this road would provide a regional benefit and should be added to the City's transportation improvement program such that it could be subject to reimbursement or mitigation fee credit. From our perspective, failing to do so would represent an additional and significant taking of land over and above that which was negotiated as part of the Campus Parkway acquisition. It is simply not fair or appropriate for the City to, in effect, utilize collector road segments for regional benefits without

providing a mechanism for the costs of those roads to be shared amongst the beneficiaries in the community.

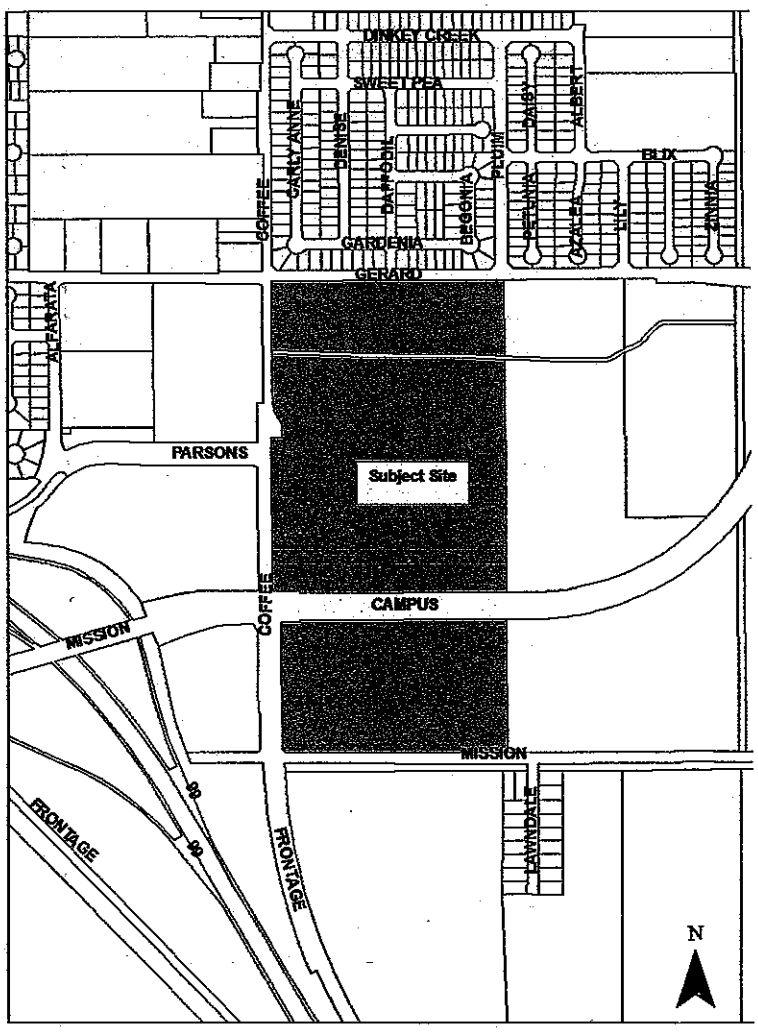
If there is no warrant, then we would ask that this road segment be eliminated from the Circulation Plan.

Our second area of concern is with respect to how this plan addresses housing. Given the Council's recent findings that there is an over abundance (10-11 times) of zoning to accommodate its housing needs (both existing & subject to annexation), we would like ensure that this document reflects those conclusions for consistency. In addition, we would respectfully ask you to direct staff and your consultant to modify land use designations in areas such as ours to more accurately convey future growth needs. Along those lines, we would offer to work with staff to develop more suitable zoning for this area as part of this update process.

Thank you again for your time and consideration of this matter. Please do not hesitate to discuss with us any questions that you may have regarding this letter, and know that we are available to meet with you at your convenience.

Sincerely,

Jim Todd
Member
jim@calgolddevelopment.com



SECTION FIVE

MITIGATION MONITORING AND REPORTING PROGRAM

ATTACHMENT F

SECTION FIVE
MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program in those cases where the public agency finds that changes or alterations have been required in, or incorporated into, a project, and that those changes mitigate or avoid a significant effect on the environment. A public agency may delegate the monitoring or reporting responsibilities to another public agency or private entity that accepts the delegation, but the lead agency remains responsible for ensuring that the mitigation measures have been implemented (CEQA Guidelines § 15097).

Table 5-1 identifies each mitigation measure identified in the Program Environmental Impact Report, and identifies the monitoring or reporting program, and timing for such efforts.

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Table 5-1
Mitigation Monitoring and Reporting Program (MMRP)

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
3.1 Aesthetics			
3.1-4	The following guidelines and standards will be followed in selecting and designing any outdoor lighting: 1. All outdoor lights including parking lot lights, landscaping, security, path and deck lights should be fully shielded, full cutoff luminaries. 2. Complete avoidance of all outdoor up-lighting for any purpose. 3. Avoidance of tree mounted lights unless they are fully shielded and pointing down towards the ground or shining into dense foliage. Ensure compliance over time. 4. Complete avoidance of up-lighting and unshielded lighting in water features such as fountains or ponds.	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.2 Agriculture and Forest Resources			
3.2-1	The City will encourage property owners outside the City limits but within the SUDP/SOI to maintain their land in agricultural production until the land is converted to urban uses. The City will also work cooperatively with land trusts and other non-profit organizations to preserve agricultural land in the region. This may include the use of conservation easements. Infill development will be preferred and encouraged over fringe development. Sequential and contiguous development is also preferred and encouraged over leap-frog development.	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.3 Air Quality			
3.3-1a	For any phase of construction in which an area greater than 22 acres, in accordance with Regulation VIII of the SJVAPCD, will be disturbed on any one day, the project developer(s) shall implement the following measures:	**Implementation:** City of Merced/SJVAPCD	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	1. Basic fugitive dust control measures are required for all construction sites by SJVAPCD Regulation VIII. 2. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. 3. Traffic speeds on unpaved roads shall be no greater than 15 mph. 4. Install wind breaks at windward side(s) of construction areas.	**Monitoring:** Planning Division	
3.3-1b	To reduce emissions and thus reduce cumulative impacts, the City of Merced shall consider adoption of an ordinance requiring the following measures to be implemented in conjunction with construction projects within the City: 1. The idling time of all construction equipment used in the plan area shall not exceed ten minutes when practicable. 2. The hours of operation of heavy-duty equipment shall be minimized when practicable. 3. All equipment shall be properly tuned and maintained in accord with manufacturer's specifications when practicable. 4. When feasible, alternative fueled or electrical construction equipment shall be used at the project site. 5. The minimum practical engine size for construction equipment shall be used when practicable. 6. When feasible, electric carts or other smaller equipment shall	**Implementation:** City of Merced/SJVAPCD **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	be used at the project site. 7. Gasoline-powered equipment shall be equipped with catalytic converters when practicable.		
3.3-2	The following BACT (Best Available Control Technology) installations and mitigation shall be considered for new discretionary permits, to the extent feasible as determined by the City: • Trees shall be carefully selected and located to protect building(s) from energy consuming environmental conditions, and to shade paved areas when it will not interfere with any structures. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. • If transit service is available to a project site, development patterns and improvements shall be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements shall be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. • Multi-story parking facilities shall be considered instead of parking lots to reduce exposed concrete surface and save green space. • Sidewalks and bikeways shall be installed throughout as much of any project as possible, in compliance with street standards, and shall be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling.	**Implementation:** City of Merced/SJVAPCD **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	• Projects shall encourage as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. As many energy-conserving features as possible shall be included in the individual projects. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to): • Increased energy efficiency (above California Title 24 Requirements) • Energy efficient windows (double pane and/or Low-E) • Use Low and No-VOC coatings and paints • High-albedo (reflecting) roofing material • Cool Paving. "Heat islands" created by development projects contribute to the reduced air quality in the valley by heating ozone precursors • Radiant heat barrier • Energy efficient lighting, appliances, heating and cooling systems • Install solar water-heating system(s) • Install photovoltaic cells		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	• Install geothermal heat pump system(s) • Programmable thermostat(s) for all heating and cooling systems • Awnings or other shading mechanism for windows • Porch, patio and walkway overhangs • Ceiling fans, whole house fans • Utilize passive solar cooling and heating designs (e.g. natural convection, thermal flywheels) • Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. • Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment • Bicycle parking facilities for patrons and employees in a covered secure area. Bike storage should be located within 50' of the project's entrance. Construct paths to connect the development to nearby bikeways or sidewalks • On-site employee cafeterias or eating areas • Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edger's, etc.) • Pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines • Natural gas fireplaces (instead of wood-burning fireplaces or		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	heaters) • Natural gas lines (if available) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues • Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)		
3.4 Biological Resources			
3.4-1a	**Vernal Pools and Vernal Pool Associates** To protect vernal pools and species associated with vernal pools including vernal pool smallscale, succulent owl's-clover, pincushion navarretia, Colusa grass, hairy Orcutt grass, spiny-sepaled button celery, San Joaquin Orcutt grass, Greene's tuctoria, Conservancy fairy shrimp, vernal pool fairy shrimp, Midvalley fairy shrimp, vernal pool tadpole shrimp, California linderiella, and Molestan blister beetle, surveys shall be conducted to determine the presence of vernal pools prior to or concurrent with application for annexation in areas identified as having potential habitat. Surveys to detect vernal pools are most easily accomplished during the rainy season or during early spring when pools contain water, although surveys shall not be limited to a particular season or condition. If vernal pools are found to occur on a project site, the pools and a 100 foot-wide buffer around each pool or group of pools will be observed. If the vernal pools and buffer areas cannot be avoided, then the project proponent must consult with and obtain authorizations from, but not limited to, the California Department of Fish and Game, the United States Fish and Wildlife Service, the Army Corps of Engineers, and the State Water Resources Quality	**Implementation:** City of Merced / USFWS / CDFG / ACOE / RWQCB **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	Control Board. Consultation and authorizations may require that additional surveys for special-status species be completed. Because there is a federal policy of no net loss of wetlands, mitigation to reduce losses and compensation to offset losses to vernal pools and associated special-status species will be required.		
3.4-1b	**Special-Status Plants** To protect special-status plants, the City shall ensure that a botanical survey be conducted for projects containing habitat suitable for special-status plant species. Surveys shall be conducted by a qualified biologist or botanist during the appropriate flowering season for the plants and shall be conducted prior to issuance of a grading or building permit for the project. If special-status plants are found to occur on the project site, the population of plants shall be avoided and protected. If avoidance and protection is not possible, then a qualified biologist will prepare a mitigation and monitoring plan for the affected species. The plan shall be submitted to the CDFG and/or the USFWS for review and comment. Details of the mitigation and monitoring plan shall include, but not be limited to: • Removing and stockpiling topsoil with intact roots and seed bank in the disturbance area, and either replacing the soil in the same location after construction is complete or in a different location with suitable habitat; or • Collect plants, seeds, and other propogules from the affected area prior to disturbance. After construction is complete, then the restored habitat will be replanted with propogules or cultivated nursery stock; or	**Implementation:** City of Merced / USFWS / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
3.4-1c	**Valley Elderberry Longhorn Beetle** Until such time that the Valley elderberry longhorn beetle (VELB) is delisted as a federally threatened species, to protect the species, the project proponent shall ensure that a survey for elderberry bushes be conducted by a qualified biologist at each project site containing habitat suitable for VELB prior to the issuance of a grading permit or building permit. If elderberry bushes are found, the project proponent shall implement the measures recommended by the biologist, which shall contain the standardized measures adopted or otherwise authorized by the USFWS.	**Implementation:** City of Merced / USFWS **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.4-1d	**Burrowing Owls** To protect burrowing owls on proposed projects where suitable habitat exists, the following shall be implemented: • To protect burrowing owls, preconstruction surveys shall be conducted by a qualified biologist at all project sites that contain grasslands, fallowed agricultural fields, or fallow fields along roadsides, railroad corridors, and other locations prior to grading. If, during a pre-construction survey, burrowing owls are found to be present, the project proponent shall implement the measures recommended by the biologist and include the standardized avoidance measures of CDFG.	**Implementation:** City of Merced / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.4-1e	**Special-Status Birds** To protect raptors and other special-status birds on proposed projects where suitable habitat exists, the following measures shall be implemented: • Trees identified with occupied nests of special status birds which are scheduled to be removed because project	**Implementation:** City of Merced / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	implementation shall be removed only during the non-breeding season, or unless it is determined by a qualified biologist that the nest is no longer occupied. • Prior to construction, but not more than 14 days before grading, demolition, or site preparation activities, a qualified biologist shall conduct a preconstruction nesting survey to determine the presence of nesting raptors. Activities taking place outside of the breeding season (typically February 15 through August 31) do not require a survey. If active raptor nests are present within the construction zone or within 250-feet of the construction zone, temporary exclusion fencing shall be erected at a distance to be determined by a qualified raptor biologist in consultation with CDFG. Clearing and construction operations within this area shall be postponed until juveniles have fledged and there is no evidence of a second nesting attempt determined by the biologist. • If nesting Swainson's hawks are observed during field surveys, then consultation with the CDFG regarding Swainson's hawk mitigation guidelines shall be required. The guidelines include, but are not limited to, buffers of up to one quarter mile, monitoring of the nest by a qualified biologist, and mitigation for the loss of foraging habitat. • To avoid impacts to common and special-status migratory birds pursuant to the Migratory Bird Treaty Act and CDFG codes, a nesting survey shall be conducted prior to construction activities if the work is scheduled between February 15 and August 31. If migratory birds are identified nesting within the construction zone, a temporary buffer around the nest site will be designated by a qualified biologist in consultation with CDFG. No construction activity may occur within this buffer until a qualified biologist has determined that the young have		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	fledged. A qualified biologist may modify the size of the buffer based on site conditions and the bird's apparent acclimation to human activities. If the buffer is modified, the biologist would be required to monitor stress levels of the nesting birds for at least one week after construction commences to ensure that project activities would not cause ite abandonment or loss of eggs or young. At any time the biologist shall have the right to implement a larger buffer if stress levels are elevated to the extent that could cause nest abandonment and/or loss of eggs or young.		
3.4-1f	**Special-Status Amphibians** To protect California tiger salamander and western spadefoot on proposed projects where suitable habitat exists, the following shall be implemented: • To protect special-status amphibians, a project specific site assessment report, including protocol-level surveys, when indicated, shall be prepared by a qualified and permitted biologist at all project sites that contain appropriate habitat. If this site assessment report reveals that special status amphibians are found to be present, the project proponent shall implement the measures recommended by the biologist and standardized measures adopted by the USFWS or the CDFG.	**Implementation:** City of Merced / USFWS / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.4-1g	**Special-Status Reptiles** To protect western pond turtle and giant garter snake on proposed projects where suitable habitat exists, the following shall be implemented: • To protect special-status reptiles, preconstruction surveys shall be conducted by a qualified biologist at all project sites that	**Implementation:** City of Merced / USFWS / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	contain appropriate habitat. If, during a pre-construction survey, special-status reptiles are found to be present, the project proponent shall implement the measures recommended by the biologist and standardized measures adopted by the USFWS or the CDFG.		
3.4-1h	**Special-Status Fish** To protect special-status fish, including hardhead, on proposed projects where suitable habitat exists, the following shall be implemented: • To protect special-status fish, a habitat assessment will be conducted to ascertain whether suitable habitat for special-status fish species is present. Should suitable habitat for special-status fish species (such as hardhead) be identified, the California Department of Fish and Game will be consulted to determine whether preconstruction surveys are warranted.	**Implementation:** City of Merced / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.4-1i	**Special-Status Mammals** To protect Merced kangaroo rat, western mastiff bat, western red bat, hoary bat, Yuma myotis, San Joaquin pocket mouse, American badger, and San Joaquin kit fox on proposed projects where suitable habitat exists, the following shall be implemented: • To protect special-status mammals, a habitat assessment shall be conducted on each project site prior to construction to ascertain whether habitat suitable for supporting special status mammals exists on the project site. If suitable habitat is present, preconstruction surveys shall be conducted by a qualified biologist at all project sites that contain appropriate habitat according to established standards or protocols of the CDFG or USFWS, if available for that species. If during the	**Implementation:** City of Merced / USFWS / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	preconstruction survey, special-status mammals are found to be present, the project proponent shall implement the measures recommended by the biologist and measures adopted by the USFWS or the CDFG.		
3.4-2	**Streambed Alteration Agreement** To minimize impacts to riparian habitat and other sensitive natural communities, the following the measures shall be implemented when streambed alterations are proposed: • The project proponent shall have a qualified biologist map all riparian habitat, or other sensitive natural communities. To the extent feasible and practicable, all planned construction activity shall be designed to avoid direct effects on these areas. • In those areas where complete avoidance is not possible, then all riparian habitat, or other sensitive natural communities, shall be mitigated on a "no-net-loss" basis in accordance with either CDFG regulations and/or a Section 1602 Streambed Alteration Agreement, if required. Habitat mitigation shall be replaced at a location and with methods acceptable to the CDFG.	**Implementation:** City of Merced / CDFG **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.4-3a	**Conduct a delineation of Waters of the U.S. and Wetlands (WOUS/Wetlands) and Obtain Permits.** In order to determine if there are wetlands or waters of the U.S. on a proposed project site which fall under the U.S. Army Corps of Engineers (Corps) jurisdictional authority under Section 404 of the CWA, a delineation of the Waters of the U.S. and wetlands shall be performed and submitted to the Corps for verification prior to annexation.	**Implementation:** City of Merced / ACOE / RWQCB **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

<table>
<tr><th>Mitigation #</th><th>Mitigation Measure</th><th>Implementing Agency / Monitoring Agency</th><th>Timing</th></tr>
<tr><td></td><td>A Section 404 permit and a Section 401 Water Quality Certification or Waiver of Waste Discharge shall be acquired from the Corps and the Regional Water Quality Control Board (RWQCB) and a Section 1602 Streambed Alteration Agreement from DFG respectively prior to the onset of construction related activities.</td><td></td><td></td></tr>
<tr><td>3.4-3b</td><td>Any jurisdictional waters that would be lost or disturbed due to implementation of any proposed project within the plan area shall be replaced or rehabilitated on a “no-net-loss” basis in accordance with the Corps’ and the RWQCB mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement if required shall be at a location and by methods agreeable to the Corps, the RWQCB, and the City of Merced. The project applicant shall abide by the conditions of any executed permits.</td><td>Implementation:
City of Merced / ACOE / RWQCB

Monitoring:
Planning Division</td><td>Ongoing / Prior to Approval of Discretionary Projects</td></tr>
<tr><td colspan="4">3.11 Noise</td></tr>
<tr><td>3.11-4</td><td>Table 3.11-13 provides criteria for evaluating construction vibration impacts. If construction activities include the use of pile drivers or large vibratory compactors, an analysis of potential vibration impacts should be conducted. The vibration impacts should not exceed a peak particle velocity of 0.1 inches/second.

Table 3.11-13
Effects of Vibration on People and Buildings
<table>
<tr><th>Peak Particle Velocity inches/second</th><th>Peak Particle Velocity mm/second</th><th>Human Reaction</th><th>Effect on Buildings</th></tr>
<tr><td>0-.006</td><td>0.15</td><td>Imperceptible by people</td><td>Vibrations unlikely to cause damage of any type</td></tr>
<tr><td>.006-.02</td><td>0.5</td><td>Range of Threshold of perception</td><td>Vibrations unlikely to cause damage of any type</td></tr>
<tr><td>.08</td><td>2.0</td><td>Vibrations clearly perceptible</td><td>Recommended upper level of which ruins and ancient monuments should be subjected</td></tr>
</table></td><td>Implementation:
City of Merced

Monitoring:
Planning Division</td><td>Ongoing / Prior to Approval of Discretionary Projects</td></tr>
</table>

<table>
<tr><th>Mitigation #</th><th>Mitigation Measure</th><th>Implementing Agency / Monitoring Agency</th><th>Timing</th></tr>
<tr><td></td><td>
<table>
<tr><td>0.1</td><td>2.54</td><td>Level at which continuous vibrations begin to annoy people</td><td>Virtually no risk of architectural damage to normal buildings</td></tr>
<tr><td>0.2</td><td>5.0</td><td>Vibrations annoying to people in buildings</td><td>Threshold at which there is a risk of architectural damage to normal dwellings</td></tr>
<tr><td>1.0</td><td>25.4</td><td></td><td>Architectural Damage</td></tr>
<tr><td>2.0</td><td>50.4</td><td></td><td>Structural Damage to Residential Buildings</td></tr>
<tr><td>6.0</td><td>151.0</td><td></td><td>Structural Damage to Commercial Buildings</td></tr>
</table>
Source: Survey of Earth-borne Vibrations due to Highway Construction and Highway Traffic, Caltrans 1976.</td><td></td><td></td></tr>
<tr><td colspan="4">3.15 Transportation/Traffic</td></tr>
<tr><td>3.15-1a</td><td>Table 3.15-4 indicates the recommended number of travel lanes for several of the road segments analyzed to keep traffic levels-of-service at the City’s preferred LOS “D” at General Plan buildout. Implementation of the following projects will permit the City to manage its traffic volumes at Level of Service “D”, or better:

1. SR 59 from 16th to Olive (2 lanes to 6 lanes) Existing LOS=F / Future LOS=D

2. SR 59 from Olive to Yosemite (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D

3. SR 59 from Yosemite to Cardella (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

4. SR 59 from Cardella to Bellevue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

5. SR 59 from Bellevue to Old Lake (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C</td><td>Implementation:
City of Merced

Monitoring:
Planning Division</td><td>As Appropriate</td></tr>
</table>

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	6. SR 59 from Old Lake to Castle Farms (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D 7. "R" Street from Old Lake to Area of Influence Boundary (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=C+ 8. "M" Street from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS=none / Future LOS = C+ 9. "M" Street from Bellevue to Old Lake (Future Extension 0 lanes to 4 lanes) Existing LOS=none / Future LOS = C+ 10. Martin Luther King Jr. Way/South SR 59 from Roduner to Mission (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 11. Martin Luther King Jr. Way/South SR 59 from Mission to Gerard (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 12. "G" Street from Yosemite to Cardella (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C+ 13. "G" Street from Cardella to Bellevue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 14. "G" Street from Bellevue to Old Lake (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D 15. "G" Street from Old Lake to Snelling (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C 16. Parsons/Gardner from Childs to SR 140 (2 lanes to 4 lanes) Exiting LOS=D / Future LOS=D		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	17. Parsons/Gardner from Bear Creek to Olive (2 lanes to 4 lanes) Exiting LOS=C+ / Future LOS=D 18. Parsons/Gardner from Olive to Yosemite (2 lanes to 6 lanes) Exiting LOS=D / Future LOS=D 19. Parsons/Gardner from Yosemite to Cardella (2 lanes to 4 lanes) Exiting LOS=C+ / Future LOS=D 20. Parsons/Gardner from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 21. Parsons/Gardner from Bellevue to Old Lake (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+ 22. Parsons/Gardner from Old Lake to Golf Club (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=D 23. Campus Parkway SR 99/Mission to Childs (Future Extension 0 lanes to 6 lanes) Existing LOS= none / Future LOS=D 24. Campus Parkway from Childs to SR 140 (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 25. Campus Parkway from SR 140 to Olive (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 26. Campus Parkway from Olive to Yosemite (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 27. Campus Parkway from Yosemite to Cardella (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	28. Campus Parkway from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 29. Tyler Road from Childs to Mission (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=D 30. Old Lake Road SR 59 to "R" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+ 31. Old Lake Road "R" Street to "M" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C 32. Old Lake Road "M" Street to "G" Street Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C 33. Bellevue Road from Franklin to Thornton (2 lanes to 4 lane~~s~~ Divided Expressway Existing LOS=C+ / Future LOS= F 34. Bellevue Road (Atwater-Merced Expressway) from Thornton to SR 59 (2 lanes to 4 lane~~s~~ (Divided Expressway) Existing LOS=C+ / Future LOS=F 35. Bellevue Road from Parsons/Gardner to Campus Parkway (2 lanes to 6 lanes) Exiting LOS=C+ / Future LOS=D 36. Cardella Road from SR 59 to "R" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 37. Cardella Road from "M" Street to "G" Street (2 lanes to 4 lanes) Existing LOS= C+ / Future LOS=D 38. Cardella Road from "G" Street to Parsons/Gardner (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	39. Cardella Road from Parsons/Gardner to Campus Parkway (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D 40. Yosemite Avenue from Parsons/Gardner to Campus Parkway (2 lanes to 4 lanes) Existing LOS=D / Future LOS=D 41. Olive Avenue West of Hwy 59 (Santa Fe Avenue) (4 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C 42. SR 99 from Atwater/Merced Expressway to Mariposa (4 lanes to 6 lanes through Merced) Existing LOS=C+ and D / Future LOS=C+ and D 43. Childs Avenue from SR 59 to Tyler (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 44. Childs Avenue from Parsons/Gardner to Coffee (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 45. Childs Avenue from Coffee to Campus Parkway (2 lanes to 4 lanes) Existing LOS=D / Future LOS=D 46. Childs Avenue from Campus Parkway to Tower (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+ 47. Dickerson Ferry/Mission Avenue from Thornton to West Avenue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D 48. Dickerson Ferry/Mission Avenue from West Avenue to SR 59 (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	49. Dickerson Ferry/Mission Avenue from SR 50 to Tyler (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+ 50. Dickerson Ferry/Mission Avenue from SR 99 to Coffee (Future Campus Parkway)(2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+ 51. Dickerson Ferry/Mission Avenue from Tyler to Henry (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D 52. Dickerson Ferry/Mission Avenue from Coffee to Tower (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C+ 53. Thornton from Dickerson Ferry/Mission to SR 140 (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D		
3.15-1b	Traffic studies shall be performed to satisfy the requirements of the California Environmental Quality Act (CEQA) for all proposed General Plan Amendments which intensify development, proposed specific plans, annexations, and other projects at the discretion of the Development Services Department. Future traffic studies shall generally conform to any guidelines established by the City. The studies shall be performed to determine, at a minimum, opening-day impacts of proposed projects and as confirmation or revision of the General Plan. The studies shall address queue lengths and (at a minimum) peak-hour traffic signals warrants in addition to LOS and provide appropriate mitigations. At the discretion of the City, a complete warrant study in accordance with the most recent edition of the California Manual on Uniform Traffic Control Devices may be required to evaluate the need for traffic signals.	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
3.17 Greenhouse Gas Emissions (Global Climate Change)			
3.17-1a	Per Sustainable Development Implementing Action SD 1.1.g of the Merced Vision 2030 General Plan, the City of Merced will work closely with the SJVAPCD to develop and implement uniform standards for determining "thresholds of significance" for greenhouse gas impacts for use in the City's CEQA review process. The SJVAPCD has issued its "Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA". The City will use the recommended threshold of Best Performance Measures and/or 29 percent below Business-As-Usual for new development with the City of Merced.	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.17-1b	Per Sustainable Development Implementing Action SD 1.1.g of the Merced Vision 2030 General Plan, and as required by recent changes in CEQA, the City shall address the issue of Climate Change and Greenhouse Gas Emissions in environmental documents prepared by the City. Techniques and best practices for evaluation these issues are currently being developed by various government agencies and interest groups and the City will keep track of these developments and endeavor to remain up-to-date in evaluation methods.	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects
3.17-1c	Per Sustainable Development Policy SD 1.7 and Implementing Action SD 1.7.a of the Merced Vision 2030 General Plan, the City will develop a Climate Action Plan (CAP) that identifies greenhouse gas emissions within the City as well as ways to reduce those emissions. The Plan will parallel the requirements adopted by the California Air Resources Board specific to this issue. The City will include the following key items in the Plan: • Inventory all known, or reasonably discoverable, sources of greenhouse gases in the City, • Inventory the greenhouse gas emissions level in 1990, the	**Implementation:** City of Merced **Monitoring:** Planning Division	Following adoption of the General Plan and General Plan EIR

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	current level, and that projected for the year 2020, and • Set a target for the reduction of emissions attributable to the City's discretionary land use decisions and its own internal government operations. • Within one year of adoption of the CAP, the City should complete a review of its existing policies and ordinances in order to ensure implementation of the CAP.		
3.17-1d	Per Sustainable Development Implementing Action SD 1.7.c of the Merced Vision 2030 General Plan, the City shall consider the following measures for new development: • When approving new development, require truck idling to be restricted during construction. • Require new development to implement the following design features, where feasible, many of these features are included as draft Best Performance Measures established by the SJVAPCD for new development: 1. Recycling: ▪ Design locations for separate waste and recycling receptacles; ▪ Reuse and recycle construction and demolition waste; ▪ Recover by-product methane to generate electricity; and, ▪ Provide education and publicity about reducing waste and available recycling services. 2. Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of	**Implementation:** City of Merced **Monitoring:** Planning Division	Ongoing / Prior to Approval of Discretionary Projects

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways. 3. Large canopy trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade 50% of paved areas within 15 years. 4. Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods. 5. Impose measures to address the "urban heat island" effect by, e.g. requiring light-colored and reflective roofing materials and paint; light-colored roads and parking lots; shade trees in parking lots and shade trees on the south and west sides of new or renovated buildings. 6. Transportation and motor vehicle emission reduction: ▪ Use low or zero-emission vehicles, including construction vehicles; ▪ Create car sharing programs; ▪ Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems; ▪ Provide shuttle service to public transit; ▪ During construction, post signs that restrict truck idling; ▪ Set specific limits on idling time for commercial		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	vehicles, including delivery and construction vehicles; ▪ Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights; and, ▪ Assess transportation impact fees on new development in order to facilitate and increase public transit service. 7. Water Use Efficiency: ▪ Use of both potable and non-potable water to the maximum extent practicable; low flow appliances (i.e., toilets, dishwashers, shower heads, washing machines, etc.); automatic shut off valves for sinks in restrooms; drought resistant landscaping; "Save Water" signs near water faucets; ▪ Create water efficient landscapes; ▪ Use gray water. (Gray water is untreated household waste water from bathtubs, showers, bathroom wash facilities, and water from washing machines); and, ▪ Provide education about water conservation and available programs and incentives. 8. Energy Efficiency: ▪ Automated control system for heating/air conditioning and energy efficient appliances; ▪ Utilize lighting controls and energy-efficient lighting		

Mitigation #	Mitigation Measure	Implementing Agency / Monitoring Agency	Timing
	in buildings; ▪ Use light colored roof materials to reflect heat; ▪ Take advantage of shade (save healthy existing trees when feasible), prevailing winds, landscaping and sun screens to reduce energy use; ▪ Install solar panels on carports and over parking areas; ▪ Increase building energy efficiency percent beyond Title 24 requirements. In addition implement other green building design ((i.e., natural daylighting and on-site renewable, electricity generation); and ▪ Require that projects use efficient lighting		

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR

CITY OF MERCED 2030 GENERAL PLAN

STATE CLEARINGHOUSE NUMBER 2008071069

CITY OF MERCED
PLANNING DIVISION
678 WEST 18TH STREET
MERCED, CALIFORNIA 95340

JULY 2011

ATTACHMENT G

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Introduction

The Merced Vision 2030 General Plan Environmental Impact Report (DEIR) identified significant impacts associated with implementation of the General Plan (Project). Approval of a project with significant impacts requires that findings be made by the City pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code sections 21000 et seq.), and State CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Section 15043, 15091, and 15093. Significant impacts of the Project would either: 1) be mitigated to a less than significant level pursuant to the mitigation measures identified in this DEIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration.

The Lead Agency is responsible for the adequacy and objectivity of the EIR. The City of Merced, as Lead Agency, has subjected the Draft EIR (DEIR) and Final EIR (FEIR) to the agency's own review and analysis. The DEIR, FEIR, and the Findings of Fact reflect the independent judgment of the City of Merced.

Incorporation by Reference

The Merced Vision 2030 General Plan DEIR and FEIR (State Clearinghouse #2008071069) are hereby incorporated into these findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the signficance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant unavoidable adverse impacts.

Location and Custodian of Records

Pursuant to Public Resources Code section 21081.6 and California Code of Regulations, Title 14, Section 15091, the City of Merced is the custodian of the documents and other material that constitute the record of proceedings upon which the City's decision is based. Such documents and other material are located at:

City of Merced
Planning Division
678 West 18th Street
Merced, CA 95340

A. Findings Associated with Certification of the Environmental Impact Report

The City of Merced Planning Commission ("Planning Commission") and the City of Merced City Council ("City Council") declare and find as follows:

1. The Merced Vision 2030 General Plan Project (also referred to herein as "the Project") FEIR has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The FEIR consists of the following:

    a) The Draft Environmental Impact Report (DEIR);

    b) Comments and recommendations received on the DEIR;

    c) A list of persons, organizations and public agencies commenting on the DEIR;

    d) The response of the lead agency to significant environmental points raised in the review and circulation process;

    e) Any other information added by the lead agency.

2. The FEIR for the Project fulfills all of the necessary requirements of CEQA and the Guidelines issued thereunder. Pursuant to CEQA, the FEIR includes mitigation measures for each potentially significant environmental impact.

3. The FEIR has been presented to the Planning Commission and the City Council. The Planning Commission and City Council have reviewed and considered the information in the FEIR prior to taking action on the Project.

4. The Planning Commission and the City Council also find:

    a) The DEIR has been circulated in accordance with CEQA Guidelines (Section 15105) and the FEIR has been presented to the Planning Commission and the City Council, which have independently reviewed and analyzed the information contained therein prior to approving the Project;

    b) The FEIR reflects the independent judgment of the lead agency, the City of Merced;

    c) The Planning Commission and City Council further find that where more than one reason for approving the Project and rejecting specific mitigation measures or alternatives is given in its findings, the City would have granted the approval(s) on the basis of any one of those reasons.

B. Findings Associated with Specific Impacts and Mitigation Measures (14 CCR Section 15091)

The Planning Commission and the City Council hereby adopt and make the following findings relating to its adoption of the Project and the Final Environmental Impact Report. Having received, reviewed, and considered the entire record, both written and oral, relating to the Project and associated Environmental Impact Report, the Planning Commission and the City Council find as follows:

Aesthetics/Light and Glare

1. ***Impact 3.1-4:*** Create a new source of substantial light or glare that would adversely affect day or night views in the area. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.1-4 The following guidelines and standards will be followed in selecting and designing any outdoor lighting:

1. All outdoor lights including parking lot lights, landscaping, security, path and deck lights should be fully shielded, full cutoff luminaries.
2. Complete avoidance of all outdoor up-lighting for any purpose.
3. Avoidance of tree mounted lights unless they are fully shielded and pointing down towards the ground or shining into dense foliage. Ensure compliance over time.
4. Complete avoidance of up-lighting and unshielded lighting in water features such as fountains or ponds.

Finding: The City of Merced hereby finds that implementation of the migitation measure is feasible, and it is therefore adopted. The mitigation measure identified will reduce impacts relative to aesthetics/light and glare to a **less-than-significant** level.

Agricultural Resources

2. ***Impact 3.2-1*** Directly or indirectly result in conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland) to non-agricultural use. This is a **potentially significant** impact of project implementation.

Impact 3.2-2 Conflict with existing zoning for agricultural use, or a Williamson Act contract.

MM 3.2-1 The City will encourage property owners outside the City limits but within the SUDP/SOI to maintain their land in agricultural production until the land is converted to urban uses. The City will also work cooperatively with land trusts and other non-profit organizations to preserve agricultural land in the region. This may include the use of conservation easements. Infill development will be preferred and encouraged over fringe development. Sequential and contiguous development is also preferred and encouraged over leap-frog development.

Finding: The City of Merced hereby finds that implementation of the migitation measure is feasible, and it is therefore adopted. The mitigation measure will serve to reduce the severity of impacts to agricultural resources; however, this measure is not sufficient to fully mitigate this impact, as loss of agricultural land will still occur. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

Air Quality

3. ***Impact 3.3-1:*** Construction activities associated with development under the Merced Vision 2030 General Plan would result in criteria pollutants, ozone precursors, and other pollutants. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.3-1a For any phase of construction in which an area greater than 22 acres, in accordance with Regulation VIII of the SJVAPCD, will be disturbed on any one day, the project developer(s) shall implement the following measures:

1. Basic fugitive dust control measures are required for all construction sites by SJVAPCD Regulation VIII.
2. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
3. Traffic speeds on unpaved roads shall be no greater than 15 mph.
4. Install wind breaks at windward side(s) of construction areas.

MM 3.3-1b To reduce emissions and thus reduce cumulative impacts, the City of Merced shall consider adoption of an ordinance requiring the following measures to be implemented in conjunction with construction projects within the City:

1. The idling time of all construction equipment used in the plan area shall not exceed ten minutes when practicable.
2. The hours of operation of heavy-duty equipment shall be minimized when practicable.
3. All equipment shall be properly tuned and maintained in accord with manufacturer's specifications when practicable.
4. When feasible, alternative fueled or electrical construction equipment shall be used at the project site.
5. The minimum practical engine size for construction equipment shall be used when practicable.
6. When feasible, electric carts or other smaller equipment shall be used at the project site.
7. Gasoline-powered equipment shall be equipped with catalytic converters when practicable.

Finding: The City of Merced hereby finds that implementation of the migitation measures are feasible, and it is therefore adopted. The mitigation measures will reduce any potential air impacts due to construction exhaust emissions to a **less-than-significant** level.

4. ***Impact 3.3-2:*** Development and operation under the General Plan would result in emissions of criteria pollutants, ozone precursors, and other pollutants caused by mobile source activity, area sources, and stationary sources. This is a **significant, cumulative** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would lessen the environmental effects thereof; however, there is no feasible way to avoid the significant impact as identified in the EIR. Specific benefits from the Project outweigh its unavoidable environmental effects as identified in the Statement of Overriding Considerations.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.3-2 The following BACT (Best Available Control Technology) installations and mitigation shall be considered for new discretionary permits, to the extent feasible as determined by the City:

- Trees shall be carefully selected and located to protect building(s) from energy consuming environmental conditions, and to shade paved areas when it will not interfere with any structures. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth.

- If transit service is available to a project site, development patterns and improvements shall be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements shall be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures.

- Multi-story parking facilities shall be considered instead of parking lots to reduce exposed concrete surface and save green space.

- Sidewalks and bikeways shall be installed throughout as much of any project as possible, in compliance with street standards, and shall be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling.

- Projects shall encourage as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment.

As many energy-conserving features as possible shall be included in the individual projects. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):

- Increased energy efficiency (above California Title 24 Requirements)
- Energy efficient windows (double pane and/or Low-E)
- Use Low and No-VOC coatings and paints
- High-albedo (reflecting) roofing material
- Cool Paving. "Heat islands" created by development projects contribute to the reduced air quality in the valley by heating ozone precursors
- Radiant heat barrier
- Energy efficient lighting, appliances, heating and cooling systems
- Install solar water-heating system(s)
- Install photovoltaic cells
- Install geothermal heat pump system(s)
- Programmable thermostat(s) for all heating and cooling systems
- Awnings or other shading mechanism for windows
- Porch, patio and walkway overhangs
- Ceiling fans, whole house fans
- Utilize passive solar cooling and heating designs (e.g. natural convection, thermal flywheels)
- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc.

- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment
- Bicycle parking facilities for patrons and employees in a covered secure area. Bike storage should be located within 50' of the project's entrance. Construct paths to connect the development to nearby bikeways or sidewalks
- On-site employee cafeterias or eating areas
- Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edger's, etc.)
- Pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines
- Natural gas fireplaces (instead of wood-burning fireplaces or heaters)
- Natural gas lines (if available) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues
- Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)

Finding: The City of Merced hereby finds that implementation of the migitation measure is feasible, and it is therefore adopted. The above mitigation measure would be expected to reduce project emissions by one to five percent. However, buildout as proposed under the proposed project would produce stationary and mobile source operational emissions that would exceed San Joaquin Valley Air Pollution Control District thresholds. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

Biological Resources

5. ***Impact 3.4-1:*** Result in substantial adverse impacts on candidate, special-status, or sensitive species. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.4-1a **Vernal Pools and Vernal Pool Associates**

To protect vernal pools and species associated with vernal pools including vernal pool smallscale, succulent owl's-clover, pincushion navarretia, Colusa grass, hairy Orcutt grass, spiny-sepaled button celery, San Joaquin Orcutt grass, Greene's tuctoria, Conservancy fairy shrimp, vernal pool fairy shrimp, Midvalley fairy shrimp, vernal pool tadpole shrimp, California linderiella, and Molestan blister beetle, surveys shall be conducted to determine the presence of vernal pools prior to or concurrent with application for annexation in areas identified as having potential habitat.

Surveys to detect vernal pools are most easily accomplished during the rainy season or during early spring when pools contain water, although surveys shall not be limited to a particular season or condition. If vernal pools are found to occur on a project site, the pools and a 100 foot-wide buffer around each pool or group of pools will be observed. If the vernal pools and buffer areas cannot be avoided, then the project proponent must consult with and obtain authorizations from, but not limited to, the California Department of Fish and Game, the United States Fish and Wildlife Service, the Army Corps of Engineers, and the State Water Resources Quality Control Board. Consultation and authorizations may require that additional surveys for special-status species be completed. Because there is a federal policy of no net loss of wetlands, mitigation to reduce losses and compensation to offset losses to vernal pools and associated special-status species will be required.

MM 3.4-1b **Special-Status Plants**

To protect special-status plants, the City shall ensure that a botanical survey be conducted for projects containing habitat suitable for special-status plant species. Surveys shall be conducted by a qualified biologist or botanist during the appropriate flowering season for the plants and shall be conducted prior to issuance of a grading or building permit for the project. If special-status plants are found to occur on the project site, the population of plants shall be avoided and protected. If avoidance and protection is not possible, then a qualified biologist will prepare a mitigation and monitoring plan for the affected species. The plan shall be submitted to the CDFG and/or the USFWS for review and comment. Details of the mitigation and monitoring plan shall include, but not be limited to:

- Removing and stockpiling topsoil with intact roots and seed bank in the disturbance area, and either replacing the soil in the same location after construction is complete or in a different location with suitable habitat; or

- Collect plants, seeds, and other propogules from the affected area prior to disturbance. After construction is complete, then the restored habitat will be replanted with propogules or cultivated nursery stock; or

MM 3.4-1c **Valley Elderberry Longhorn Beetle**

Until such time that the Valley elderberry longhorn beetle (VELB) is delisted as a federally threatened species, to protect the species, the project proponent shall ensure that a survey for elderberry bushes be conducted by a qualified biologist at each project site containing habitat suitable for VELB prior to the issuance of a grading permit or building permit. If elderberry bushes are found, the project proponent shall implement the measures recommended by the biologist, which shall contain the standardized measures adopted or otherwise authorized by the USFWS.

MM 3.4-1d **Burrowing Owls**

To protect burrowing owls on proposed projects where suitable habitat exists, the following shall be implemented:

To protect burrowing owls, preconstruction surveys shall be conducted by a qualified biologist at all project sites that contain grasslands, fallowed agricultural fields, or fallow fields along roadsides, railroad corridors, and other locations prior to grading. If, during a pre-construction survey, burrowing owls are found to be present, the project proponent shall implement the measures recommended by the biologist and include the standardized avoidance measures of CDFG.

MM 3.4-1e **Special-Status Birds**

To protect raptors and other special-status birds on proposed projects where suitable habitat exists, the following measures shall be implemented:

- Trees identified with occupied nests of special status birds which are scheduled to be removed because project implementation shall be removed only during the non-breeding season, or unless it is

determined by a qualified biologist that the nest is no longer occupied.

- Prior to construction, but not more than 14 days before grading, demolition, or site preparation activities, a qualified biologist shall conduct a preconstruction nesting survey to determine the presence of nesting raptors. Activities taking place outside of the breeding season (typically February 15 through August 31) do not require a survey. If active raptor nests are present within the construction zone or within 250-feet of the construction zone, temporary exclusion fencing shall be erected at a distance to be determined by a qualified raptor biologist in consultation with CDFG. Clearing and construction operations within this area shall be postponed until juveniles have fledged and there is no evidence of a second nesting attempt determined by the biologist.

- If nesting Swainson's hawks are observed during field surveys, then consultation with the CDFG regarding Swainson's hawk mitigation guidelines shall be required. The guidelines include, but are not limited to, buffers of up to one quarter mile, monitoring of the nest by a qualified biologist, and mitigation for the loss of foraging habitat.

- To avoid impacts to common and special-status migratory birds pursuant to the Migratory Bird Treaty Act and CDFG codes, a nesting survey shall be conducted prior to construction activities if the work is scheduled between February 15 and August 31. If migratory birds are identified nesting within the construction zone, a temporary buffer around the nest site will be designated by a qualified biologist in consultation with CDFG. No construction activity may occur within this buffer until a qualified biologist has determined that the young have fledged. A qualified biologist may modify the size of the buffer based on site conditions and the bird's apparent acclimation to human activities. If the buffer is modified, the biologist would be required to monitor stress levels of the nesting birds for at least one week after construction commences to ensure that project activities would not cause ite abandonment or loss of eggs or young. At any time the biologist shall have the right to implement a larger buffer if stress levels are elevated to the extent that could cause nest abandonment and/or loss of eggs or young.

MM 3.4-1f **Special-Status Amphibians**

To protect California tiger salamander and western spadefoot on proposed projects where suitable habitat exists, the following shall be implemented:

- To protect special-status amphibians, a project specific site assessment

report, including protocol-level surveys, when indicated, shall be prepared by a qualified and permitted biologist at all project sites that contain appropriate habitat. If this site assessment report reveals that special status amphibians are found to be present, the project proponent shall implement the measures recommended by the biologist and standardized measures adopted by the USFWS or the CDFG.

MM 3.4-1g **Special-Status Reptiles**

To protect western pond turtle and giant garter snake on proposed projects where suitable habitat exists, the following shall be implemented:

- To protect special-status reptiles, preconstruction surveys shall be conducted by a qualified biologist at all project sites that contain appropriate habitat. If, during a pre-construction survey, special-status reptiles are found to be present, the project proponent shall implement the measures recommended by the biologist and standardized measures adopted by the USFWS or the CDFG.

MM 3.4-1h **Special-Status Fish**

To protect special-status fish, including hardhead, on proposed projects where suitable habitat exists, the following shall be implemented:

- To protect special-status fish, a habitat assessment will be conducted to ascertain whether suitable habitat for special-status fish species is present. Should suitable habitat for special-status fish species (such as hardhead) be identified, the California Department of Fish and Game will be consulted to determine whether preconstruction surveys are warranted.

MM 3.4-1i **Special-Status Mammals**

To protect Merced kangaroo rat, western mastiff bat, western red bat, hoary bat, Yuma myotis, San Joaquin pocket mouse, American badger, and San Joaquin kit fox on proposed projects where suitable habitat exists, the following shall be implemented:

- To protect special-status mammals, a habitat assessment shall be conducted on each project site prior to construction to ascertain whether habitat suitable for supporting special status mammals exists on the project site. If suitable habitat is present, preconstruction surveys shall be conducted by a qualified biologist at all project sites

that contain appropriate habitat according to established standards or protocols of the CDFG or USFWS, if available for that species. If during the preconstruction survey, special-status mammals are found to be present, the project proponent shall implement the measures recommended by the biologist and measures adopted by the USFWS or the CDFG.

Finding: The City of Merced hereby finds that implementation of the migitation measures are feasible, and it is therefore adopted. The mitigation measures will reduce any potential biological impacts to a **less-than-significant** level.

6. ***Impact 3.4-2:*** Result in substantially adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.4-2 **Streambed Alteration Agreement**

To minimize impacts to riparian habitat and other sensitive natural communities, the following the measures shall be implemented when streambed alterations are proposed:

- The project proponent shall have a qualified biologist map all riparian habitat, or other sensitive natural communities. To the extent feasible and practicable, all planned construction activity shall be designed to avoid direct effects on these areas.

- In those areas where complete avoidance is not possible, then all riparian habitat, or other sensitive natural communities, shall be mitigated on a “no-net-loss” basis in accordance with either CDFG regulations and/or a Section 1602 Streambed Alteration Agreement, if required. Habitat mitigation shall be replaced at a location and with methods acceptable to the CDFG.

Finding: The City of Merced hereby finds that implementation of the migitation

measure is feasible, and it is therefore adopted. The mitigation measure will reduce any potential biological impacts to a **less-than-significant** level.

7. ***Impact 3.4-3:*** Result in substantially adverse affect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measure:

MM 3.4-3a **Conduct a delineation of Waters of the U.S. and Wetlands (WOUS/Wetlands) and Obtain Permits.**

In order to determine if there are wetlands or waters of the U.S. on a proposed project site which fall under the U.S. Army Corps of Engineers (Corps) jurisdictional authority under Section 404 of the CWA, a delineation of the Waters of the U.S. and wetlands shall be performed and submitted to the Corps for verification prior to annexation.

A Section 404 permit and a Section 401 Water Quality Certification or Waiver of Waste Discharge shall be acquired from the Corps and the Regional Water Quality Control Board (RWQCB) and a Section 1602 Streambed Alteration Agreement from DFG respectively prior to the onset of construction related activities.

MM 3.4-3b Any jurisdictional waters that would be lost or disturbed due to implementation of any proposed project within the plan area shall be replaced or rehabilitated on a “no-net-loss” basis in accordance with the Corps’ and the RWQCB mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement if required shall be at a location and by methods agreeable to the Corps, the RWQCB, and the City of Merced. The project applicant shall abide by the conditions of any executed permits.

Finding: The City of Merced hereby finds that implementation of the migitation measures are feasible, and it is therefore adopted. The mitigation measures will reduce any potential biological impacts to a **less-than-significant** level.

8. ***Impact 3.4-4*** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. This is a **potentially significant** impact of project implementation.

The Planning commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

MM 3-4-4 See Mitigation Measure #3.4-1e.

Finding: The City of Merced hereby finds that implementation of the migitation measure is feasible, and it is therefore adopted. The mitigation measure will reduce any potential biological impacts to a **less-than-significant** level.

Noise

9 ***Impact 3.11-4:*** Proposed General Plan Buildout will result in construction activities which could contribute to vibration levels at building facades. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measures:

MM 3.11-4 Table 3.11-13 provides criteria for evaluating construction vibration impacts. If construction activities include the use of pile drivers or large vibratory compactors, an analysis of potential vibration impacts should be conducted. The vibration impacts should not exceed a peak particle velocity of 0.1 inches/second.

Table 3.11-13
Effects of Vibration on People and Buildings

Peak Particle Velocity inches/second	Peak Particle Velocity mm/second	Human Reaction	Effect on Buildings
0-.006	0.15	Imperceptible by people	Vibrations unlikely to cause damage of any type
.006-.02	0.5	Range of Threshold of perception	Vibrations unlikely to cause damage of any type
.08	2.0	Vibrations clearly perceptible	Recommended upper level of which ruins and ancient monuments should be subjected
0.1	2.54	Level at which continuous vibrations begin to annoy people	Virtually no risk of architectural damage to normal buildings
0.2	5.0	Vibrations annoying to people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings
1.0	25.4		Architectural Damage
2.0	50.4		Structural Damage to Residential Buildings
6.0	151.0		Structural Damage to Commercial Buildings

Source: Survey of Earth-borne Vibrations due to Highway Construction and Highway Traffic, Caltrans 1976.

Finding: The City of Merced hereby finds that implementation of the migitation measure is feasible, and it is therefore adopted. The mitigation measures identified will reduce impacts relative to public services and facilities to a **less-than-significant** level.

Transportation/Traffic

10. ***Impact 3.15-1:*** Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system and/or exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. This is a **potentially significant** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

MM 3.15-1a Table 3.15-4 indicates the recommended number of travel lanes for several of the road segments analyzed to keep traffic levels-of-service at the City's preferred LOS "D" at General Plan buildout. Implementation of the following projects will permit the City to manage its traffic volumes at Level of Service "D", or better:

1. SR 59 from 16th to Olive (2 lanes to 6 lanes) Existing LOS=F / Future LOS=D

2. SR 59 from Olive to Yosemite (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D

3. SR 59 from Yosemite to Cardella (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

4. SR 59 from Cardella to Bellevue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

5. SR 59 from Bellevue to Old Lake (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C

6. SR 59 from Old Lake to Castle Farms (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D

7. "R" Street from Old Lake to Area of Influence Boundary (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=C+

8. "M" Street from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS=none / Future LOS = C+

9. "M" Street from Bellevue to Old Lake (Future Extension 0 lanes to 4 lanes) Existing LOS=none / Future LOS = C+

10. Martin Luther King Jr. Way/South SR 59 from Roduner to Mission (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

11. Martin Luther King Jr. Way/South SR 59 from Mission to Gerard (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

12. "G" Street from Yosemite to Cardella (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C+

13. "G" Street from Cardella to Bellevue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

14. "G" Street from Bellevue to Old Lake (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D

15. "G" Street from Old Lake to Snelling (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C

16. Parsons/Gardner from Childs to SR 140 (2 lanes to 4 lanes) Exiting LOS=D / Future LOS=D

17. Parsons/Gardner from Bear Creek to Olive (2 lanes to 4 lanes) Exiting LOS=C+ / Future LOS=D

18. Parsons/Gardner from Olive to Yosemite (2 lanes to 6 lanes) Exiting LOS=D / Future LOS=D

19. Parsons/Gardner from Yosemite to Cardella (2 lanes to 4 lanes) Exiting LOS=C+ / Future LOS=D

20. Parsons/Gardner from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

21. Parsons/Gardner from Bellevue to Old Lake (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+

22. Parsons/Gardner from Old Lake to Golf Club (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=D

23. Campus Parkway SR 99/Mission to Childs (Future Extension 0 lanes to 6 lanes) Existing LOS= none / Future LOS=D

24. Campus Parkway from Childs to SR 140 (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

25. Campus Parkway from SR 140 to Olive (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

26. Campus Parkway from Olive to Yosemite (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

27. Campus Parkway from Yosemite to Cardella (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

28. Campus Parkway from Cardella to Bellevue (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

29. Tyler Road from Childs to Mission (Future Extension 0 lanes to 2 lanes) Existing LOS= none / Future LOS=D

30. Old Lake Road SR 59 to "R" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+

31. Old Lake Road "R" Street to "M" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C

32. Old Lake Road "M" Street to "G" Street Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C

33. Bellevue Road from Franklin to Thornton (2 lanes to 4 lane~~s~~ Divided Expressway Existing LOS=C+ / Future LOS= F

34. Bellevue Road (Atwater-Merced Expressway) from Thornton to SR 59 (2 lanes to 4 lane~~s~~ (Divided Expressway) Existing LOS=C+ / Future LOS=F

35. Bellevue Road from Parsons/Gardner to Campus Parkway (2 lanes to 6 lanes) Exiting LOS=C+ / Future LOS=D

36. Cardella Road from SR 59 to "R" Street (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

37. Cardella Road from "M" Street to "G" Street (2 lanes to 4 lanes) Existing LOS= C+ / Future LOS=D

38. Cardella Road from "G" Street to Parsons/Gardner (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

39. Cardella Road from Parsons/Gardner to Campus Parkway (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=D

40. Yosemite Avenue from Parsons/Gardner to Campus Parkway (2 lanes to 4 lanes) Existing LOS=D / Future LOS=D

41. Olive Avenue West of Hwy 59 (Santa Fe Avenue) (4 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C

42. SR 99 from Atwater/Merced Expressway to Mariposa (4 lanes to 6 lanes through Merced) Existing LOS=C+ and D / Future LOS=C+ and D

43. Childs Avenue from SR 59 to Tyler (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

44. Childs Avenue from Parsons/Gardner to Coffee (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

45. Childs Avenue from Coffee to Campus Parkway (2 lanes to 4 lanes) Existing LOS=D / Future LOS=D

46. Childs Avenue from Campus Parkway to Tower (Future Extension 0 lanes to 4 lanes) Existing LOS= none / Future LOS=C+

47. Dickerson Ferry/Mission Avenue from Thornton to West Avenue (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

48. Dickerson Ferry/Mission Avenue from West Avenue to SR 59 (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+

49. Dickerson Ferry/Mission Avenue from SR 50 to Tyler (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+

50. Dickerson Ferry/Mission Avenue from SR 99 to Coffee (Future Campus Parkway)(2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=C+

51. Dickerson Ferry/Mission Avenue from Tyler to Henry (2 lanes to 6 lanes) Existing LOS=C+ / Future LOS=D

52. Dickerson Ferry/Mission Avenue from Coffee to Tower (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=C+

53. Thornton from Dickerson Ferry/Mission to SR 140 (2 lanes to 4 lanes) Existing LOS=C+ / Future LOS=D

MM 3.15-1b Traffic studies shall be performed to satisfy the requirements of the California Environmental Quality Act (CEQA) for all proposed General Plan Amendments which intensify development, proposed specific plans, annexations, and other projects at the discretion of the Development Services Department. Future traffic studies shall generally conform to any guidelines established by the City. The studies shall be performed to

determine, at a minimum, opening-day impacts of proposed projects and as confirmation or revision of the General Plan. The studies shall address queue lengths and (at a minimum) peak-hour traffic signals warrants in addition to LOS and provide appropriate mitigations. At the discretion of the City, a complete warrant study in accordance with the most recent edition of the California Manual on Uniform Traffic Control Devices may be required to evaluate the need for traffic signals.

Finding: The City of Merced hereby finds that implementation of the migitation measures are feasible, and it is therefore adopted. The mitigation measures identified will reduce impacts relative to transportation and circulation, but not to a less-than-significant level in some instances. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

Greenhouse Gas Emissions (Global Climate Change)

11. ***Impact 3.17-1:*** Development of the Project could potentially result in a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change. This is a **significant, cumulatively considerable, and unavoidable** impact of project implementation.

The Planning Commission and the City Council find that as to such significant effect identified above:

[X] Changes or alterations have been required in, or incorporated into, the Project which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.

The finding is based on the fact that City of Merced shall monitor the implementation of the following Project-specific mitigation measures:

MM 3.17-1a Per Sustainable Development Implementing Action SD 1.1.g of the Merced Vision 2030 General Plan, the City of Merced will work closely with the SJVAPCD to develop and implement uniform standards for determining "thresholds of significance" for greenhouse gas impacts for use in the City's CEQA review process. The SJVAPCD has issued its "Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA". The City will use the recommended threshold of Best Performance Measures and/or 29 percent below Business-As-Usual for new development with the City of Merced.

MM 3.17-1b Per Sustainable Development Implementing Action SD 1.1.g of the Merced Vision 2030 General Plan, and as required by recent changes in CEQA, the City shall address the issue of Climate Change and Greenhouse Gas Emissions in environmental documents prepared by the

City. Techniques and best practices for evaluation these issues are currently being developed by various government agencies and interest groups and the City will keep track of these developments and remain up-to-date in evaluation methods.

MM 3.17-1c Per Sustainable Development Policy SD 1.7 and Implementing Action SD 1.7.a of the Merced Vision 2030 General Plan, the City will develop a Climate Action Plan (CAP) that identifies greenhouse gas emissions within the City as well as ways to reduce those emissions. The Plan will parallel the requirements adopted by the California Air Resources Board specific to this issue. The City will include the following key items in the Plan:

- Inventory all known, or reasonably discoverable, sources of greenhouse gases in the City,
- Inventory the greenhouse gas emissions level in 1990, the current level, and that projected for the year 2020, and
- Set a target for the reduction of emissions attributable to the City's discretionary land use decisions and its own internal government operations.
- Within one year of adoption of the CAP, the City will complete a review of its existing policies and ordinances in order to ensure implementation of the CAP.

MM 3.17-1d Per Sustainable Development Implementing Action SD 1.7.c of the Merced Vision 2030 General Plan, the City shall consider the following measures for new development:

- When approving new development, require truck idling to be restricted during construction.
- Require new development to implement the following design features, where feasible, many of these features are included as draft Best Performance Measures established by the SJVAPCD for new development:

  1. Recycling:

     - Design locations for separate waste and recycling receptacles;
     - Reuse and recycle construction and demolition waste;
     - Recover by-product methane to generate electricity; and,

- Provide education and publicity about reducing waste and available recycling services.

2. Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking and attractive pedestrian pathways.

3. Large canopy trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade 50% of paved areas within 15 years.

4. Encourage mixed-use and high-density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods.

5. Impose measures to address the "urban heat island" effect by, e.g. requiring light-colored and reflective roofing materials and paint; light-colored roads and parking lots; shade trees in parking lots and shade trees on the south and west sides of new or renovated buildings.

6. Transportation and motor vehicle emission reduction:

   - Use low or zero-emission vehicles, including construction vehicles;
   - Create car sharing programs;
   - Create local “light vehicle” networks, such as neighborhood electric vehicle (NEV) systems;
   - Provide shuttle service to public transit;
   - During construction, post signs that restrict truck idling;
   - Set specific limits on idling time for commercial vehicles, including delivery and construction vehicles;
   - Coordinate controlled intersections so that traffic passes more efficiently through congested areas. Where signals are installed, require the use of Light Emitting Diode (LED) traffic lights; and,
   - Assess transportation impact fees on new development in order to facilitate and increase public transit service.

7. Water Use Efficiency:

   - Use of both potable and non-potable water to the maximum extent practicable; low flow appliances (i.e., toilets, dishwashers, shower heads, washing machines, etc.); automatic shut off valves for sinks in restrooms; drought resistant landscaping; “Save Water” signs near water faucets;

- Create water efficient landscapes;
- Use gray water. (Gray water is untreated household waste water from bathtubs, showers, bathroom wash facilities, and water from washing machines); and,
- Provide education about water conservation and available programs and incentives.

8. Energy Efficiency:

- Automated control system for heating/air conditioning and energy efficient appliances;
- Utilize lighting controls and energy-efficient lighting in buildings;
- Use light colored roof materials to reflect heat;
- Take advantage of shade (save healthy existing trees when feasible), prevailing winds, landscaping and sun screens to reduce energy use;
- Install solar panels on carports and over parking areas;
- Increase building energy efficiency percent beyond Title 24 requirements. In addition implement other green building design (i.e., natural daylighting and on-site renewable, electricity generation); and
- Require that projects use efficient lighting

Finding: The City of Merced hereby finds that implementation of the migitation measures are feasible, and they are therefore adopted. The above mitigation measures would be expected to reduce project greenhouse gas emissions. However, buildout as proposed under the proposed project would produce emissions that would exceed San Joaquin Valley Air Pollution Control District thresholds. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

Findings Regarding Less Than Significant Environmental Impacts

The EIR identifies the thresholds of significant utilized to determine the impacts in the various resource categories. The EIR finds that there are less than significant environmental impacts requiring no mitigation in the following subject areas: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Population and Housing, Recreation, Public Services, and Utilities. The City is not required to adopt mitigation measures as part of the General Plan for impacts that are considered less than significant.

C. Findings Associated With Significant Cumulative Environmental Effects (14 CCR Section 15130)

1. ***Agriculture and Forest Resources*** **–** The Demographic Research Unit of the California Department of Finance forecasts that the Valley's population will more than double by the year 2040 to almost 10 million people. According to the American Farmland Trust, if the land use trends of the 1990s continue and population forecasts are accurate, the Central Valley can expect to lose another 882,000 acres of farmland to urbanization and ranchette development by the year 2040. This would represent a 111% increase, bringing the total area of developed land in the Valley to 1.68 million acres. Unless things change, a significant amount of the additional land lost to agriculture will be high quality farmland, of which there is now only 6.3 million acres in the region. The annual value production capacity permanently lost to development will reach $814 million by the year 2040. Between now and then, the cumulative loss of farm gate sales will be around $17.7 billion (both figures in 2000 dollars).

New development in conformance with the proposed General Plan would contribute to these cumulative impacts. The proposed General Plan's policies and standards described in Section 3.2 would delay, reduce and partially offset Merced's contribution to these cumulative impacts. However, even after mitigation, Merced's contribution to cumulative impacts on agricultural resources in the region would remain ***cumulatively significant***.

Finding: Mitigation Measure 3.2-1 will serve to reduce the severity of cumulative impacts to agricultural resources; however, this measure is not sufficient to fully mitigate this impact, as loss of agricultural land on a cumulative basis will still occur. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

2. ***Air Quality*** **–** Cumulative air quality impacts were considered in terms of the various land uses proposed under the proposed General Plan and the traffic projections generated by the traffic model. Due to the existing and projected air quality issues in the San Joaquin Valley Air Basin, the proposed General Plan would contribute considerable to a ***significant and unavoidable cumulative*** air quality impact.

Finding: Mitigation Measure 3.3-2 would be expected to reduce the severity of cumulative impacts to air quality. However, buildout as proposed under the project would produce stationary and mobile source operational emissions that would exceed San Joaquin Valley Air Pollution Control District thresholds and would result in a cumulatively significant impact. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

3. ***Hydrology and Water Quality* –** Regarding groundwater depletion and recharge, Merced is within the Merced Sub-basin which is, according to the California Department of Water Resources, being subjected to critical conditions of overdraft. Also, a Groundwater Impacts Analysis prepared by Brown and Caldwell for the City of Merced indicates that there is groundwater overdraft in the City's service area, and that the rate of overdraft will continue to increase with future urban development.

   Finding: Mitigation Measure 3.8-5 will serve to reduce the severity of cumulative impacts to groundwater depletion and recharge; however, this measure is not sufficient to fully mitigate this impact, as overdraft will continue to occur on a cumulative basis. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

4. ***Public Services (Electricity and Gas)* –** Growth in the region will continue to require construction/expansion of utility infrastructure, and as noted in Section 3.13, without definitive plans, it cannot be determined at this time whether these potential impacts would be substantial and would therefore have to be characterized as significant and unavoidable. Similar to any other development in areas of new growth, the construction of any future required utility infrastructure could also result in a variety of environmental impacts (i.e., light/glare, noise, odors, traffic, etc.) that cannot be mitigated. Due to these uncertainties, potential impacts resulting from the construction and/or expansion of any required private utility infrastructure remain ***cumulatively significant and unavoidable***.

   Finding: Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

5. ***Transportation/Traffic* –** Cumulative traffic impacts of the proposed General Plan are more fully described in Section 3.15 Transportation/Traffic in Chapter Three of this Draft EIR. The traffic model used considered growth under the Draft General Plan in conjunction with the projected regional growth for Merced County. Therefore, the transportation analysis of the General Plan is inherently cumulative in nature, because the implementation of the proposed project would take place over many years and would occur in conjunction with other growth and development throughout the region.

   As identified in Chapter Three, the proposed project would result in substantial increase in vehicular traffic on roadways in the SUDP/SOI resulting in a significant and unavoidable impact. Because this analysis was based on a cumulative model, the project's incremental contribution to traffic impacts would be ***cumulatively considerable***.

   Finding: Mitigation Measure 3.15-1 will serve to reduce the severity of cumulative impacts to transportation/traffic; however, this measure is not sufficient to fully mitigate this impact, as traffic impacts will continue to occur on a cumulative basis. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

6. ***Greenhouse Gas Emissions (Global Climate Change)*** **–** Policies of the proposed General Plan will reduce global climate change impacts; however, buildout under the proposed General Plan will nonetheless result in a substantial amount of GHG emissions contributing to global climate change. Because it cannot be determined to a reasonable degree of certainty that buildout under the proposed General Plan will not result in a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change, the impacts of the proposed project on global climate change are a ***significant , unavoidable and cumulatively considerable*** impact.

Finding: Mitigation Measure 3.17-1 will serve to reduce the severity of cumulative impacts to global climate change; however, this measure is not sufficient to fully mitigate this impact, as impacts to global climate change will continue to occur on a cumulative basis. Implementation of the proposed project will have a **significant and unavoidable** impact and will require a Statement of Overriding Considerations.

D. Findings Supporting Rejection of Alternatives

CEQA and the CEQA Guidelines require that an EIR "[d]describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly obtain the basic objectives of the Project…" (CEQA Guidelines 15126(d)). The objectives of the Project are as follows:

Statement of Project Intent and Objectives

The *Merced Vision 2030 General Plan* is a long-range plan intended to guide growth and development of the City through the Year 2030. During this period, the population of the City of Merced Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI) area is expected to more than double from its present (2010) level of 80,985 to over 155,000. The U.C. Merced (UCM) campus had an enrollment of approximately 2,700 full time students in 2008 with an expected population impact on the area of approximately 5,000 full time students by the year 2012.

By the year 2035, the UC Merced campus is expected to contribute approximately 37,135 people to the urban growth of the City's urban area; the urban population of Merced is expected to approach 200,000 people by 2035.

The *Merced Vision 2030 General Plan* aims to achieve the following guiding principles as well as many others. (A complete summary of the General Plan's goals and policies can be found in Table 2-2 of this Chapter):

- Expansion of the Sphere of Influence and City boundary with phasing of development to avoid premature conversion of agricultural land and to plan for cost-effective extension of municipal services.

- Foster compact and efficient development patterns.

- Connectivity between existing and planned urban areas. Examples include the northeast area toward UCM, the University Community, and South Merced.

- Merced as the single municipal service provider in the expanded sphere of influence.

- New development provides or pays its fair share of public services and facilities to avoid burdening existing city residents (in short, new growth pays for itself).

- Mixed-use, transit and pedestrian friendly urban villages in growth areas with direct access to commercial cores from surrounding neighborhoods.

- Commercial nodes in new growth areas to avoid the aesthetic and circulation issues associated with more common "strip commercial".

- Circulation: Recognition of the cost and importance of the arterial street system and protect capacity with access standards. Designs that encourage all modes of transportation.

- Build community quality. High community standards for Merced's services, infrastructure, and private development as a strategy for attracting business and industry and to benefit the City's residents.

- Planning well in advance for industrial/business park uses and for the infrastructure needed to support such development.

- A diversity of housing types and opportunities.

- Encouraging Sustainable and "Green" Development.

- Planning for the provision of infrastructure ahead of development.

- Maintaining Merced's high quality of life and keeping it a nice place to live.

- Encouraging new research parks and the use of new technologies.

- Protection of the Merced Regional Airport as an important community asset.

- Maintaining a quality educational environment for pre-school, K-12, and higher education.

- Maintaining our quality parks and recreation systems, including the bike path system.

- Encouraging a healthy community through improved medical facilities, air quality, parks & recreation opportunities, etc.

Intent

In broad terms, the *Merced Vision 2030 General Plan* is a strategy for accommodating population growth in a manner that minimizes adverse "physical" impacts of growth and development. "Physical" adverse impacts are within the purview of CEQA. Social and economic impacts are typically beyond the scope of CEQA, and this Program EIR, unless they will result in a "physical" impact (CEQA Guidelines Section 15131).

The *Merced Vision 2030 General Plan* relies on the concept of "sustainable development" as a means of accommodating expected future growth. In application, the term "sustainable development" in the City of Merced is defined in Chapter 8 of the *Merced Vision 2030 General Plan* and means accommodating growth and development without unnecessarily:

- Consuming valuable and limited agricultural soils,
- Contaminating or over-taxing water supplies,

- Destroying or diminishing the value of important wildlife habitat,
- Reducing air quality to a point where our quality of life is threatened,
- Consuming limited non-renewable energy resources, or
- Destroying cultural and historical resources.

Plan Objectives

The *Merced Vision 2030 General Plan* contains a comprehensive set of goals and policies that establish the planning philosophy that will direct future City growth. To achieve its purpose of providing for future population growth, the plan contains land use policies that provide adequate area for housing, employment and commercial activities. The plan also contains policies and standards for the provision of public services and infrastructure necessary to support future population growth.

Beyond the physical needs of future population growth, the plan contains design and open space provisions. These provisions provide an important element to the planning process. Future growth and development are expected to contribute to the overall well being of the community while preserving and enhancing the City's present quality of life.

From the standpoint of "sustainable growth," the *Merced Vision 2030 General Plan* contains provisions to ensure that future growth and development:

- Are directed away from concentrations of "prime" agricultural soils,

- Conserve water and do not over-tax or contaminate the region's water resources,

- Preserve and protect important area wildlife habitat,

- Promote development which minimizes adverse growth related impacts on the region's air quality,

- Conserve non-renewable energy resources, and,

- Preserve important area cultural and historic resources.

The CEQA Guidelines indicate that an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (Guidelines Sec. 15126.6[a]). Accordingly, the alternatives selected for review pursuant to this EIR focus on: (a) the specific General Plan policies pertaining to project site and (b) alternatives that could eliminate or reduce significant environmental impacts to a level of insignificance, consistent with the project objectives (i.e., the alternatives could impede to some degree the attainment of project

objectives, but still would enable the project to obtain its basic objectives). The alternatives analyzed in the following sections include:

- Existing General Plan (No Project) Alternative
- Reduced Project Area Alternative
- Concentrated Growth Alternative

According to the CEQA Guidelines, two primary provisions are necessary for an adequate alternative site analysis - feasibility and location. The EIR should consider alternate project locations if a significant project impact could be avoided or substantially lessened by moving the project to an alternate site. An alternative site for the proposed project would not be feasible because the project consists of the update of the City of Merced's General Plan. The project is, by definition, located in and around the City of Merced. Since the project consists of a plan update for a specific area, an alternative location for this project is not feasible.

A discussion of an infeasible alternative site would not meet the "rule of reason" under CEQA and this alternative was eliminated from further consideration in the EIR.

Based on all the information in the record, the City Council makes the following findings regarding the alternatives to the General Plan discussed in the EIR.

Alternative 1 – Existing General Plan (No Project) Alternative

1. Brief Description. The No Project Alternative is required under CEQA. Under the "No Project" or existing General Plan alternative, development would occur as allowed under the existing LAFCO approved SOI with the same General Plan Land Use map in effect (reference Figure 2-3). The land use designations established by the existing General Plan would accommodate a residential population ranging between 139,899 and 298,614 persons. Lands currently used or planned for longer term agricultural use would continue in that use with the associated impacts. Policies in the existing General Plan would remain the same and would not be updated to address current issues such as new flood regulations and greenhouse gas emissions.

   Such a scenario would potentially result in reduced impacts to agricultural resources, biology, cultural resources, geology and soils, hazards and hazardous materials, noise, public services, transportation and circulation, and utilities and service systems.

2. Findings. The City Council finds that the No Project Alternative is less desirable than the Project and rejects the No Project Alternative for the following reasons:

   a) The adoption of the No-Project/Existing General Plan Alternative would leave the City open for future growth that may not be compatible with the goals and objectives of the City. The No-Project/Existing General Plan Alternative fails to accomplish the

project objectives in the City's vision and has other potential environmental impacts resulting from its implementation.

b) Specific economic, legal, social, technological, or other considerations, as described in the Statement of Overriding Considerations, make infeasible this project alternative identified in the FEIR (Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3)).

Alternative 2 – Reduced Project Area Alternative

1. Brief Description. The Reduced Project Area Alternative would update the General Plan elements and policies, but would restrict growth to a smaller area. In this Alternative, the two Community Plan areas identified in the northwest and southwest corners of the 2030 Plan area are deleted from the proposed Project. This alternative was considered feasible because the City could grow at a slower pace than is being planned for. Further, the potential population under the proposed General Plan at buildout (between 152,063 and 328,956 persons) exceeds that projected for 2030 (116,800).

   The alternative would potentially create reduced impacts to agricultural resources, air quality, biological resources, cultural resources, geology and soils, global climate change hazards and hazardous materials, hydrology and water quality, noise, public services, transportation and circulation, and utilities and service systems. However, some impacts, such as air quality and agricultural resources would remain significant.

2. Findings. The City Council finds that the Reduced Project Area Alternative is less desirable than the Project and rejects the Alternative for the following reasons:

   a) Mitigation Measures incorporated into the Project, or otherwise being adopted by the City Council through the EIR, will substantially lessen or avoid most of the environmental effects of the Project, thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the Reduced Area Alternative.

   b) Specific economic, legal social, technological, or other considerations, as described in the Statement of Overriding Considerations, make infeasible this project alternative identified in the FEIR (Public Resources Code § 21081(a)(3). Guidelines § 15091(a)(3).

   c) The Alternative would not accomplish all of the Project objectives.

Alternative 3 – Concentrated Growth Alternative

1. Brief Description. The Concentrated Growth Alternative assumes approximately the same number of residential units at buildout as the proposed General Plan, as well as the same goals, objectives, and policies. The density of residential development would increase to reduce the amount of land needed to provide the same growth capacity.

Residential land use densities near and within proposed village locations and Transit Oriented Development (TOD) corridors would be increased significantly (25-50%), and minimum densities would be imposed. As a result, more of the land in the Planning Area would be left in open space or agricultural use.

Such a scenario would potentially create reduced impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, global climate change, public services, transportation and circulation, and utilities and service systems. However, some impacts, such as air quality and agricultural responses would remain significant.

2. Findings. The City Council finds that the Concentrated Growth Alternative is less desirable than the Project and rejects the Alternative for the following reasons:

   a) Mitigation Measures incorporated into the Project, or otherwise being adopted by the City Council through the EIR, will substantially lessen or avoid most of the environmental effects of the Project, thereby diminishing or obviating the perceived mitigating or impact avoiding benefits of adopting the Concentrated Growth Alternative.

   b) Specific economic, legal, social, technological, or other considerations, as described in the Statement of Overriding Considerations, make infeasible this project alternative identified in the FEIR (Public Resources Code § 21081(a)(3), Guidelines § 15091(a)(3).

   c) The Alternative would not accomplish all of the Project objectives.

Conclusion Regarding Alternatives Not Chosen

In accordance with the *CEQA Guidelines*, a reasonable range of project alternatives have been evaluated for their comparative environmental superiority. Based on the analyses developed in this EIR, the Reduced Project Area Alternative is the environmentally superior alternative because it reduces more potential impacts than other alternatives relative to the proposed General Plan and serves to reduce the severity of three significant cumulative impacts (agriculture, air quality, and transportation/traffic). The No Project alternative (existing General Plan) is inferior to the proposed General Plan and other alternatives because it fails to achieve the objectives of the proposed General Plan.

A review of the foregoing alternatives reveals that the Project is the superior alternative for achieving the goals established for the Project and the City of Merced while minimizing impacts to the environment. For all of the reasons discussed above, each of the alternatives are not superior to the Project because they compromise one or more of the Project objectives. Accordingly, pursuant to CEQA Guidelines Section 15126.6, the City Council finds that the EIR has considered a reasonable range of alternatives to the Project and that such alternatives considered are not preferable to the Project as proposed.

E. Statement of Overriding Considerations

CEQA requires decision-makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project under consideration. If the benefits of the project outweight the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). However, CEQA requires the agency to explain, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations".

In approving the Project which is evaluated in the Final Environmental Impact Report (FEIR), the City makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The City Council has considered the information contained in the FEIR and has fully reviewed and considered the public testimony and record in this proceeding.

The City Council has carefully balanced the benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of the impacts which are identified in the EIR as being significant and potentially significant which have not been eliminated, lessened, or mitigated to a level of insignificance, the City Council acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and should be approved. The EIR describes certain environmental impacts which cannot be avoided if the Project is implemented. In addition, the EIR describes certain potential impacts, which, although substantially mitigated or lessened, are not mitigated to a point of environmental insignificance. This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the EIR and the public hearing records.

All of the significant impacts associated with the Project have been mitigated to a level of insignificance except for the following: agricultural and forest resources (project and cumulative level), air quality (project and cumulative level), hydrology and water quality (cumulative level), public services: electricty and gas (cumulative level), transportation/traffic (project and cumulative level), and greenhouse gas emissions (project and cumulative level).

Specific Findings

1. Project Benefits Outweigh Unavoidable Impacts. The unavoidable impacts of the Project are acceptable in light of the long-term economic, fiscal, social, environmental, land-use and other considerations set forth herein.

The Project will result in unavoidable environmental changes, some of which may be detrimental to the area's residents, businesses and the environment. These detrimental changes, however, are outweighed by the following Project benefits:

- Expansion of the Sphere of Influence and City boundary with phasing of development to avoid premature conversion of agricultural land and to plan for cost-effective extension of municipal services.
- Foster compact and efficient development patterns.
- Connectivity between existing and planned urban areas. Examples include the northeast area toward UCM, the University Community, and South Merced.
- Merced as the single municipal service provider in the expanded sphere of influence.
- New development provides or pays its fair share of public services and facilities to avoid burdening existing city residents (in short, new growth pays for itself).
- Mixed-use, transit and pedestrian friendly urban villages in growth areas with direct access to commercial cores from surrounding neighborhoods.
- Commercial nodes in new growth areas to avoid the aesthetic and circulation issues associated with more common "strip commercial".
- Circulation: Recognition of the cost and importance of the arterial street system and protect capacity with access standards. Designs that encourage all modes of transportation.
- Build community quality. High community standards for Merced's services, infrastructure, and private development as a strategy for attracting business and industry and to benefit the City's residents.
- Planning well in advance for industrial/business park uses and for the infrastructure needed to support such development.
- A diversity of housing types and opportunities.
- Encouraging Sustainable and "Green" Development.
- Planning for the provision of infrastructure ahead of development.
- Maintaining Merced's high quality of life and keeping it a nice place to live.
- Encouraging new research parks and the use of new technologies.
- Protection of the Merced Regional Airport as an important community asset.
- Maintaining a quality educational environment for pre-school, K-12, and higher education.
- Maintaining our quality parks and recreation systems, including the bike path system.
- Encouraging a healthy community through improved medical facilities, air quality, parks & recreation opportunities, etc.

Merced has limited capacity for growth, so these objectives would be applied toward existing development as much as toward new projects. The application of these objectives toward existing development would improve the City's impact on the environment by enhancing open spaces and parks and by encouraging alternative transportation modes. They would have beneficial effects on the economic and cultural conditions of the City.

2. Balance of Competing Goals. The City Council finds it is imperative to balance competing goals in approving the Project and the environmental documentation of the Project. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. The City Council has chosen to accept certain significant environmental impacts because complete eradication of impacts would unduly compromise some other important economic, social, or other goals. The City Council finds and determines that the Project proposal and the supporting environmental documentation provide for a positive balance of the competing goals that the economic, fiscal, social, environmental, land-use and other benefits to be obtained by the Project outweigh any remaining environmental and related potential detriment of the Project.

Overriding Considerations

Based upon the objectives identified in the Project and EIR and through the extensive public participation, the City Council has determined that the Project should be approved and that any implementation of the Merced General Plan Update would have environmental, economic, and social benefits that outweigh the unavoidable adverse environmental impacts of the physical development of the City.

Upon balancing the environmental risks and countervailing economic, social and environmental benefits, the City concludes that the benefits which the City will derive from the implementation of the General Plan outweigh those environmental risks, due to the following overriding considerations:

- The General Plan Update is critical in achieving the City's economic development and job creation goals by fostering a positive climate for investment, providing a supply of land that is appropriately located and designated for desired uses, ensuring the readiness of physical conditions to support development.

- The General Plan Update promotes social equity be ensuring adequate housing for all income levels; providing open government that values public participation; promoting local goods and cultures; promoting community health through a safe circulation system with multi-modal transportation options; and providing parks and quality public services to all members of the community.

- Implementation of the General Plan Update will serve as a foundation in making land use decisions based on goals and polices related to land use, transportation routes, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, noise impacts, safety issues and other related physical, social, and economic development factors.

- Implementation of the General Plan Update will comply with State requirements and, more importantly, will provide the City, its residents, land owners and businesses, staff and policy

makers and all stakeholders with a comprehensive, long-range policy guideline for future development.

- The City finds that this level of comprehensive planning is desirable and that it provides a more environmentally sustainable vision and development plan for the City than the previously adopted General Plan.

Based upon these land use and environmental considerations, the City Council has determined that any environmental detriment caused by the General Plan has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, environmental and land-use benefits to be generated to the City.

CITY OF MERCED
Planning Commission

Resolution #2988

WHEREAS, the Merced City Planning Commission at its regular meeting of July 20, 2011, held a public hearing and considered Certification of the Environmental Impact Report (EIR) for the *Merced Vision 2030 General Plan*; and,

WHEREAS, the Merced City Planning Commission concurs with Findings N through Y of Staff Report #11-09; and,

WHEREAS, after reviewing the City's Environmental Impact Report for the *Merced Vision 2030 General Plan*, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council Certification of EIR #10-01 with page 2-2 of the Final EIR corrected to read, "Letter 22 – Thomas C. Grave" (not "Thomas Lollini" as noted); Adoption of Findings of Fact and a Statement of Overriding Considerations; and Adoption of a Mitigation Monitoring Program regarding EIR #10-01.

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Adopted this 20th day of July 2011

_____
Chairperson, Planning Commission of the City of Merced, California

ATTEST:

_____
Secretary

Attachment:
Exhibit A – Findings of Fact and a Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring Program

n:shared:planning:PC Resolutions:General Plan Merced Vision 2030 & FEIR #10-01 (EIR Res)

ATTACHMENT H

Exhibit A (Findings of Fact and a Statement of Overriding Considerations) of Planning Commission Resolution #2988 can be found at Attachment G of Staff Report #11-09

Exhibit B (Mitigation Monitoring Program) of Planning Commission Resolution #2988 can be found at Attachment F of Staff Report #11-09

CITY OF MERCED
Planning Commission

Resolution #2989

WHEREAS, the Merced City Planning Commission at its regular meeting of July 20, 2011, held a public hearing and considered Adoption of the *Merced Vision 2030 General Plan*. The General Plan includes Urban Expansion, Land Use, Transportation & Circulation, Public Facilities & Services, Urban Design, Open Space, Conservation & Recreation, Sustainable Development, Housing (previously adopted May 16, 2011), Noise and Safety Elements. The expansion of the City's growth boundary will define the limits for extending City services and infrastructure so as to accommodate new development anticipated within the 20 year time-frame of the General Plan. The current growth boundary or Specific Urban Development Plan (SUDP) contains approximately 20,000 acres and the current Sphere of Influence (SOI) contains approximately 33,700 acres. The proposed SUDP/SOI (now combined into one) contains 33,576 acres. Policies in the proposed General Plan promote compact urban development and provide for an orderly transition from rural to urban land uses; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through M of Staff Report #11-09; and,

WHEREAS, after reviewing the City's Environmental Impact Report, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council Adoption of the *Merced Vision 2030 General Plan* as shown in the August 2010 Public Review Draft with the changes outlined in Attachment D of Staff Report #11-09 (as modified July 20, 2011).

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

ATTACHMENT I

WHEREAS, after reviewing the City's *Merced Vision 2030 General Plan* Land Use Diagram, the Merced City Planning Commission does resolve to hereby recommend to City Council Adoption of the *Merced Vision 2030 General Plan* Land Use Diagram (Figure 3.1), with changes outlined in Attachment C of Staff Report #11-09 (as modified July 20, 2011), in the following sectors as illustrated on Attachment A of Staff Report #11-09:

Sector I – South of Highway 99 until Glen Avenue and then South of Highway 140

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Sector II – East of G Street, North of Highway 140, and South of Olive Avenue

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Sector III – North of Highway 99 between G and M Streets, East of M Street between Olive Avenue and Yosemite Avenue, and North of Yosemite Avenue, East of Paulson Road

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Sector IV – West of M Street between Highway 99 and Yosemite Avenue, North of Yosemite Avenue between San Jose Avenue/M Street and Paulson Road

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Sector V – North of Yosemite Avenue, West of San Jose Avenue

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

Adopted this 20th day of July 2011

_____
Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

_____
Secretary

n:shared:planning:PC Resolutions:General Plan Merced Vision 2030 & FEIR #10-01 (GP Res)