



U.S. Department of Housing and Urban Development

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Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

Project Information

Project Name: Childs & B Street TOD Affordable Housing Project

Responsible Entity: City of Merced

Grant Recipient (if different than Responsible Entity): The Richman Group and Central Valley Coalition for Affordable Housing

State/Local Identifier: California / City of Merced

Preparer: Gary Conte, AICP

Certifying Officer Name and Title: Steven Carrigan, City Manager

Consultant (if applicable): Towne Planning & Environmental

Direct Comments to: Mark Hamilton
Housing Program Supervisor
City of Merced, Housing Division
678 West 18th Street
Merced, CA 95340

Project Location: The project site is within the incorporated limits of the City of Merced, California and is comprised of a portion of 5.06 acre parcel identified as Merced County Assessor Parcel Number (APN) 035-010-071-000 and portions of existing public right-of-way adjacent to the 5.06 acre parcel. The site is in southeast quarter section of Section 30, Township 7 South, Range 14 East (Mount Diablo Base Meridian) of the United States Geological Survey (USGS) Merced, California 7.5 minute quadrangle map (refer to Exhibit 1). More specifically, the project site is located the northwest corner of B Street and East Childs Avenue and is identified as 905 and 1137 B Street, Merced, California.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]: The proposed project is a development partnership of The Richman Group and the Central Valley Coalition for Affordable Housing (collectively herein referenced as either the Grant Recipient or applicant). In collaboration with the City and County of Merced, the project will provide new housing opportunities and supportive services to low-income families and individuals. The project will be 100 percent low-income serving.

The proposed project includes acquisition of the northern 4.03 acres of APN 035-010-071-000, construction and occupancy of a 119 unit apartment complex on 4.03 acres, construction of multimodal

transit stop, and the construction of 0.98 acres of street right-of-way street improvements (i.e., curb, gutter, sidewalk, park strip, street trees, lighting, asphalt pavement) on B Street and East Childs Avenue (refer to Exhibit 2). Existing development and improvements (i.e., modular office building, storage structures, parking, landscape and street right-of-way frontage improvements) at the northern end of the parcel will be razed and removed to make way for the development of the 119 unit apartment complex (refer to Exhibit 3).

Acquisition

The Grant Recipient proposes to purchase the northern 4.03 acres of APN 035-010-071-000 from the City of Merced following the City of Merced acquisition of the 5.06 acre parcel from the County of Merced. The City of Merced, through a cooperative agreement with the County of Merced, will purchase the 5.06 acre parcel and then subdivide the 5.06 acre parcel into two parcels for the purpose of sale of northern 4.03 acres to the Grant Recipient. The southern 1.03 acre parcel will be held by the City for the purpose of public benefit - storm water detention basin.

Purchase and subdivision of the 5.06 acre parcel by the City of Merced will be undertaken exclusive of federal assistance or funds. As such, these actions are not subject to, or analyzed as part of, this environmental assessment. The proposed purchase 4.03 acres by the Grant Recipient will be undertaken using federal funds and thus is subject to and analyzed as part of this environmental review.

Apartment Complex

The development of the four acre apartment complex will be a courtyard-style community comprised of five 3-story wood frame walk-up buildings. A six foot high iron picket perimeter fence will enclose the complex. The buildings will vary in size from 6,920 square feet to 34,240 square feet. The apartment complex will provide a total of 119 residential units. The 119 units will be a mix of one-, two- and three-bedroom apartment flats. The project includes a two-bedroom manager's unit. Each building will typically provide covered breezeway access with shared stairwells to the second and third floor units (refer to Exhibits 4 and 5).

The project locates amenities near the secured B Street main entrance housing in a community center of approximately 4,475 square feet. These amenities include a multi-purpose room, manager's and service providers' offices, computer center, fitness room, mailboxes and laundry facilities. A central courtyard will include a patio and barbeque area, swimming pool, and children play areas. Additional outdoor spaces will be provided for recreation and gardening. Other improvements include a maintenance storage space, a trash and recycling enclosure with compactor.

The project will provide on-site solar energy generation and exceed residential energy codes by 10 to 20 percent. The project will be constructed in accordance with the California Green Building Standards Code and will be certified as Gold Level in the Green Point Rated Multifamily Sustainable Building System.

Project access will be provided by two secured driveways located on B Street. The main entrance will be located nearest to East Childs Avenue. A concrete identification monument sign will be placed at the main entrance. The main entrance, intended to provide resident, visitor and delivery service access, leads directly to the project's management and service provider offices, multi-purpose room and visitor parking. A secondary auto gate on B Street will be provided for resident vehicle egress and emergency access only. A total of 123 uncovered, off-street parking spaces will be provided along the perimeter of the courtyard style complex. Of the 123 parking spaces, 7 will be handicapped accessible (van and

standard). On-site electric vehicle charging stations will be provided in accordance with the California Green Building Standards. Parallel parking spaces along B Street will provide additional parking for the greater community. As a City designated Minor Arterial, no parking will be permitted on East Childs Avenue.

All new connections will be made for water (domestic, landscape and fire flow), sewer, natural gas, electrical, communication and cable. New connections will be made to existing service and utility infrastructure currently available along B Street. On-site storm water will be managed and cleansed in vegetated bioswales along the perimeter of the site and then conveyed to the existing storm water basin south and adjacent to the project site. Street drainage will also be directed to the City's storm water basin.

Street Improvements

The project will include street improvements on both East Childs Avenue and B Street. The B Street frontage improvements will receive the following improvements in an area approximately 42 feet wide by 638 feet long, to and through the intersection with East Childs Avenue: 5 foot wide sidewalk; 7 foot wide irrigated landscape strip (parkway) between the street curb and sidewalk; street lights; signage; curb and gutter; multi-modal transit stop; space for parallel parking and bike lane striping and roadway construction.

The East Childs Avenue along its northern right-of-way will receive the following improvements in an area approximately 40 feet wide and 370 feet long, meeting existing East Childs Avenue street improvements west of the project to and through the intersection of B Street: 5 foot wide sidewalk; 7 foot wide irrigated landscape strip (parkway) between the street curb and sidewalk; street lights; signage; curb and gutter; bike lane striping; and roadway construction.

Transit Stop

The project will include a new multi-modal transit stop north and adjacent to, the project's main entrance on B Street. The transit stop, which will be constructed within the existing B street right-of-way, will be designed as a midblock bus turnout. The bus turnout will be 60 feet in length to serve a single bus, plus a 25 taper at each end for pulling in and out of traffic. On street parking will be prohibited 60 feet before and following the bus turnout tapers. Parking restrictions (either red curb or "No Parking" signs) will be placed, as appropriate, at the transit stop.

The transit stop will be signed, illuminated and include a covered transit shelter, bicycle parking, bench and waste receptacle, and will provide adequate right-of-way to ensure the transit stop meets the American with Disabilities Act of 1990 (ADA) accessibility standards including providing adequate sidewalk width (8 to 10 feet) along the distance of the transit stop or bus turnout that will transition to the City's standard sidewalk with outside the bus turnout area.

Project Construction

Project construction is projected to begin late 2019 and take an estimated 16 months to complete. The project will require temporary easements on adjoining City property (drainage basin) to accommodate the necessary construction activities. Approximately 0.3 acres of temporary easements will be required during construction.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]: The proposed 119 unit apartment complex will provide new affordable housing opportunities and supportive services to low-income

families and individuals. The proposed actions will address the low-income housing and community support service deficiency needs in the City of Merced.

Existing Conditions and Trends [24 CFR 58.40(a)]: The northern portion of APN 035-010-071-000 is developed; covered by asphalt parking area, concrete slabs, an office building, a small storage shed, metal shipping container and landscaping (e.g., turf, ground cover, shrubs, trees). The office building is approximately 60 feet by 70 feet and the parking area is approximately 33,700 square feet located between the building and B Street with two points of ingress / egress to B Street (refer to Exhibit 3). These improvements were constructed in 2004 and originally served as a church and later as a behavior health and recover services center for the County of Merced. County services provided at the center are planned to be relocated to a new center.

An unlined retention basin serving the former church and county behavior health and recover center occupies the southernmost portion of APN 035-010-071-000. The surface area of the basin, which is approximately 8 feet deep at its maximum depth, is approximately 140 feet by 180 feet. The basin was designed to have a 1:8 slopes on all sides, resulting in a small flat area at the base of the basin. The basin has an estimated storm drainage volume capacity of 32,300 cubic feet per City standards (50 year / 24 storm). Based on site plans prepared for the 4 acre apartment complex, the total estimated storm drainage (50 year / 24 storm) volume would be 26,400 cubic feet. The property between the County's behavior health and recovery services center is vacant and undeveloped.

Water and wastewater mains are present beneath B Street. Overhead utility lines (electrical, communications, cable) are present on the project site, extending the length of B Street. Electrical power lines are present beneath B Street. Natural gas is presently unavailable to the project site. The nearest natural gas main is approximately 230 feet north of the project site, beneath B Street. Project site drainage is collected on site and diverted to the existing retention basin.

The irregular-shaped project site is bound immediately to the north by vacant, undeveloped land followed by Merced County behavioral and health institutional facilities. B Street forms the project's eastern boundary. A cemetery (Calvary Cemetery) is located east of B Street. East Childs Avenue forms the southern project boundary. Merced Irrigation District's Zentner Lateral, parallels the south side of East Childs Avenue followed by rural single family homes across Zentner Lateral with individual driveways across Zentner Lateral connecting each parcel to East Childs Avenue. An affordable housing apartment complex (Sunnyside Family Apartments) bounds the project site to the west (refer to Exhibit 3).

Attachments

- Exhibit 1 – Project Location
- Exhibit 2 – Project Site Plan
- Exhibit 3 – Existing Land Uses
- Exhibit 4 – Project Site Improvement Plan
- Exhibit 5 – Apartment Complex Elevation Views
- Exhibit 6 – Airport Locations
- Exhibit 7 – Floodplain Hazards
- Exhibit 8 – Phase I Environmental Assessment
- Exhibit 9 – Phase II Environmental Assessment
- Exhibit 10 – USWFS IPaC Resource Report
- Exhibit 11 – Biological Assessment

Exhibit 12 – Above Storage Tank (AST) Locations
 Exhibit 13 – AST Acceptable Separation Distance Assessment
 Exhibit 14 – Important Farmland Map
 Exhibit 15 – 8-Step Decision Making Process for Executive Order 11988
 Exhibit 16 – Native American Consultation
 Exhibit 17 – Section 106 Consultation
 Exhibit 18 – Noise Level Assessment
 Exhibit 19 – Sole Source Aquifers

Funding Information

Grant Number	HUD Program	Funding Amount
B19-MC-06.0044	Community Development Block Grant	\$1,500,000
B19-MC-06.0044	HOME Investment Partnership	\$1,400,000

Estimated Total HUD Funded Amount: \$2,900,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$39,500,000

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No ☐ ☒	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. Nearest civilian airport (Merced Regional Airport) is approximately 10,000 feet southwest of the project site. No military airports are present in the vicinity of the project or the City of Merced (refer to Exhibit 6). The project is in compliance with Airport Hazards requirements. Sources: Merced County Airport Land Use Compatibility Plan, June 21, 2012, Map CAS 1, Map MER 1, https://www.google.com/maps accessed September 24, 2018.
Coastal Barrier Resources	Yes No	The project is located in a state (California) that does not include Coastal Barrier Resources (CBRS) units.

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	☐ ☒	Therefore, this project is in compliance with the Coastal Barrier Resources Act. Source: United States Fish and Wildlife Service, Coastal Barrier Resources System Mapper, https://www.fws.gov/CBRA/Maps/Mapper.html, accessed September 24, 2018.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No ☐ ☒	A portion of the project site is located within a FEMA designated 100-year floodplain (Zone AO, Depth 1 Foot) (refer to Exhibit 7). Project improvements within the designated floodplain is limited to public street improvements (i.e., curb, gutter, asphalt paving, sidewalk, landscape park strip between curb and sidewalk). Per project design, no four-sided structures will be constructed within the floodplain, nor will the project result in the placement of insurable properties within the designated floodplain. The project is in compliance with the Flood Protection Act and Insurance Reform Act. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Source: United States, Federal Emergency Management Agency, <i>Flood Insurance Rate Map Panel Number 06047C0440G, effective December 2, 2008.</i>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No ☐ ☒	The project lies within the San Joaquin Valley Air Basin (SJVAB). The Air Basin is designated as “extreme” non-attainment status of the federal 8-hour Ozone (O₃) standard, and non-attainment status of the federal Particulate Matter, < 2.5 microns (PM_{2.5}) standard. The Air Basin is also designated by the California Air Resources Board as “severe” non-attainment status of the state 1-hour O₃ standard, and non-attainment status of the state 8-hour O₃, PM_{2.5} and particulate matter, < 10 microns (PM₁₀) standards. The Air Basin is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPD). The District, which is responsible for the attainment of state and federal air quality standards in the Air Basin, has established thresholds of significance for criteria pollutant emissions. Using project type and size, the District has pre-qualified emissions and determined the size of a project below which it is reasonable to conclude that the established

		thresholds of significance for criteria pollutant emissions. Using project type and size, the District has pre-qualified emissions and determined the size of a project below which it is reasonable to conclude that project would not exceed applicable thresholds of significance for criteria pollutants – no qualifications of emissions is needed for projects less than or equal to the sizes listed by the District. For low rise apartments it is 590 units. Based on the project description, the proposed project (119 apartment units) will not exceed de minimis emission levels or the screening level established by the District for the criteria pollutants identified above. Therefore, the project is in compliance with the Clean Air Act. Sources: San Joaquin Valley Air Pollution Control District (SJVAPCD), <i>Guide for Assessing and Mitigating Air Quality Impacts</i>; SJVAPCD <i>Small Project Analysis Level</i>.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No ☐ ☒	The project is more than 80 miles inland from the Pacific Ocean. This project is not located in, nor will affect a Coastal Zone as defined by the California's Coastal Management Plan. The project is in compliance with the Coastal Management Act. Sources: Google Earth Mapping System, accessed September 24, 2018; California Coastal Commission, Coastal Zone Boundary Maps, https://www.coastal.ca.gov/maps/czb, accessed September 24, 2018.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No ☐ ☒	The project site and its surroundings were subject to a phase I and phase II environmental site assessments to assess past and present land use practices and to identify the potential presence of hazardous substances in the soil, soil vapor, and groundwater beneath the site (refer to Exhibits 8 and 9, respectively). No oil or gas wells are located on or within a one mile radius of the site (Phase I Assessment, p. 8). United States Environmental Protection Agency (USEPA) lists Merced County as a Radon Zone Level 3 – areas where indoor average radon less is less than 2 picocuries / liter (pCi/L). Radon exposure is below USEPA's acceptable (action) limit of 4 pCi/L (Phase I Assessment, p. 8). The likely use of the project site for agriculture between the approximate years of 1942 and 1976 identified the project site as a recognized environmental condition (REC) given pesticides were

		commonly applied to agricultural fields. (Phase I, p 9; Phase II, p. 1). Ten soil samples were collected and analyzed for organochlorine pesticides and for arsenic pursuant to California Department of Toxic Substance Control protocol (Phase II Assessment, pp. 2-4). Based on the soil samples collected and analyzed, the project site is not adversely affected by past agricultural use (Phase II, p. 5, Tables 1 and 2). One REC was identified for properties in the immediate site vicinity – adjacent retention basin. Surface runoff directed into the basin may contain total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs) and metals resulting from the operation of automobiles and trucks (Phase I, p 9; Phase II, p. 2). Two soil samples were collected adjacent to two outfall grates in the basin and analyzed for TPH, VOCs and for selected metals pursuant to EPA protocol (Phase II Assessment, pp. 2-4). Based on the soil samples collected and analyzed, the adjacent basin is impacted by surface runoff directed into the basin. (Phase II, p. 5, Tables 1 and 2). Five additional properties within the area of concern (AOC) of 1,760 feet for non-petroleum chemicals of concern were identified. The three locations nearest to the project site are medical facilities listed as small quantity generators. Each of these facilities is located at least 800 feet north of the project site in the hydrogeological up gradient direction from the site. Two properties approximately 1,100 to 1,300 feet east of the site were identified as having numerous violations. However, there are no reports of unauthorized release of hazardous materials or any open clean-up cases at any of the five sites within the AOC. The five properties are not RECs based on the data reviewed (Phase I Assessment, pp. 8-9). No RECs were identified for properties in the immediate site vicinity. Five additional properties, located within 1,760 feet of the site were identified. The five facilities are not considered RECs (Phase I Assessment, p. 9). In summary, on-site or nearby hazardous, or radioactive substances that could affect the health and safety of the project occupants or conflict with the intended use of the property were either not found or within acceptable applicable federal and state concentration screening levels. Project is in compliance with contamination and toxic substance requirements. Sources: Towne Planning & Environmental Reconnaissance Level Field Observations, September
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		13, 2018; FREY Environmental, Inc., <i>Phase I Environmental Site Assessments, Merced County Behavioral Services 1137 B Street, Merced, CA 95341 (APN 035-010-071-000)</i> , October 5, 2018; FREY Environmental, Inc., <i>Phase II Environmental Site Assessments, County of Merced, Department of Behavioral Services, 1137 B Street, Merced, California</i> , October 29, 2018.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No ☐ ☒	An Information, Planning, and Conservation (IPaC) Systems Trust Resource Report was generated for the subject property by utilizing USFWS IPaC System, accessed at http://ecos.fws.gov/ipac (refer to Exhibit 10). The IPaC resource report identified federally endangered or threaten species having the potential to be located within the subject property (IPaC Resource Report, pp 2-4). IPaC resource report also identified birds protected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act given the location of the project (IPaC Resource Report, pp. 5-7). The IPaC Resource report identified no federally designated critical habitats within the subject property (IPaC Resource Report, pp. 4-5). Based on the results of the IPaC Resources Report, a biological assessment was performed to investigate the biotic resources of the project site, and assess potential impacts to those resources pursuant to NEPA and Section 7 of the federal Endangered Species Act (Refer to Exhibit 11). The assessment included a field survey to identify biotic habitats and the plants and wildlife occurring in those habitats, and significant biological resources that may be protected by state and federal law. At the time of the field investigation (December 14, 2018), the site consisted of a ruderal field and developed lands (Biological Assessment pp. 7-10). The disturbed nature of the project site has created habitat conditions that are unsuitable for most native wildlife and plants. USFWS designated critical habitat is absent from the project site and surrounding lands (p. 31). The project will have no effect on federally listed species. All federally listed plant and animal species documented in the project vicinity are absent from the project site due to past and ongoing disturbance, the absence of suitable habitat, and / or the projects site being situated outside the elevational range of the species (Biological Assessment pp. 10-20, 29-33). Most migratory birds and raptors are not included in the Endangered Species Act. However, they are protected by similar protections against a “take” of

		bird nest or eggs under the federal Migratory Bird Treaty Act. The project has the potential to result in construction-related mortality or disturbance of nesting migratory birds and raptors. Construction-related mortality or disturbance leading to nest abandonment would be considered significant impacts. Because of the potential for the project to affect migratory birds and raptors, mitigation during project grading and tree removal will be required. By constructing the project outside of the nesting season or avoiding active nests identified during preconstruction surveys, the project can reduce the magnitude of potential impacts to nesting birds to a less than significant level (Biological Assessment pp. 28-29). Source: Live Oak Associates, Inc., <i>Childs Avenue and B Street Affordable Housing Project Biological Assessment</i>, January 9, 2019.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No ☐ ☒	The project site does not presently house hazardous facilities, nor does the project propose to construct a hazardous facility. There are 10 reported sites within a 1 mile of the project site that have above ground storage tanks (ASTs) with a storage capacity greater than 100 gallons. Tesei Petroleum, located 1450 G Street, is the nearest ASTs to the project site (refer to Exhibit 12). Given the 10 ASTs reported within 1 mile of the project site, an acceptable separation distance analysis was performed utilizing HUD's Acceptable Separation Distance (ASD) Electronic Assessment Tool for the purpose of assessing the suitability of siting the proposed project within a mile of known ASTs identified as explosive or fire prone in nature (refer to Exhibit 13). Based on the ASD assessment results, the distance between the project site and stationary containerized hazards of an explosive or fire prone nature were found to be greater than the required acceptable separation distance. Project is in compliance with Explosive and Flammable Hazards requirements. Sources: Towne Planning & Environmental Reconnaissance Level Field Observations, September 13, 2018; FREY Environmental, Inc., AST Location Map and AST Site Location Table, November 2, 2018; https://www.google.com/maps accessed November 27, 2018; HUD Acceptable Separation Distance (ASD) Electronic Assessment Tool; Tesei Petroleum communications, November 27, 2018.

Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No ☐ ☒	Neither the project site nor surrounding properties include lands designated prime or unique farmland, or other farmland of statewide or local importance. The northern portion of the project site composed of existing development is classified as “Urban and Built-Up Land”. The remainder of the project site is classified as “Rural Residential” (residential areas of 1 to 5 structures per 10 acres). Adjacent properties to the west, north and east are classified as Urban and Built-Up Land. Adjacent properties to the south are classified Rural Residential (refer to Exhibit 14). No important farmlands will be converted to an urban use. Nor will important farmlands will be directly or indirectly affected by this project. Project is in compliance with the Farmland Protection Policy Act. Sources: State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping & Monitoring Program, Rural Land Mapping Edition, Merced County Important Farmland 2016, Sheet 1 of 2; State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping & Monitoring Program, California Important Farmland Finder, https://maps.conservation.ca.gov/DLRP/CIFF/, Accessed October 23, 2018.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No ☐ ☒	A portion of the project site lies in a 100-year floodplain according to Flood Insurance Rate Map (FIRM) Panel 06047C0440G effective December 2, 2008. Based on FIRM Panel, the southernmost portion (0.34 acre) of the proposed 4.98 acre project site is within a 100-year floodplain (AO Zone) with a defined flood depth of one foot. The 0.34 acre is composed of the northern unimproved existing right-of-way for East Childs Avenue. The remainder of the project site is within (Zone X), an area of minimal flood hazard (refer to Exhibit 7). The propose project improvements subject to flooding are the following street improvements to East Childs Avenue: 5 foot wide sidewalk, 7 foot wide irrigated landscape strip (parkway) between the street curb and sidewalk, street lights, signage, curb and gutter, bike lane pavement and striping and expansion width of East Childs Avenue pavement. For this reason, Executive Order 11988 applies. Per 24 CFR 55.20, an 8-Step Decision Making Process was completed for compliance with Executive Order 11988 (refer to Exhibit 15).

		Project area flooding is caused by overflows from the Merced Stream Group (Bear, Canal, Fahrens, Black Rascal, Miles, Owens, Mariposa, Dutchman and Deadmans) Creeks. Overflow generally spreads out as slow-moving shallow flooding and covers large areas during major storms – much of this overflow ponds behind canal, highway, and railroad embankments. During extreme flood events, overflow from the individual creeks spread out and join those of the adjacent creeks. The Merced Stream Group floodplain is approximately 20 to 25 miles wide at the point measured perpendicular to the direction of flow and encapsulates the majority of the City of Merced (8-Step Process, p. 2). Given the type and minor changes in topographic relief that will occur as result of implementing the street improvements comparative to the overall size and extent of the floodplain, it was determined that the project would not create effects to the base floodplain beyond those currently existing (8-Step Process, pp. 3-5). No flood related impacts have been identified for the project. With the 8-Step Process complete, the project is in compliance with Executive Order 11988. Sources: Flood Insurance Rate Map (FIRM) Panel 06047C0440G effective December 2, 2008; Towne Planning & Environmental, 8-Step Process, Decision Making Process for Executive Order 11988, January 17, 2019.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes No ☐ ☒	Existing on-site structures and improvements were constructed in 2004. No historic properties are present on or within the project’s “Area of Potential Effect.” Structures on the project site were constructed in 2004. City of Merced consulted with federally-recognized Indian tribes with interests in Merced County, California. Tribes consulted expressed no interest in the project or project site (refer to Exhibit 16). The City also consulted with the State’s Historical Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Officer (refer to Exhibit 17). Based on Section 106 consultation, SHPO concurs and does not object to the City’s findings that no historic properties will be by the proposed project. The project is in compliance with National Historic Preservation Act. Sources: HUD <i>Tribal Directory Assessment Information, Tribes with Interests in Merced County, California</i>; California Office of Historic Preservation, September 26, 2018 and December 10, 2018

		correspondences; Tule River Indian Tribe of the Tule River Reservation, California October 1, 2018 correspondence; California Valley Miwok Tribe, California October 1, 2018 correspondence; Towne Planning & Environmental Reconnaissance Level Field Observations, September 13, 2018;
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No ☐ ☒	The project site is located within 1,000 feet of two Minor Arterials streets designated in the City of Merced Vision 2030 General Plan Circulation Diagram - East Childs Avenue and Tyler Road. The project site is also located within 3,000 feet of a railroad (Union Pacific Railroad's Central Valley Corridor). Furthermore, the project site is within 15 miles of two civilian airports – Merced Regional Airport and Castle Airport; however, the project site is outside the airport noise contours for both airports. Given the project's location to three noise source environments, the project was subject to HUD's Day / Night Noise Level Assessment (refer to Exhibit 18). HUD's Day / Night Noise Level Assessment results indicate future noise levels at the nearest project site sensitive receivers (e.g., outdoor use areas, residence units) are expected to be less than 65 dB L_{dn}. Assessment results for Year 2035 ADT volumes on East Childs Avenue and Tyler Road are reported to be 62.1 dB L_{dn} and 50.0 dB L_{dn}, respectively. Railroad noise levels is projected to be 61.2 dB L_{dn}. Given the location and distance of the two airports, aircraft noise level overhead in the project vicinity is projected to be less than 55 dB L_{dn}. As such, airport noise level data is not entered or measured by HUD's DNL Calculator (Noise Assessment, pp. 2-4). Modeling results indicate the projected combined DNL exposure at the project site for all future road and rail sources to be 64.8 dB L_{dn}. Individual and combined calculated DNLs measured at project site are in conformance with HUD's standards (Noise Assessment, p. 4). Moreover, standard construction practices will generally provide an exterior to interior noise level reduction of 20 dB to 25 dB. The project is in compliance with the Noise Control Act. Sources: City of Merced, Merced Vision 2030 General Plan, Chapter 10 – Noise; City of Merced, Merced Vision 2030 General Plan, Chapter 4 – Transportation and Circulation; Mead & Hunt, Inc. Merced County Airport Land Use Compatibility Plan, June 21, 2012; HUD, Day / Night Noise Level Calculator, Accessed December 11, 2018.

Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No ☐ ☒	The project is not located within a designated sole source aquifer watershed area. Nearest sole source aquifer watershed is the Fresno County Aquifer, approximately 35 miles south of the project at its nearest boundary (refer to Exhibit 19). The project is in compliance with the Safe Drinking Water Act. Source: United States Environmental Protection Agency, Groundwater, Pacific Southwest, Region 9, http://www3.epa.gov/region09/water/groundwater/ssa.html, Fresno County Aquifer kmz file Google Earth Overlay, September 10, 1979, Accessed November 2, 2018.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No ☐ ☒	Addressed previously, the project was subject to an USFWS IPaC query and Biological Assessment (refer to Exhibits 10 and 11, respectively). The IPaC resource report reported no known wetlands at this location (IPaC Resource Report, p. 12). The Biological Assessment, which included a field survey to identify biotic habitats and the plants and wildlife occurring in those habitats, and significant biological resources that may be protected by state and federal law, concluded that waters of the United States, including wetlands, are absent from the project site and immediately adjacent lands. Project actions will have no direct or indirect effect on jurisdictional waters subject to provisions of Section 404 of the Clean Water Act (Biological Assessment, pp. 20, 31). Project is in compliance with Executive Order 11990. Source: Live Oak Associates, Inc., <i>Childs Avenue and B Street Affordable Housing Project Biological Assessment</i>, January 9, 2019.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No ☐ ☒	No designated wild and scenic river traverses the project site. Nor is the project located adjacent to or within the vicinity of a designated wild and scenic river or component of the national wild and scenic river system or river under consideration for inclusion in that system. Nearest wild and scenic river is the designated reach of the Merced River from its source to the normal operating pool (water surface level) of Lake McClure (elevation 867 feet mean sea level). The terminus of the designated reach is approximately 45 miles northeast of the project. The project is in compliance with the Wild and Scenic Rivers Act. Source: National Wild and Scenic Rivers System https://www.rivers.gov/mapping-gis.php, Accessed November 2, 2018.

ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No ☐ ☒	No adverse environmental impacts were identified in the project's environmental review. The project site and surrounding neighborhood do not suffer from adverse environmental conditions. Therefore, the proposed action will not have a disproportionate adverse impact on minority or low-income populations. The project is in compliance with Executive Order 12898. Source: Towne Planning & Environmental Reconnaissance Level Field Observations, September 13, 2018.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Conformance with Land Use Plans / Zoning: The project is consistent and in conformance with the project site's zoning. The project site is zoned Planned Development #6 (P-D #6) with a General Plan land use designation of Commercial Office (C-O). P-D #6 permitted uses include multiple family / senior housing complexes, medical offices / clinics and neighborhood park. City of Merced General Plan designates B Street as a Collector Street and East Childs Avenue as a Minor Arterial. Compatibility with Existing Land Uses: The project is compatible with surrounding existing uses. The project site is bound

		immediately to the north by vacant, undeveloped land (also zoned P-D #6) followed by Merced County behavioral and health institutional facilities. B Street forms the project's eastern boundary. A cemetery (Calvary Cemetery) is located east of B Street. East Childs Avenue forms the southern project boundary. Merced Irrigation District's Zentner Lateral, parallels the south side of East Childs Avenue followed by rural single family homes across Zentner Lateral with individual driveways across Zentner Lateral connecting each parcel to East Childs Avenue. A two-story apartment complex (Sunnyside Family Apartments) abuts the project site to the west. Scale and Urban Design: The proposed 2- and 3-story apartment complex and architectural elements will be visually compatible with the surrounding built environment. The project's varying height, depth and scale will complement an existing 2-story apartment complex abutting the project site, which also provides varied height, depth and scale. Project will implement a perimeter metal fencing similar to the adjacent apartment complex to provide a sense of harmony in the neighborhood. B Street setback includes curb and gutter, 7 foot tree lined planting strip, 5 foot sidewalk and landscaping varying in depth from 15 to 24 feet. East Childs Avenue setback also includes curb and gutter, tree lined planting strip and sidewalk. A future park will visually separate the apartment complex from East Childs Avenue.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	Slope and Soil Suitability: The project site is located in a relatively flat area at an elevation of approximately 170 feet above mean sea level on a Bear Creek tributary floodplain that extends westward from the Sierra foothills into Merced County. Based on the National Resources Conservation (NRCS) soil survey, the project site and surrounding area is entirely mapped as Yokohl clay loam, 0 to 3 percent slopes (YbA). However, the project area, including the project site have been highly disturbed through the years of urban development and activity such that any native soil characteristics once present have long been compromised. No significant impacts on the geology or soils are expected as result of the proposed project actions. Project is expected to follow City development and construction standards and all design recommendations that may be identified in the project's geotechnical investigations regarding over-excavation, trench backfilling, soil compaction, sub-grade preparation, site drainage and structural foundation requirements. Soil Erosion and Drainage: Given the project site is relatively flat and removed from any natural waterways, the potential for soil erosion and sedimentation of waterways during and after construction is very low. On-site project storm water will be conveyed to an existing drainage basin. The basin is adequately sized to serve the needs of the project.

Hazards and Nuisances including Site Safety and Noise	2	Natural Hazards: The project site is not located in a known fault zone, fire-prone area, or in area prone to landslides, floods or other forms of hazardous terrain (City of Merced, Vision 2030 General Plan Update Program Draft Environmental Impact Report). Man-Made Hazards: The project site does not presently house hazardous facilities, nor does the project propose to construct a hazardous facility (Towne Planning & Environmental Reconnaissance Level Field Observations, September 13, 2018). The use of the site for agriculture between the approximate years of 1942 and 1976 is considered a recognized environmental condition (REC). Based on soil samples collected and analyzed, the site has not been adversely affected by past agricultural use. No RECs were recognized for properties in the immediate project site vicinity (refer to Exhibits 8 and 9). No significant impacts regarding natural or man-made hazardous are expected as result of the proposed project actions. The City of Merced has an adopted Emergency Plan, which is reviewed and updated annually. The plan identifies emergency evacuation routes and procedures for the City in the event that an incident occurs, such as floods, hazardous material spills and major fires. Given no hazardous or toxic materials or wastes have been identified on the project site, the effect of the project actions would be negligible with respect to the presence of hazardous material and potential exposure to hazardous materials. All hazardous material stored, used or generated during construction would be required to be handled and disposed of in accordance with applicable local, state and federal regulations. Noise: Modeling results indicate the projected combined DNL exposure at the project site for all future road and rail sources to be 64.8 dB Ldn (refer to Exhibit 18, p. 4). Individual and combined calculated DNLs measured at project site are in conformance with HUD's noise exposure standards. Moreover, standard construction practices will generally provide an exterior to interior noise level reduction of 20 dB to 25 dB. No significant impacts regarding noise are expected as result of the proposed project actions. Construction noise effects would be short-term and limited to the duration of construction activities. Construction equipment and machinery would be required to meet all local, state and federal noise regulations. In addition, the project would be required to comply with the City's noise ordinance and standards for construction and occupancy.
Energy Consumption	2	Project is not anticipated to result in adverse energy consumption effects. The project will have on-site solar energy generation and exceed residential energy codes by 10 to 20 percent. Electric vehicle charging stations will be provided. The project will be constructed in accordance with the California Green Building Standards Code and be certified as Gold Level in the Green Point Rated Multifamily Sustainable Building System.

		The project includes a multi-mode transit stop adjacent to the project main entrance on B Street.
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Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The project will provide short-term employment opportunities in the during the construction phase as well as long-term employment opportunities following occupancy of the project site. It is anticipated long-term employment opportunities will go to area residents.
Demographic Character Changes, Displacement	2	The project will not result in the displacement of housing or people. No residences are present on the project site at this time. The project, which will complement surrounding single- and multi-family residential development, is within one-half mile of an existing elementary school and neighborhood park. A future park is planned adjacent to the project. Sidewalk improvements and extension of bicycle lane will provide safe access to existing public amenities, as well as to commercial, medical and social services.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The project is within the Merced City School District serving grades K-8 and the Merced Union High School District. Project site is within the Galen Clark Preschool and Stowell Elementary (grades K-6) school boundaries, both of which are located within one-half mile of the project site at East 11th Street, between D and E Streets. Adequate and safe access to these facilities is present. The project is within the attendance boundary for Hoover Middle (grades 7-8) and Golden Valley High schools, which are located approximately 2 miles north and approximately 1.5 miles east of the project site, respectively. Attendance to middle and high schools serving the project site requires busing. Based on the student generation rates provided by the Merced City School and Merced Union High School Districts, the project could potentially house 55 elementary students, 12 middle school students and 13 high school students. Student population created by the project is not exceed capacity of the attending school facilities. Residential projects in the California are subject to school impact fees for purpose of off-setting school impacts.
Commercial Facilities	2	Neighborhood retail and service business establishments are located approximately 1 to 2 miles west of the project site along Martin Luther King Jr. Way (State Route 59) and approximately 1.5 miles east of the project site, along East Childs Avenue. Neighborhood retail limited to small markets, gas stations, convenience, and restaurants and fast foods. Major markets and shopping centers are located more

		than 2 miles north and west of the project site. Public transit will be available from the project site to major markets and shopping centers throughout the City. The project includes a public transit stop. Existing retail and commercial services will not be adversely impacted or displaced by the project.
Health Care and Social Services	2	Hospital, surgical and diagnostic centers, urgent care facilities and a number of private physicians are available in the City. Medical and dental services, clinics and County social services are located to the north and within walking distance (one-half mile) of the project site. Emergency health care services are within a reasonable proximity of the project site. Emergency medical (ambulance) response time in the City is 3 to 5 minutes following a 911 call. The project is not expected to require special medical services or skills. The project is not anticipated to result in significant adverse effects to available health care or social services.
Solid Waste Disposal / Recycling	2	The City of Merced Refuse Division is responsible for all solid waste (household garbage, recyclable, green waste) collection in the City. This includes scheduled and unscheduled service for residential, commercial and industrial customers, as well as special programs such as alley cleanup, spring cleanup and tire amnesty. Solid waste collected in the City of Merced is disposed of at the County's Highway 59 Landfill. The project is not anticipated to result in significant adverse effects to City or County solid waste services.
Waste Water / Sanitary Sewers	2	The City of Merced provides sewer collection, treatment and disposal services for the project area. The B Street sewer line paralleling the project site frontage was recently upgraded. The site is served by a 24 inch sewer main in the B Street right-of-way. The sewer mains serving the project and the City's wastewater treatment facility have adequate capacity to the project. The project is not anticipated to result in significant adverse effects to City sewer services.
Water Supply	2	The City of Merced provides municipal water services for the project area. Municipal water is provided by 20 active groundwater wells located throughout the City and linked to network of water mains. The site is served by a looped eight inch water main within the B Street right-of-way. The project is not anticipated to result in significant adverse effects to City water services.
Public Safety - Police, Fire and Emergency Medical	2	The City of Merced provides police and fire services for the project area. In addition to fire prevention and emergency fire call, the City Fire Department is also a first responder for emergency medical calls in the City. The City's ISO rating is Class 2. The project is located within Fire District 51. Station 51 is approximately 1 mile north of the project site on East 16th Street. Station 51 is the Department's headquarters and houses 1 engine, 1 aerial ladder truck and the Department's HAZMAT equipment. The project is not anticipated to result in significant adverse effects to City police or fire services.
Parks, Open Space and Recreation	2	The City of Merced is responsible for providing park and recreational facilities and services in the City. The nearest park is Gilbert Macias Park, a 5 acre neighborhood park, located approximately 0.5 mile west of the project site at the corner of East Childs Avenue and G

		Street. Project sidewalk and bike lane improvements on East Childs Avenue and B Street will enable safe access to the park. The project is not anticipated to result in significant adverse effects to City parks, open space or recreation facilities.
Transportation and Accessibility	2	The City determined no traffic study was required of the project – the traffic study prepared for the City’s General Plan adequately addressed traffic and circulation conditions in the project area. The City’s General Plan identified circulation improvements addressing the planned growth in the City. In the vicinity of the project, B Street is to serve as Collector and East Childs Avenue is designated to serve as an Arterial and is planned to be improved from its present condition of 2 lanes to 4 lanes with controlled intersections. Project street improvements respond to the City’s vision of improving East Childs Avenue. The City and the project area is served by public transit. Nearest transit stop is west of the project site on D Street. The project includes a multimodal transit stop on B Street. Project street improvements will complete the sidewalk and bike lanes along the frontage of the project as well as along East Childs Avenue. There are no existing physical barriers prohibiting or limiting emergency vehicles access to the project. Overall, existing and reasonably foreseeable transportation facilities and services are adequate to meet the needs of the project. The project is not anticipated to result in significant adverse effects to transportation facilities.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	No unique or natural features or water resources are present on-site or in the immediate project vicinity. With the exception of the depression at the detention basin south and adjacent of the project site, the topography of the site is nearly flat. The project will not adversely impact unique or locally important natural features on or near the project site. Nor will the project destroy or isolate unique or natural features from public or scientific access. The project is not anticipated to result in significant adverse effects to unique or natural features or to water resources.
Vegetation, Wildlife	3	The project site was subject to biological assessment (refer to Exhibit 11). The disturbed nature of the project site has created habitat conditions that are unsuitable for most native wildlife and plants. Critical habitat is absent from the project site and surrounding lands. Nevertheless, the project has the potential to result in construction-related mortality or disturbance of nesting migratory birds and raptors. Construction-related mortality or disturbance leading to nest abandonment would be considered significant impacts. Because of the potential for the project to affect

		migratory birds and raptors, mitigation during project grading and tree removal will be required. By constructing the project outside of the nesting season or avoiding active nests identified during preconstruction surveys, the project can reduce the magnitude of potential impacts to nesting birds to a less than significant level.
Other Factors		None

Additional Studies Performed:

8-Step Process Decision Making Process for Executive Order 11988 prepared by Towne Planning & Environmental, January 17, 2019.

Childs Avenue and B Street Affordable Housing Project Biological Assessment Report prepared by Live Oak Associates, Inc., January 9, 2019.

Phase I Environmental Site Assessment, Merced Behavioral Services 1137 B Street, Merced, CA 95341 (APN 035-010-071-000) prepared by FREY Environmental, Inc., October 5, 2018.

Phase II Environmental Site Assessment, County of Merced, Department of Behavioral Services 1137 B Street, Merced, California prepared by FREY Environmental, Inc., October 29, 2018.

Field Inspection (Date and completed by):

Gary Conte, AICP, September 13, 2018

Jeff Gurule, Staff Ecologist, Live Oak Associates, Inc., December 14, 2018

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

Persons / Agencies:

Curtis Caton, Principal, PYATOK.

Doug Parson, Principal Engineer, QK.

Jason Rastegar, The Richman Group.

Julianne Polanco, State Historic Preservation Officer, California Office of Historic Preservation.

Kim Nutt, Housing Program Specialist I, City of Merced Housing Division.

Mark Hamilton, Housing Supervisor, City of Merced Housing Division.

Neil Pyron, Chairperson, Tule River Indian Tribe of the Tule River Reservation, California.

Rick Westberg, Executive Vice President, The Richman Group.

Scott McBride, Director of Development Services, City of Merced Development Services Department.

Silvia Burley, Chairperson, California Valley Miwok Tribe, California.

Sources:

City of Merced, Merced Vision 2030 General Plan, Chapter 4 – Transportation and Circulation.

City of Merced, Merced Vision 2030 General Plan, Chapter 10 – Noise.

City of Merced, Merced Vision 2030 General Plan Draft Program Environmental Impact Report

Google Map.

Mead & Hunt, Inc. Merced County Airport Land Use Compatibility Plan, June 21, 2012.

Merced County Airport Land Use Compatibility Plan, June 21, 2012, Map CAS 1, Map MER 1.

National Wild and Scenic Rivers System <https://www.rivers.gov/mapping-gis.php>.

San Joaquin Valley Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts.

San Joaquin Valley Air Pollution Control District, Small Project Analysis Level.

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping & Monitoring Program, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>.

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping & Monitoring Program, Rural Land Mapping Edition, Merced County Important Farmland 2016, Sheet 1 of 2.

Tesei Petroleum, Inc.

United States, Department of Housing and Urban Development, Acceptable Separation Distance (ASD) Electronic Assessment Tool.

United States, Department of Housing and Urban Development, Day / Night Noise Level Calculator.

United States, Department of Housing and Urban Development, Tribal Directory Assessment Tool (TDAT).

United States Environmental Protection Agency, Groundwater, Pacific Southwest, Region 9, <http://www3.epa.gov/region09/water/groundwater/ssa.html> , Fresno County Aquifer kmz file Google Earth Overlay, September 10, 1979.

United States, Federal Emergency Management Agency, Flood Insurance Rate Map Panel Number 06047C0440G, effective December 2, 2008.

List of Permits Obtained:

No project related permits were requested, nor obtained prior to, during, or by the completion of this EA. Project related permits (i.e., grading, building, occupancy) will need to be obtained from the City of Merced. A Notice of Intent (NOI) to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit and Storm Water Pollution Prevention Plan (SWPPP) will be obtained from the State of California Regional Water Quality Control Board. An Authority to Construct and Dust Control Plan approval will be obtained from the San Joaquin Valley Unified Air Pollution Control District.

Public Outreach [24 CFR 50.23 & 58.43]:

City hosted three neighborhood input and information meetings. Location and timing of each meeting varied. All meetings were in the general vicinity of the project. The meetings were held on December 6, 2018, January 10, 2019 and January 17, 2019. Notices were distributed to residences and businesses within 1,300 feet of the project site. The January meetings were also advertised in two local newspapers covering the City - Merced Sun Star and Merced County Times, and on the City's website.

Cumulative Impact Analysis [24 CFR 58.32]:

The project result in environmental impacts considered cumulatively adverse. The project is considered consistent with permitted development opportunities allowed by the project site's General Plan and

Planned Development (P-D #6) zoning designations considered by the City of Merced's Merced Vision 2030 General Plan Environmental Impact Report (EIR). The project represents a small portion of the growth forecasted in the build-out of the General Plan. The General Plan EIR considered the incremental impacts of development and use of the project site, and no potentially significant on- or off-site cumulative impacts have been identified that were not previously evaluated. The City's General Plan policies and mitigation measures included with the General Plan EIR address and reduce the cumulative impacts associated with the consideration of other projects to below a level of significance.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Alternatives to the proposed project included: siting the project elsewhere (off-site alternative); reducing the extent of street improvements; and the no project.

Off-Site Alternative: Consideration of one or more off-site alternatives is not warranted given there were no adverse project effects determined to be significant and unavoidable or significant with mitigation measures.

Reduced Street Improvement Alternative: This alternative considered the avoidance of implementing project improvements within a designated the 100-year floodplain. The Reduced Street Improvement Alternative would eliminate all street improvement beyond the limits of the 4 acre apartment complex. All street improvements proposed for East Childs Avenue would be eliminated from the project. In addition, street improvements proposed for B Street beyond the frontage of the four acre apartment leading to and through the intersection with East Childs Avenue would also be eliminated from the project. All other remaining facets of the proposed project would continue to be implemented.

The proposed apartment complex, street frontage improvements along B Street and the proposed multimodal transit stop adjacent to the project's main entrance on B Street would all be development on land not subject to flooding. There would be no elevation changes associated with the project to affect sheet flow or affect floodplain values. No significant adverse effects to the special flood hazard area would occur.

The elimination of the street improvements beyond the limits of the apartment complex street frontage would reduce project site's walkable and bicycle accessibility to surrounding neighborhood development west of the project and to commercial and community services west of the project. Previously planned street improvements such as the street curb and gutter, bike lane, landscape parkway and sidewalk would remain absent until such time the City is able to secure funding for the improvements. The social cost in the form of loss community connectivity eliminated this option.

No Action Alternative [24 CFR 58.40(e)]:

Under the No Action Alternative, no proposed project improvements would occur. There are no adverse environmental effects associated with the proposed project. Therefore, the No Action Alternative not serve to avoid or mitigate project effects determined to be significant and unavoidable or significant with mitigation measures. The No Action Alternative would not meet the project purpose or the City's need of providing affordable housing opportunities for low-income families and individuals in its community. The option of moving forward without the project is not desirable.

Summary of Findings and Conclusions:

The project addresses the affordable housing deficiency identified in the City of Merced. The project will have a beneficial impact by providing housing opportunities for low-income residents. Based upon this environmental review and analysis of alternatives, it is recommended that the project move forward the “Preferred Project”, incorporating the following mitigation measures identified below.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in a mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	1. If feasible, the project will be constructed outside of the period in which most avian species in the project vicinity nest and rear young, February 1-August 31. If the project must be constructed between February 1 and August 31, a qualified biologist will conduct preconstruction surveys for active bird nests on and within 250 feet of the project site within 14 days of the onset of these activities. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	2. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt. The City must be immediately notified and an archaeologist, approved by the City and meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology must be contacted immediately to evaluate the find. If the discovery proves to be significant under the National Historical Preservation Act, additional work such as data recovery excavation may be warranted. 3. If human remains are found, no further ground disturbances shall occur until the Merced County Coroner has made a determination of origin and disposition pursuant to California Public Resources Code Section 5097.98. In the event the human remains are determined to be prehistoric, the County Coroner shall notify the Native American Heritage Commission, who will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]

The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]

The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: _____

Name/Title/Organization: Gary Conte, AICP
Towne Planning & Environmental
1625 Howard Road, #378
Madera, CA 93637

Certifying Officer Signature: _____ Date: _____

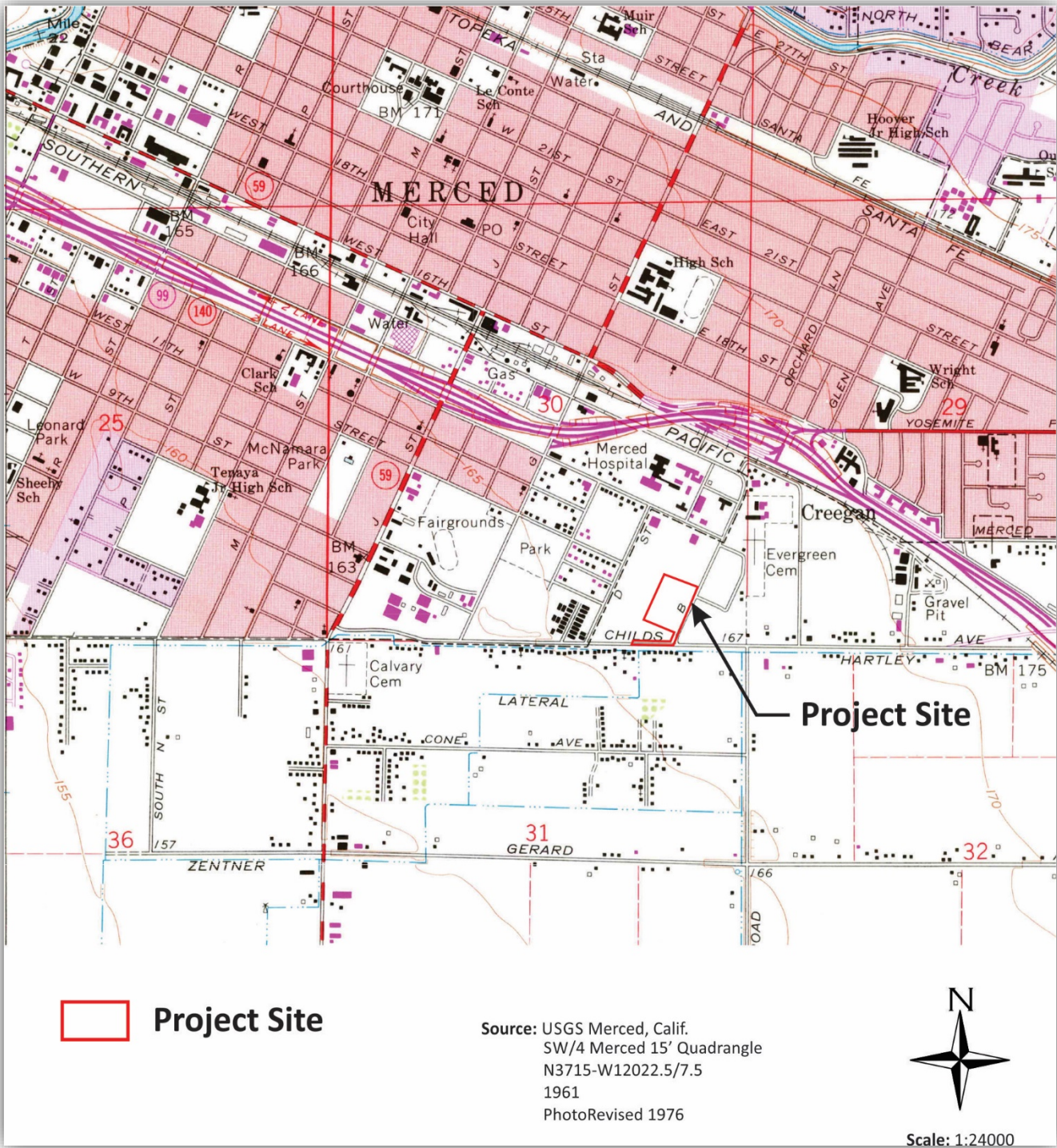
Name/Title: Steven Carrigan
City Manager

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

EXHIBITS

EXHIBIT 1

PROJECT LOCATION



PROJECT SITE PLAN



EXHIBIT 3

EXISTING LAND USES



EXHIBIT 5

PROJECT SITE ELEVATION PLANS

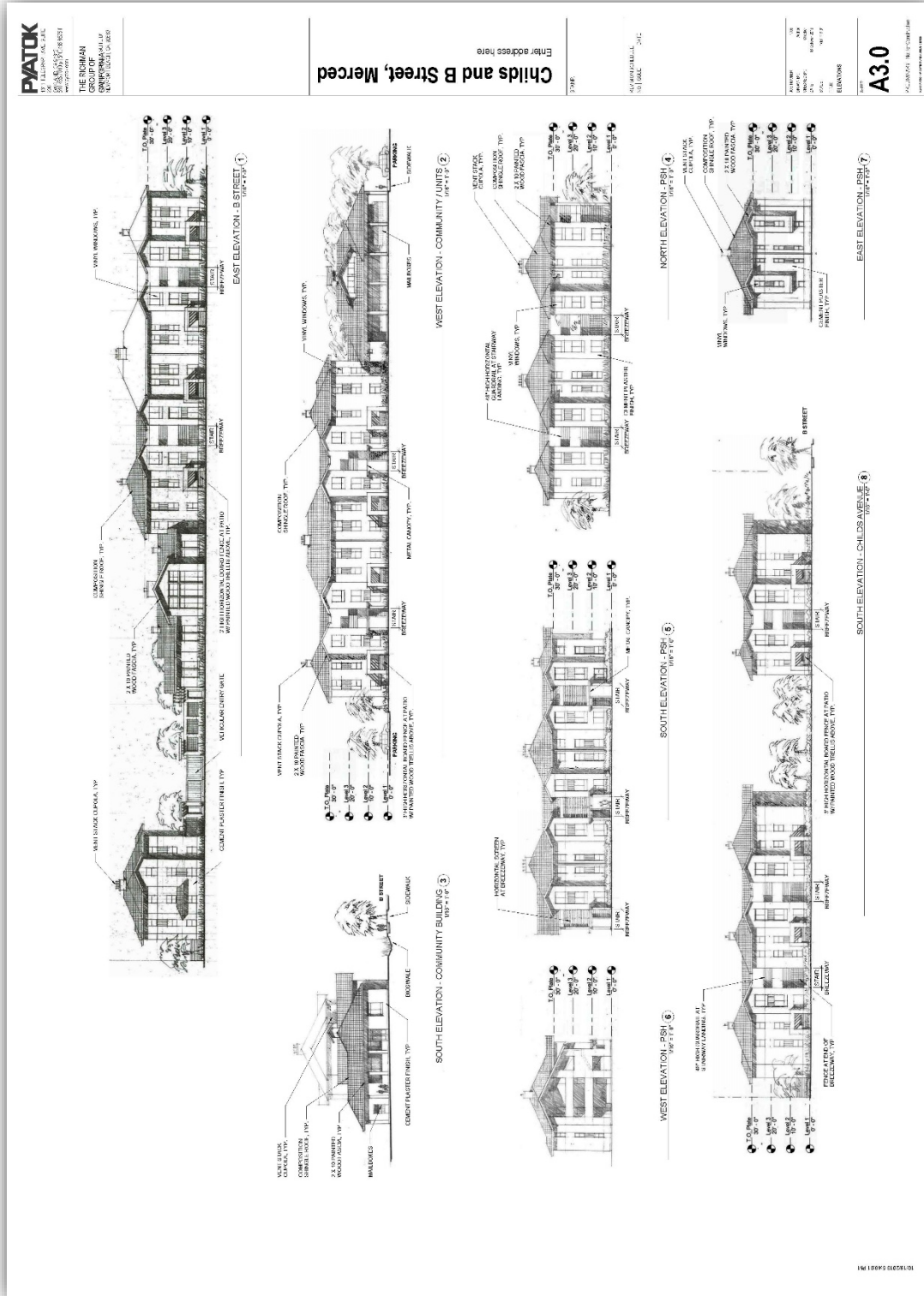


EXHIBIT 6

AIRPORT LOCATIONS

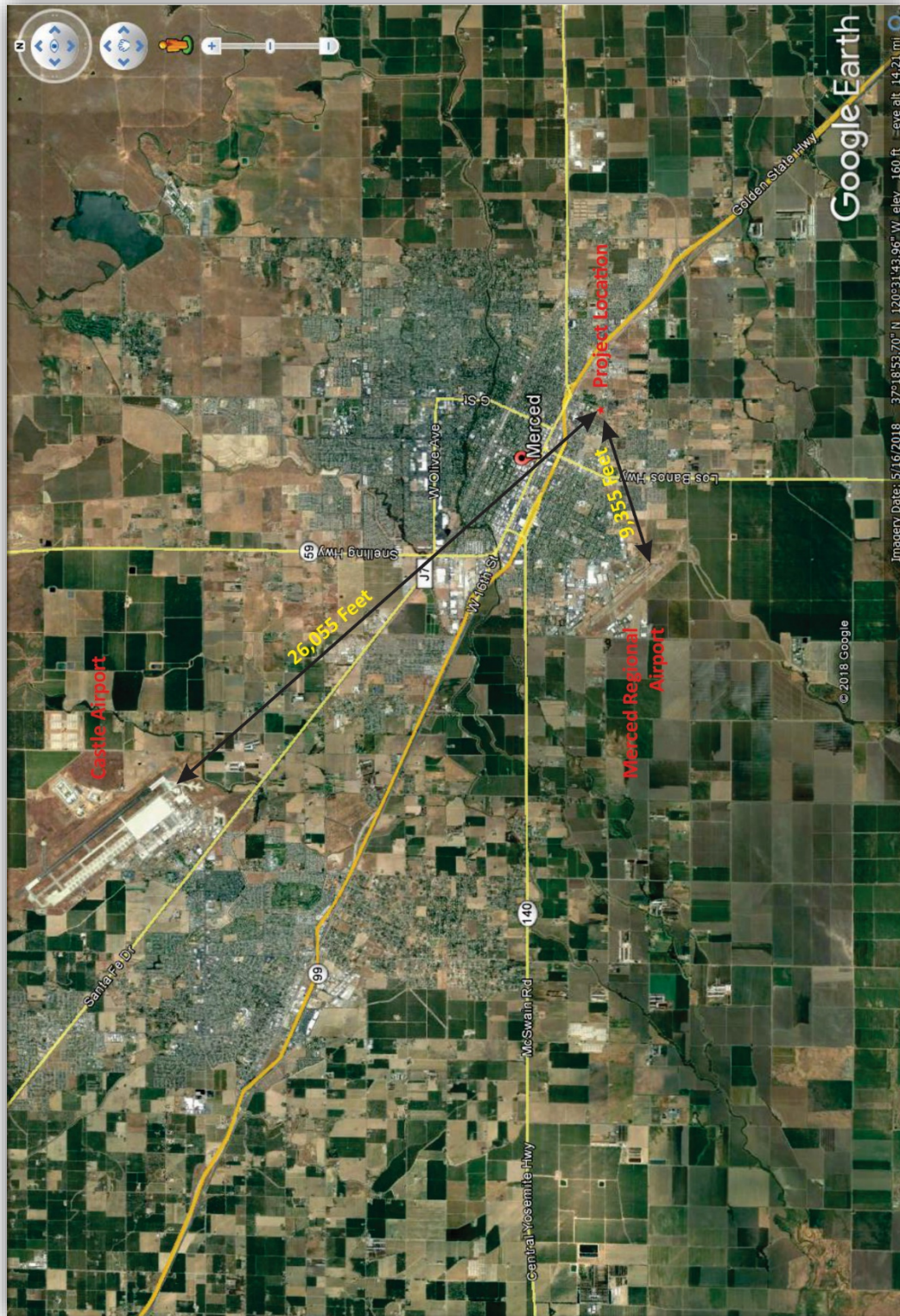
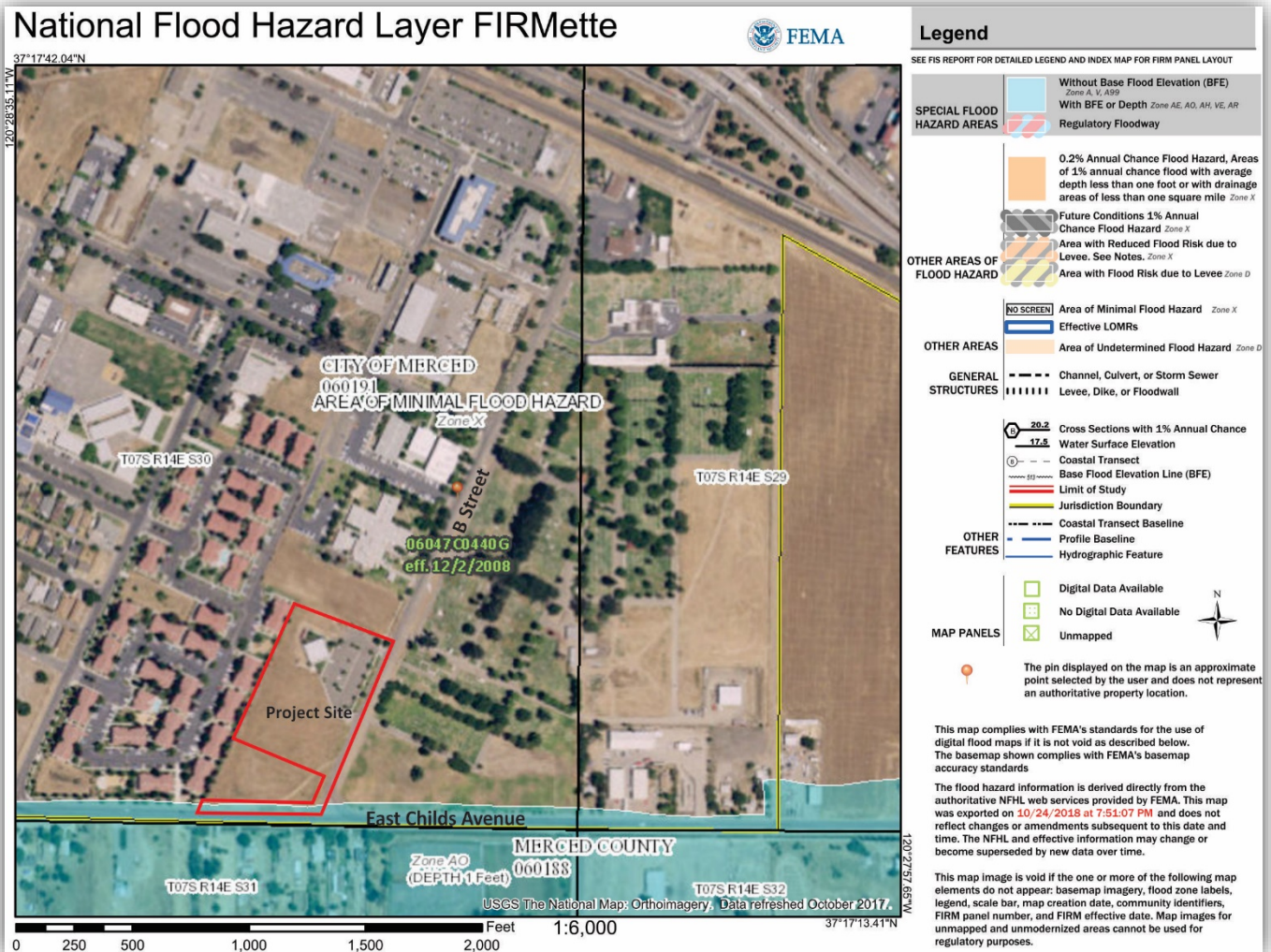


EXHIBIT 7

FLOODPLAIN HAZARDS



Exhibits 8 - 19 are available for review in the Housing Division and have been referenced in this document as necessary.