



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Meeting Agenda

### Planning Commission

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Wednesday, May 5, 2021

7:00 PM

Teleconference

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#### NOTICE TO PUBLIC

**Pursuant to Governor Newsom's Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.**

#### WELCOME TO THE MEETING OF THE MERCED PLANNING COMMISSION

At least 72 hours prior to each regular Planning Commission meeting, a complete agenda packet is available for review on the City's website at [www.cityofmerced.org](http://www.cityofmerced.org) or at the Planning Division Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Commission will be available for public inspection at the Planning Division Office during regular business hours. The Planning Commission also serves as the Board of Zoning Adjustment and the Design Review/Historic Preservation Commission.

#### MODIFIED PUBLIC COMMENT INSTRUCTIONS

##### MODIFIED PUBLIC COMMENT INSTRUCTIONS FOR TELECONFERENCE MEETINGS

Please submit your public comment to the Planning Commission electronically no later than 1 PM on the day of the meeting. Comments received before the deadline will be sent to the Planning Commission and will be part of the record and will be mentioned as part of the Public Comment portion of the agenda. Material may be emailed to [planningweb@cityofmerced.org](mailto:planningweb@cityofmerced.org) and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, i.e. Oral Communication or item #. Any correspondence received after the 1 PM deadline will be distributed to the Planning Commission and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-7390 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of three (3) minutes. Please specify which portion of the agenda you are commenting on, for example, Oral Communication or item #. Your comments will be played during the meeting to the Planning Commission at the appropriate time.

To view video (if available) or listen to the Planning Commission meeting live, go to the City's website [www.cityofmerced.org](http://www.cityofmerced.org), Facebook Live, or Comcast Public Access Channel 96.

## INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the Planning Division at (209) 385-6858. Assisted hearing devices are available for meetings held in the Council Chamber.

### A. CALL TO ORDER

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

### B. ROLL CALL

### C. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may provide email or voicemail comments during this portion of the meeting and should follow the guidelines posted above in the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** to do so.

### D. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Planning Commission, provided that any Planning Commission member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration (please see **MODIFIED PUBLIC COMMENT INSTRUCTIONS** above). If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

D.1     [21-358](#)                      **SUBJECT:** Planning Commission Minutes of April 21, 2021

**ACTION:**

Approving and filing the Planning Commission Minutes of April 21, 2021

### E. PUBLIC HEARINGS AND ACTION ITEMS

Members of the public who wish to speak on the public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to the public comment. After the public has commented, the item is closed to further public comment and brought to the Commission for discussion and action. Further comment will not be received unless requested by the Commission. To submit comments to the Commission, please review the **MODIFIED PUBLIC COMMENT INSTRUCTIONS** listed above.

**E.1**     [21-263](#)

**SUBJECT:** General Plan Amendment #21-01 and Zone Change #427, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to High-Medium Density Residential (HMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for up to 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6th Street. \*PUBLIC HEARING\*

**ACTION:****PLANNING COMMISSION:**

Recommendation to City Council

- 1) Environmental Review #21-04 (Negative Declaration)
- 2) General Plan Amendment #21-01
- 3) Zone Change #427

**SUMMARY**

The subject site is located in southcentral Merced, on the west side of Q Street, south of W. 6th Street, and consists of 4 identical parcels, totaling 0.88-acres at 565, 575, 601, and 609 Q Street. The applicant would like to change the sites' current General Plan land use designation of Low Density Residential (LD) to High-Medium Density Residential (HMD), and the Zoning designations of Low Density Residential (R-1-6) to Medium Density Residential (R-3-2). The applicant would like to develop a 4-plex on each of the 4 separate lots, for a total of 16 units. The current zoning designation allows for up to 3 units (including accessory dwelling units) on the 4 separate parcels, for a total of 12 units. This General Plan Amendment does not include any text changes to the General Plan, but rather amends the land use designation for a specific area (on the 2030 General Plan Map - Figure 2.3 Land Use Diagram) to allow an increase in residential density. Staff is recommending approval.

**RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #21-04 [*Negative Declaration*], General Plan Amendment #21-01, and Zone Change #427 including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

**F. INFORMATION ITEMS**

F.1     [21-359](#)            **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

**ACTION**

Information only.

F.2     [21-360](#)            **SUBJECT:** Calendar of Meetings/Events

May 3	City Council, 6:00 p.m.
5	Planning Commission, 7:00 p.m. ( <b>By Teleconference</b> )
17	City Council, 6:00 p.m.
19	Planning Commission, 7:00 p.m.
Jun. 7	City Council, 6:00 p.m.
9	Planning Commission, 7:00 p.m.
21	City Council, 6:00 p.m.
22	Bicycle/Pedestrian Advisory Commission, 4:00 p.m.
23	Planning Commission, 7:00 p.m.

**G. ADJOURNMENT**



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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**File #:** 21-358

**Meeting Date:** 5/5/2021

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*Report Prepared by: Jessie Lee, Temporary Development Services Technician I*

**SUBJECT:** Planning Commission Minutes of April 21, 2021

**ACTION:**

Approving and filing the Planning Commission Minutes of April 21, 2021



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## Minutes Planning Commission

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Wednesday, April 21, 2021

7:00 PM

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### A. CALL TO ORDER

Chairperson HARRIS called the Regular Meeting to order at 7:00 PM

**Clerk's note:** The meeting was held via teleconference per Governor Newsom's Executive Order N-29-20 and roll call votes were taken.

A.1. Moment of Silence

A.2. Pledge of Allegiance to the Flag

Commissioner DYLINE led the Pledge of Allegiance to the Flag.

### B. ROLL CALL

**Clerk's Note:** Commissioner DELGADILLO was absent, excused.

The Planning Commission has one vacancy at this time.

**Present:** 5 - Chairperson Michael Harris, Member Stephanie Buttici, Member Robert Dylina, Member Dorothea White, and Vice Chair Mary Camper

**Absent:** 1 - Member Jose Delgadillo

### C. ORAL COMMUNICATIONS

**Clerk's Note:** The following comment was provided via voicemail.

Dennis EVANS, Merced - provided information to the Commission regarding "Enhancing Sustainable Communities with Green Infrastructure"

### D. CONSENT CALENDAR

Item D.2 Vacation #21-03 was pulled for separate consideration.

**A motion was made by Member White, seconded by Member Buttici, to approve the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Harris  
Member Buttici  
Member Dylina  
Member White  
Vice Chair Camper

No: 0

Absent: 1 - Member Delgadillo

**D.1**

**SUBJECT:** Planning Commission Minutes of April 7, 2021

**ACTION:**

Approving and filing the Planning Commission Minutes of April 7, 2021

**D.2**

**SUBJECT:** **Vacation #21-03**, to vacate the northern portion of the Arbor Walkway easement (approximately 2,800 square feet) which would revert development rights back to adjacent property owner of 534 W. Main Street, Merced.

**ACTION:**

Finding

The proposed vacation is consistent with the General Plan.

**SUMMARY**

The property owner of 534 W. Main Street is requesting the vacation of the northern portion of Arbor Walkway. Engineering and Planning Department staff have reviewed this request and recommend that the Planning Commission adopt a Finding stating that the proposed Vacation is consistent with the General Plan. The General Plan does not address the abandonment of easements; and thus, this action does not conflict with any General Plan policies, text, or maps, so it can be considered "consistent." The area to be vacated consists of approximately 2,800 square feet.

**RECOMMENDATION**

Adopt a motion by minute action adopting a Finding that the proposed Vacation #21-03 is consistent with the General Plan.

Vice Chair CAMPER pulled this item to hear more details about the proposed Vacation.

**A motion was made by Member Dylina, seconded by Vice Chair Camper, to find Vacation #21-03 consistent with the General Plan. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Harris  
Member Butticci  
Member Dylina  
Member White  
Vice Chair Camper

**No:** 0

**Absent:** 1 - Member Delgadillo

## **E. PUBLIC HEARINGS AND ACTION ITEMS**

### **E.1**

**SUBJECT:** General Plan Amendment #21-01 and Zone Change #427, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to Low-Medium Density Residential (LMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for up to 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6th Street. \*PUBLIC HEARING\*

**ACTION:** No action required, item to be tabled.

#### **SUMMARY**

Staff recommends that this item be tabled. There was an error in the original public hearing notice which incorrectly showed the proposed General Plan designation as Low-Medium Density Residential (LMD) when it should be High-Medium Density Residential (HMD). Staff has updated the Public Hearing Notice and recirculated it with the correct proposed General Plan designation to be heard at the Planning Commission Meeting of May 5, 2021.

#### **RECOMMENDATION**

Planning staff recommends that the Planning Commission open the public hearing and hear any testimony provided, then table the matter.

Associate Planner MENDOZA-GONZALEZ informed the Planning Commission that no action is required, the item will be tabled and brought back at the next meeting.

**A motion was made by Vice Chair Camper, seconded by Member White, to table**



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**Environmental Review #21-04, Zone Change #427, and General Plan Amendment #21-01. The motion carried by the following vote:**

**Aye:** 5 - Chairperson Harris  
Member Butticci  
Member Dylina  
Member White  
Vice Chair Camper

**No:** 0

**Absent:** 1 - Member Delgadillo

## F. INFORMATION ITEMS

**F.1** **SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

**ACTION**

Information only.

Planning Manager ESPINOSA described upcoming items for future agendas

**F.2** **SUBJECT:** Calendar of Meetings/Events

Apr. 19 City Council, 6:00 p.m. **(By Teleconference)**  
21 Planning Commission, 7:00 p.m. **(By Teleconference)**  
27 Bicycle/Pedestrian Advisory Commission, 4:00 p.m. **(By Teleconference)**  
May 3 City Council, 6:00 p.m.  
5 Planning Commission, 7:00 p.m. **(By Teleconference)**  
17 City Council, 6:00 p.m.  
19 Planning Commission, 7:00 p.m.  
June 3 City Council, 6:00 p.m.  
5 Planning Commission, 7:00 p.m.  
17 City Council, 6:00 p.m.  
19 Planning Commission, 7:00 p.m.

## G. ADJOURNMENT

**Clerk's Note:** The Regular Meeting adjourned at 7:22 PM

A motion was made by Vice Chair Camper, seconded by Member White, to adjourn the Regular Meeting. The motion carried by the following vote:

**Aye:** 5 - Chairperson Harris  
Member Butticci  
Member Dylina  
Member White  
Vice Chair Camper

**No:** 0

**Absent:** 1 - Member Delgadillo



## ADMINISTRATIVE REPORT

File #: 21-263

Meeting Date: 5/5/2021

### Planning Commission Staff Report

*Report Prepared by: Francisco Mendoza-Gonzalez, Associate Planner, Development Services Department*

**SUBJECT:** General Plan Amendment #21-01 and Zone Change #427, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to High-Medium Density Residential (HMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for up to 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6<sup>th</sup> Street. \*PUBLIC HEARING\*

**ACTION:** PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #21-04 (Negative Declaration)
- 2) General Plan Amendment #21-01
- 3) Zone Change #427

### SUMMARY

The subject site is located in southcentral Merced, on the west side of Q Street, south of W. 6<sup>th</sup> Street, and consists of 4 identical parcels, totaling 0.88-acres at 565, 575, 601, and 609 Q Street. The applicant would like to change the sites' current General Plan land use designation of Low Density Residential (LD) to High-Medium Density Residential (HMD), and the Zoning designations of Low Density Residential (R-1-6) to Medium Density Residential (R-3-2). The applicant would like to develop a 4-plex on each of the 4 separate lots, for a total of 16 units. The current zoning designation allows for up to 3 units (including accessory dwelling units) on the 4 separate parcels, for a total of 12 units. This General Plan Amendment does not include any text changes to the General Plan, but rather amends the land use designation for a specific area (on the 2030 General Plan Map - Figure 2.3 Land Use Diagram) to allow an increase in residential density. Staff is recommending approval.

### RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #21-04 [*Negative Declaration*], General Plan Amendment #21-01, and Zone Change #427

including the adoption of the Draft Resolution at Attachment A subject to the conditions in Exhibit A and the findings/considerations in Exhibit B.

## DISCUSSION

### Project Description

The proposed project is considered infill development as it consists of undeveloped lots that are located within an urbanized area surrounded by developed lots with access to infrastructure surrounding the site including roads, the City's water system, and sewer system. The proposed General Plan Amendment and Zone Change would allow the applicant to construct one additional unit on each of the four lots within the subject sites. The applicant would like to develop a 4-plex on each of the 4 separate parcels, for a total of 16 residential units. The current zoning designation allows for up to 3 units (with current accessory dwelling unit laws) on 4 separate parcels, for a total of 12 residential units.

Surrounding uses as noted in Attachment B.

Surrounding Land	Existing Use of Land	City Zoning Designation	City General Plan Land Use Designation
North	Three Residential Units on One Lot	Low Density Residential (R-1-6)	Low Density Residential (LD)
South	Single-Family Homes	Low Density Residential (R-1-6)	Low Density Residential (LD)
East	Single-Family Homes (across Q Street)	Low Density Residential (R-1-6)	Low Density Residential (LD)
West	Single-Family Homes	Low Density Residential (R-1-6)	Low Density Residential (LD)

### Background

The subject sites have remained undeveloped for many decades. In 2005, a Parcel Map for the creation of the subject sites was approved by the City's Minor Subdivision Committee. The Lot Split converted the 0.88-acre area of interest into 4 equal parcels of 0.22-acres each. The subject sites are located within an older portion of community, which was primarily developed between the 1900's and 1950's prior to the adoption of unified development standards. As such, there are various properties within the neighborhood that contain two or more units, even though the majority of the surrounding sites are currently zoned for single-family homes. In addition, approximately 190 feet north of the subject site is a 0.80-acre area zoned for Medium Density Residential with apartments similar in concept to what is being proposed by the applicant (multiple lots with shared parking and cross-access agreements). Given the context of the site, nearby multifamily projects, legal non-conforming parcels with multiple residential units, and the development history of the neighborhood, the proposed increase from up to 12 to 16 residential units would not significantly alter the character of the neighborhood.

Findings/Considerations

Please refer to Exhibit B of the Draft Planning Commission Resolution at Attachment A.

**ATTACHMENTS**

- A. Draft Planning Commission Resolution
- B. Location Map
- C. Site Plan
- D. Floor Plans
- E. Elevations
- F. Initial Study
- G. Presentation

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4063**

**WHEREAS**, the Merced City Planning Commission at its regular meeting (held via teleconference) of May 5, 2021, held a public hearing and considered **General Plan Amendment #21-01 and Zone Change #427**, initiated by MCP, LLC, property owner. The application involves a change from the current General Plan land use designation of Low Density Residential (LD) to High-Medium Density Residential (HMD), and a Zone Change from Low Density Residential (R-1-6) to Medium Density Residential (R-3-2) for four 0.22-acre parcels located at 565, 575, 601, and 609 Q Street. The applicant would like to develop a 4-plex on 4 separate parcels, for a total of 16 units. The current zoning designation allows for 3 units on 4 separate parcels, for a total of 12 units. The 0.88-acre subject sites are generally located at the west side of Q Street, directly south of West 6<sup>th</sup> Street. The subject sites are more particularly described as Parcels 1, 2, 3, and 4 as shown on the map entitled “Parcel Map for Samuel E. and Kathie K. Bartholomew” recorded in Volume 103, Page 45, in Merced County Records; also known as a portion of Assessor’s Parcel Number (APN) 032-183-039, 032-183-040, 032-183-041, and 032-183-042; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through J (Exhibit B) of Staff Report #21-263; and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Negative Declaration regarding Environmental Review #21-04, and recommend approval of General Plan Amendment #21-01 and Zone Change #427, subject to the Conditions set forth in Exhibit A, and the Findings set forth in Exhibit B, attached hereto and incorporated herein by this reference.

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)

PLANNING COMMISSION RESOLUTION #4063

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May 5, 2021

Adopted this 5<sup>th</sup> day of May 2021

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution #4063**  
**General Plan Amendment #21-01, and Zone Change #427**

1. The proposed project shall be constructed/designed generally as shown on Exhibit 1 (site plan), Exhibit 2 (floor plans), Exhibit 3 (floor plans) - Attachments C, D, and E of Planning Commission Staff Report #21-263, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4063



that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
6. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access. This shall be a minimum access road of 22 feet in width. The architect shall demonstrate that the turning radius to get into the parking lot is acceptable for fire apparatus (radius 33 feet inside, and 47 feet outside).
7. The fire access road shall extend to within 150 feet of all portions of the facility and all portions of exterior walls of the first story of the building, or as otherwise approved by the Fire Chief. This may require widening the parking lot driving aisles to 22 feet.
8. If building height is increased during the Building Permit stage, the applicant shall consult with the Fire Chief so they may determine if aerial access would be required.
9. All projects on this site shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
10. Bicycle parking for all projects on the site shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.
11. All landscaping on the site shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.
12. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other State or City-mandated water regulations dealing with drought conditions.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4063

13. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
14. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
15. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spill over onto adjacent properties. The parking lot shall include ample lighting for residents walking between the parking lot and their respective residential units.
16. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks as well as the number of containers needed to adequately serve the site. This may also allow for independent trash receptacles for each residential unit. Use of a trash compactor should be considered to reduce the number of pick-ups per week.
17. All mechanical equipment shall be screened from public view (details to be worked out with staff during the building permit stage).
18. The applicant shall record cross-access agreements and parking agreements between the subject sites (4 parcels) during the building permit stage.
19. Each parcel shall have its own water domestic, and fire service lines. Each service line shall extend from the City's main water line to the property line, with all water services separated by 10 feet or more from the sewer lateral connection.
20. The applicant shall work with the City's Public Works department to determine the appropriate location for water meters and backflow placement.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4063

21. The proposal shall comply with Merced Municipal Code Section 20.46.030 – General Design Standards for Multi-Family Dwellings, required for multi-family residential developments of 3 units or more in any Zoning district within the City.
22. If the perimeter of the site is to be fenced, the applicant shall provide gate access to both Fire and Refuse Departments. This may include installing a Click-to-Enter system, or a Knox-box.
23. The design of a future fence shall match or compliment the design, color, and materials used for the exterior of the building.
24. The proposed driveway along Q Street shall be designed to meet City Engineering Standards. The work performed on the driveway shall be done by a licensed contractor under an Encroachment Permit issued by the Engineering Department.
25. Minor modifications to the design or layout of this proposal may be approved by the Director of Development Services or be referred to the Planning Commission if deemed appropriate by the Director of Development Services.
26. The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), per Merced Municipal Code 17.04.050 and 17.04.060 for projects exceeding valuation of \$100,000.00.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4063

**Findings and Considerations**  
**Planning Commission Resolution #4063**  
**General Plan Amendment #21-01 and Zone Change #427**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) With the proposed General Plan Amendment and Zone Change, the proposed project will conform with the General Plan designation of High-Medium Density Residential (HMD) and zoning of Medium Density Residential (R-3-2). At 16 units on 0.88 acres the density shall be 18 dwelling units/acre, which conforms to the HMD designation, which allows densities of 12 to 24 dwelling units/acre.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting higher densities.

*Policy H-1.1 Support Increased in Residential Zoning Districts*

This proposal offers an opportunity for a higher density project to provide needed housing within the City.

*Policy 1.1.e Encourage Alternate Housing Types*

The proposed project would include three-bedroom apartments within four separate 4-plexes. This provides a different housing type to meet the growing need of housing within the community and supports this policy of providing alternate housing types.

*Policy 1.8b Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.*

The proposed project is on an in-fill site and meets the density requirements of the City's High-Medium density classification.

The following are Land Use Policies and Implementing Actions of the General Plan that could be met with the proposed project.

*Policy L-1.7 Encourage the Location of Multi-Family Developments on Sites With Good Access to Transportation, Shopping, Employment Centers, and Services.*

The proposed project is in close proximity to several employment, educational, and recreation locations, such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

**Mandatory Findings**

- B) Chapter 20.80 (Zoning Ordinance Amendments) and 20.82 (General Plan Amendments) of the Merced Municipal Code outline procedures for considering Zone Changes and General Plan Amendments. However, unlike other Planning permits, there are no specific findings spelled out in the Code that must be made in order to approve said amendments. However, good Planning practice would be to provide objective reasons for approval or denial, but these can take whatever form deemed appropriate by the Planning Commission and City Council. However, based on State law and case law, the following findings are recommended:

**EXHIBIT B**  
**OF PLANNING COMMISSION RESOLUTION #4063**

1. *The proposed amendment is deemed to be in the public interest.*

The proposed amendment is deemed to be in the public interest because it will provide needed housing for Merced residents and will provide investment opportunities for small investors who can enter the rental market with a small number of units. It will also fit into this particular neighborhood, which already contains a mixture of housing densities.

2. *The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.*

This General Plan Amendment does not include any text changes to the General Plan, but rather amends the land use designation for a specific area (on the 2030 General Plan Map - Figure 2.3 Land Use Diagram) to allow an increase in residential density. The proposed amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

3. *The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. Implementation of the conditions of approval and adherence to all applicable Building and Fire Codes and City Standards would prevent the project from having any detrimental effect on the health, safety, and welfare of the City.

4. *The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).*

The Planning staff has conducted an environmental review (Initial Study #21-04) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Negative Declaration (i.e., no significant effects in this) is being recommended (see Attachment F of Planning Commission Staff Report #21-263).

### **Traffic/Circulation**

- C) The project site is in southcentral Merced, approximately 1.5 miles from downtown, 0.75-miles from State Route 59, and 1 mile south of State Route 99. The project site is bounded by local roads, with the nearest north-south bound road being Q Street, and the nearest east-west bound road being 8<sup>th</sup> Street. 8<sup>th</sup> Street connects with R Street, which is considered a Major Arterial Road and designed to carry large volumes of traffic traveling throughout the community. R Street also provides access to both Highway 59 and Highway 99, that connect Merced with other regional communities throughout the State.

## **EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4063**

The subject site is currently entitled for 12 units (up to 3 units per parcel can be allowed under current accessory dwelling unit laws), the proposed 16 units would generate a relatively minimal increase in vehicle traffic. According to Trip Generation (ITE Report) the average daily trips per unit is 6.59. At 12 units, that would total 79 trips per day, and at 16 units it would total 105 trips per day which would equate to a 25% increase in trips correlating to the 25% increase in number of residential units. The Engineering Department believes that the existing street network could adequately serve this proposal.

The increase in density would result in less vehicle miles traveled to surrounding uses such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

Per CEQA Guidelines Section 15064.3, alternative modes of transportation are being assessed and are available within a 1.5 mile distance of the site. The Merced County Bus provides services with several stops nearby (within a ¼ mile) along R Street linking the residents to the M1 Route. The Amtrak (passenger train service) is located within 1.5 miles providing services to the greater California area and connections to travel across the county. The closest airport is Merced Yosemite Regional Airport, located approximately 1 mile to the east.

### **Parking**

- D) The Zoning Ordinance requires 1.75 spaces of parking for each multi-family unit up to 30 units, plus an additional 1.5 spaces for each unit over 30. There is also an increase in the number of spaces required based on the number of bedrooms and bathrooms in a unit (0.5 spaces for each bedroom over 2). The applicant is proposing 3-bedroom & 2-bathroom units (16 total). Based on this calculation, this project would require 36 parking spaces. The applicant is providing 31 parking spaces and is seeking approval for a parking reduction from the Director of Development Services. Per MMC 20.38-050 (D) – Parking Reductions, parking reductions may be approved up to 20 percent through a Transportation Demand Management Plan approved by the Director of the Development Services. The site is located close to several alternative modes of transportation such as bike lanes, and bus stops that link with rail service (Amtrak) and the Merced Yosemite Regional Airport. Bicycle parking would be provided as required by the California Green Code, and reviewed during the Building Permit stage. With a 10% parking reduction, the applicant would exceed parking requirements by providing 31 parking spaces when 29 parking spaces are required. Planning staff believes this request is reasonable and is likely to be approved prior to construction.

### **Public Improvements/City Services**

- E) Water

There is a water line in Q Street along the frontage of the subject sites. The City's water supply would be sufficient to serve the proposed project. Each lot shall have water lateral connections from Q Street (Condition #19 of Staff Report #21-263).

Sewer

## **EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4063**

The Merced Wastewater Treatment Plant (WWTP) recently finished two major upgrades (Phase IV and Phase V) to improve the quality of the treated water, referred to as plant effluent, and to improve the quality of biosolids and methods of treatment. The Merced Wastewater Treatment Plant is now one of the most advanced facilities in the state. It is capable of treating up to 12 million gallons of influent a day. The proposed project is estimated to generate approximately 1,280 – 1,600 gallons of wastewater per day (based on 80-100 gallons/day per residential unit). The additional wastewater generated by the project would be approximately 0.0133% of the overall capacity of the WWTP.

There is sufficient capacity at the WWTP, and the existing lines along the back portion of the properties (western portion) have enough capacity to accommodate the additional wastewater and transmit it to the WWTP for processing. Each lot shall have sewer lateral connections from the western portion of the property (Condition #19 of Staff Report #21-263).

#### Public Improvements

The Engineering Department may require the applicant to make additional public improvements during the building permit stage (such as repairing damaged sidewalk), per Merced Municipal Code 17.04.050 and 17.04.060 for projects exceeding valuation of \$100,000.00 (Condition #26 of Staff Report #21-263).

#### **Building Design**

- F) There would be one 4-plex on each lot, for a total of 16 units within the subject sites (Attachment C of Staff Report #21-263). Each unit within each 4-plex would consist of the same program containing 3 bedrooms, 2 bathrooms, a utility room, a living room, and a kitchen for a total of 1,172 square feet. The proposal shall comply with Merced Municipal Code Section 20.46.030 – General Design Standards for Multi-Family Dwellings, required for multi-family residential developments of 3 units or more in any Zoning district within the City. The applicant currently has no plans to add any accessory dwelling units (ADU's) in addition to the 16 units, however, ADU's are allowed in multi-family developments per current codes.

All of these buildings would generally have a similar design with a simple rectangular form and angled roof. The exterior of the buildings would be finished with siding, stucco, and stone veneers giving each units its own unique façade (Attachment E of Staff Report #21-263). The building heights would be 29 feet, which is below the maximum height allowed within the surrounding R-1-6 Zone (allows a maximum building height of 35 feet). Given the proposed design, materials, massing, and scale, staff believes that proposal is of high-quality and that will be compatible with the surrounding properties throughout the neighborhood.

#### **Site Design**

- G) The project site consists of 4 identical rectangular parcels (0.22-acres each) aligned consecutively along Q Street. Each parcel will contain a 4-plex within a 2-story building. Each unit would have 3 bedrooms and 2 bathrooms. Each unit would have

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4063

a unique façade consisting of siding, stucco, and or stone veneer. Each parcel would have a similar layout with the buildings mirroring each other (Attachment D of Staff Report #21-263).

Even though the parcels would remain independent, there would be a lot of common space and cross-access agreements between the parcels. The apartments would be located on the western portion of the subject sites, and the parking and access would be located along the eastern portions of the subject sites – closer to Q Street. There would be one 26-foot-wide driveway located along Q Street. The parking area is located immediately behind the driveway and consists of 31 parking stalls and two sets of trash enclosures along eastern and western portions of the parking lot. Two walkways would create a pedestrian path between the parking lot and entrances to each residential unit.

### **Landscaping**

- H) Landscaping and irrigation shall be required to meet the City's Water Efficient Landscape Ordinance (Conditions #11, #12, and #13 of Staff Report #21-263).

### **Neighborhood Impact/Interface**

- I) The subject site is located within an older portion of the City that was generally developed between the 1900's and the 1950's. As such, there are a variety property that were developed prior to adoption of development standards or unified local codes. This has resulted in neighborhood containing a variety of parcel shapes/sizes, and buildings that are unique in their development with many properties having secondary or multiple dwelling units on one parcel. Even though the majority of these parcels are zoned for single-family homes, there are several parcels within a 1,000-foot-radius that have two, three, or more units that are considered legal non-conforming. In addition, 190 feet north of the subject sites, there is a small area zoned Medium Density Residential with a similar concept to what is being proposed by the applicant (multiple independent lots with cross-access and parking agreements). Given the context of the surrounding multifamily units within legal non-conforming lots, and nearby Medium Density Residential Zone, staff is of the opinion that the proposed multifamily project is compatible with the character of the neighborhood.

Public hearing notices were sent to all property owners within 300 feet of the subject sites three weeks prior to the public hearing. As of the date this report was prepared, staff has not had any comments from the public regarding the project.

### **Environmental Clearance**

- J) The Planning staff has conducted an environmental review (Initial Study #21-04) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Negative Declaration (i.e., no significant effects in this) is being recommended (see Attachment F of Planning Commission Staff Report #21-263).

## **EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4063**







Site Data

APN: 092-183-039, 040, 041, 042

**Gary A. Rogers - Architect**  
1816 HOWARD ROAD - SUITE 8  
MADERA, CALIFORNIA 93647  
PHONE: (559) 674-6599  
FAX: (559) 674-6599  
PLANNING • DESIGN • CONSTRUCTION PROBLEM SOLVING



REVISION	DATE	COMMENTS

**L. DEAN CONSTRUCTION INC.**  
3319 M ST.  
MERCED, CA 95348 (209) 564-1576  
PROJECT SITE: Q STREET

PLANS FOR:

DESIGNED BY	T. A. DEAN
CHECKED BY	
DATE	1 / 2021
SCALE	
PROJECT NO.	
DATE	
BY	
FOR	

**S.1**  
SHEETS

EXHIBIT A



5 / 8

Starting with Northern-most lot, legal description on deed describes two lots at a time.

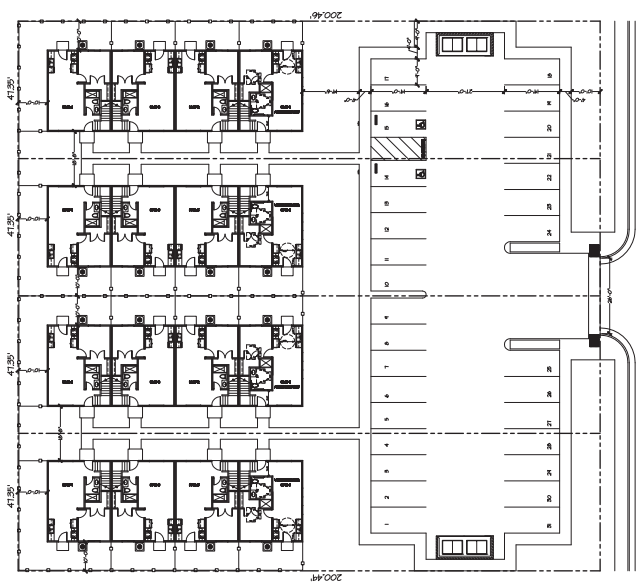
APN 032-183-039  
Legal Description

APN 032-183-040  
Legal Description

APN 032-183-041  
Legal Description

APN 032-183-042  
Legal Description

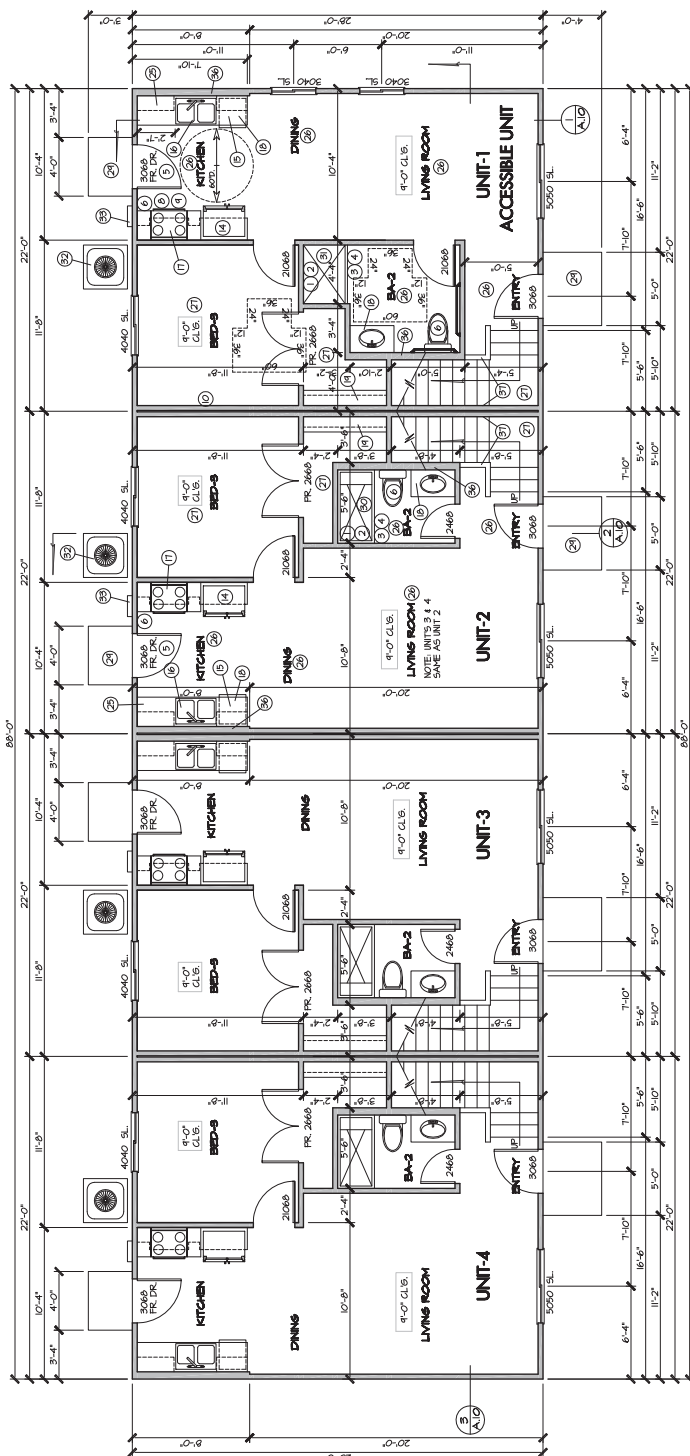
All that portion of Lot 2, in Block 525, according to "MAP OF THE CITY OF MERCED AND SUBDIVISIONS OF ADDJING ACRES PROPERTY, MERCED COUNTY, CALIFORNIA" recorded May 15, 1901, in Book 2 of Maps, page 65, Merced County records, described as follows:  
Beginning at a point on the northwesterly line of said Lot 2, that is South 65° 20' East, 200 feet from the northwest corner of said Lot 2; thence South 65° 20' East, along the northwesterly line of said Lot 2, 200 feet, to a point on the northwesterly line of Q Street in the City of Merced; thence South 24° 40' West, along said line of Q Street, 64.7 feet; thence North 65° 20' West, 200 feet; thence North 24° 40' East, 64.7 feet, to the point of beginning.  
Also known as Parcels 1 and 2 of Parcel Map filed in the Office of the County Recorder of Merced County, on August 09, 2006, in Book 103 of Parcel Maps, Page 42 and 43.  
All that portion of Lot 2, in Block 525, according to "MAP OF THE CITY OF MERCED AND SUBDIVISIONS OF ADDJING ACRES PROPERTY, MERCED COUNTY, CALIFORNIA" recorded May 15, 1901, in Book 2 of Maps, page 65, Merced County records, described as follows:  
COMMENCING at a point located South 25° 40' West, 84.7 feet and South 65° 20' East, 200 feet from the Northwest corner of said Lot 2; thence South 24° 40' West, 64.7 feet; thence South 65° 20' East, 200.0 feet; thence North 24° 40' East, 64.7 feet; thence North 65° 20' West, 200.0 feet; thence North 25° 40' West, 84.7 feet and parallel to the Northerly line of said Lot 2, to the place of beginning.  
EXCEPTING THEREFROM the interest of the City of Merced in said to the Bureau, 60 feet, as acquired for a public highway, etc., by Deed recorded September 11, 1942, in Book 739 of Official Records, page 447, Merced County Records.  
Also known as Parcels 3 and 4 of Parcel Map filed in the Office of the County Recorder of Merced County, on August 09, 2006, in Book 103 of Parcel Maps, Page 42 and 43.



**SITE PLAN**  
SCALE: 1"=20'-0"

SITE PLAN

- [illegible]



**WORK PLAN NOVEL:**

LOOK CARD READ TO BE AVAILABLE FOR SIGNATURE AT JOB SITE.

ENGINEER UNITED STATES MUST BE GRADE STAMPED BY AN APPROVED  
200 INSPECTION AGENCY.

THE ATTIC FLOOR ACCESS SHALL BE MECHANISMPROTECTED AND INSULATED  
TO EQUIV AL TO THAT OF THE G.L.S. & F.L.P. AND SHALL BE INSTALLED ON  
THE ACCESS PLATE.

The Access Plate. Showers and life-lower combinations shall be provided with individual  
control valves at the pressure barrier, and the thermostatic mixing valve type,  
allowing a max. mixed water setting of 120 degrees. CPC 420

Retractable shower stall 2x solid wood to cut off concealed drain openings.  
With vertical and horizontal, and shall form an effective barrier between showers  
and between top slung and roof panels. In exterior or interior stall width,  
shall be 60 inches minimum and 72 inches maximum. The stall shall not  
exceed 100 lbs.

WALL AND CEILING FINISHES SHALL HAVE A FLAME  
READ INDEX OF NOT GREATER THAN 200.

Windows used for emergency egress shall have a maximum height of (44) inches above the adjacent floor to the clear opening of the window.

Window supplier shall review all windows for conformance to emergency egress requirements of the current edition of the CBC, and as may be amended by the governing authority. The supplier shall provide the Designer with written resolution of any discrepancies to the Designer for written resolution. The submission of bad constitutes certifications that the window supplied meet or exceed the requirements of the specification.

WINDOWS = 0.32 UVALUE 0.25 SHGC

GLAZING FOR THIS PROJECT MUST BE  
EQUAL TO OR LOWER THAN THE ABOVE.

NOTE: ANNUAL SPACES AROUND PIPES, ELECTRIC, CABLE, CONDUITS OR OTHER OPENINGS IN BOTTOM PLATE AT EXTERIOR WALL SHALL BE PROTECTED AGAINST THE PASSAGE OF ROBOENTS IN ACCORDANCE WITH C6B56 CH. 4 DIVISION 4.4

NOTE:  
WIDTH OF DOOR TO EXTERIOR  
36" MINIMUM.

NO MORE THAN 1-1/2" LOWER THAN THE TOP OF THE DOOR THRESHOLD.

## FIRST FLOOR PLAN

## ATTIC SPACE

—HILTI SHOT PINS @ 12" O.C.





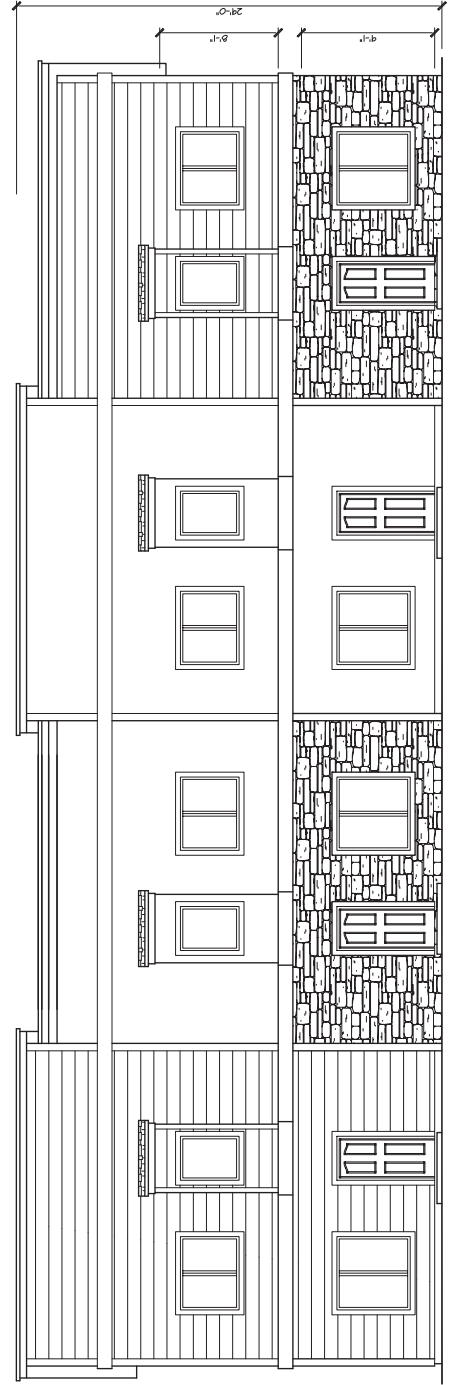
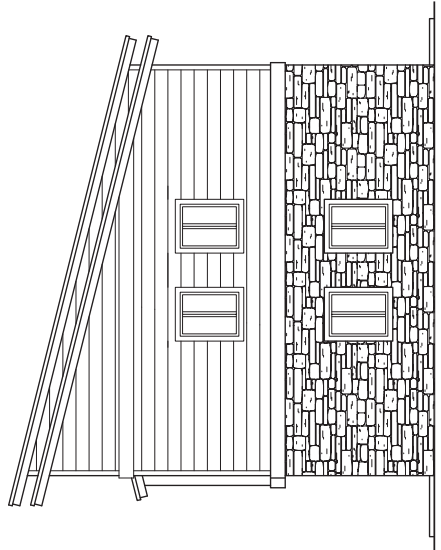
REVISIONS	DATE	COMMENTS

J. DEAN CONSTRUCTION INC. 3319 M ST. MERCED, CA 95348 (209) 564-1516 PROJECT SITE: 12 STREET	PLAN FOR
---	----------

DRAWN BY T. ADERHOUT	CHECKED BY J. DEAN
DATE 1/22/20	SCALE 1/4"=1'-0"
PROJECT 0 ST FOUR PLEX	
SHEET A.6	

A.6  
 OF 11 SHEETS

ELEVATIONS PLAN



**CITY OF MERCED**  
**PLANNING & PERMITTING DIVISION**

**TYPE OF PROPOSAL:** General Plan Amendment #21-01 and Zone Change #427

**INITIAL STUDY:** #21-04

**DATE RECEIVED:** February 10, 2021 (date application determined to be complete)

**LOCATION:** The four consecutive parcels are located west of Q Street, south of 6<sup>th</sup> Street at 565, 575, 601, and 609 Q Street

**ASSESSOR'S PARCEL NUMBERS:** 032-183-039, 032-183-040, 032-183-041, 032-183-042

(SEE ATTACHED MAP AT ATTACHMENTS A)

Please forward any written comments by April 21, 2021 to:

Francisco Mendoza-Gonzalez, Associate Planner  
City of Merced Planning & Permitting Division  
678 West 18<sup>th</sup> Street  
Merced, CA 95340  
209-385-6929  
[mendozaf@cityofmerced.org](mailto:mendozaf@cityofmerced.org)

Applicant Contact Information:

Attn: MCP, LLC  
3319 M Street  
Merced, CA 95348  
(415) 271-7100  
[rdylina@gmail.com](mailto:rdylina@gmail.com)

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**PROJECT DESCRIPTION**

The Project site consists of 0.88 acres comprised of 4 vacant parcels (APN: 032-183-039, 032-183-040, 032-183-041, and 032-183-042) located at the west side of Q Street, immediately south of 6<sup>th</sup> Street (Attachment B). The subject site has a zoning designation of Low Density Residential (R-1-6) and a General Plan designation of Low Density Residential (LD). The subject site is generally surrounded by multifamily homes and single-family homes.

The applicant would like to development a 4-plex on each of the 4 separate parcels, for a total of 16 units. The current zoning designation allows for 3 units each on 4 separate parcels, for a total of 12 units. The parcels would remain independent, but there would be cross-access and parking agreements between the four parcels. Shared parking (31 spaces) and a refuse enclosure would be located on the eastern portion of parcel, closest to Q street, with one 26-foot-wide driveway to allow vehicle ingress and egress.



Project Location

The subject site is located within the southcentral portion of Merced. The subject site is surrounded by residential uses to the north, east, and west. The surrounding uses include single-family homes and multifamily apartment complexes. There is Low-Medium Density Zone (R-2) approximately 200-feet north of the subject site. The table below identifies the surrounding uses:

<b>Table 1      Surrounding Uses (Refer to Attachment A)</b>			
<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Residential Units (4 total)	Low Density Residential (R-1-6)	Low Density Residential (LD)
South	Single-Family Homes	Low Density Residential (R-1-6)	Low Density Residential (LD)
East	Single-Family Homes (across Q Street)	Low Density Residential (R-1-6)	Low Density Residential (LD)
West	Single-Family Homes	Low Density Residential (R-1-6)	Low Density Residential (LD)

**1. INITIAL FINDINGS**

- A. The proposal is a project as defined by CEQA Guidelines Section 15378.
- B. The Project is not a ministerial or emergency project as defined under CEQA Guidelines (Sections 15369 and 15369).
- C. The Project is therefore discretionary and subject to CEQA (Section 15357).
- D. The Project is not Categorically Exempt.
- E. The Project is not Statutorily Exempt.
- F. Therefore, an Environmental Checklist has been required and filed.

**2. CHECKLIST FINDINGS**

- A. An on-site inspection was made by this reviewer on March 19, 2021.
- B. The checklist was prepared on March 19, 2021.
- C. The *Merced Vision 2030 General Plan* and its associated Environmental Impact Report [EIR (SCH# 2008071069)] were certified in January 2012. The document comprehensively examined the potential environmental impacts that may occur as a result of build-out of the 28,576-acre Merced (SUDP/SOI). For those significant environmental impacts (Loss of Agricultural Soils and Air Quality) for which no mitigation measures were available, the City adopted a Statement of Overriding Considerations (City Council Resolution #2011-63). This document herein



incorporates by reference the *Merced Vision 2030 General Plan*, the *General Plan Program EIR* (SCH# 2008071069), and Resolution #2011-63.

As a subsequent development project within the SUDP/SOI, many potential environmental effects of the Project have been previously considered at the program level and addressed within the General Plan and associated EIR. (Copies of the General Plan and its EIR are available for review at the City of Merced Planning and Permitting Division, 678 West 18th Street, Merced, CA 95340.) As a second tier environmental document, Initial Study #21-04 plans to incorporate goals and policies to implement actions of the *Merced Vision 2030 General Plan*, along with mitigation measures from the General Plan EIR, as mitigation for potential impacts of the Project.

Project-level environmental impacts and mitigation measures (if applicable) have been identified through site-specific review by City staff. This study also utilizes existing technical information contained in prior documents and incorporates this information into this study.

### **3. ENVIRONMENTAL IMPACTS:**

Will the proposed project result in significant impacts in any of the listed categories? Significant impacts are those that are substantial, or potentially substantial, changes that may adversely affect the physical conditions within the area affected by the Project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant. (Section 15372, State CEQA Guidelines. Appendix G of the Guidelines contains examples of possible significant effects.)

A narrative description of all “potentially significant,” “negative declaration: potentially significant unless mitigation incorporated,” and “less than significant impact” answers are provided within this Initial Study.

#### **A. Aesthetics**

##### **SETTING AND DESCRIPTION**

The project site is located in southcentral Merced, approximately one mile southwest of Downtown and one mile south of Highway 99. The project site consists of vacant land totaling 0.88 acres. The terrain is generally flat. The site is surrounded by residential uses to the north, east, and west. Generally, the surrounding parcels consist of single-family homes, duplexes, and multi-family homes. These buildings and structures range in height, between 20 and 40 feet.

The proposed project would include one 4-plex on each lot, for a total of 16 units. Each unit within each 4-plex will consist of the same program containing 3 bedrooms, 2 bathrooms, a utility room, a living room, and a kitchen for a total of 1,172 square feet. All of these buildings will have a similar design and simple rectangular form. The exterior will be finished with siding, stucco, and stone veneers. The building heights would be 29 feet.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>A. <u>Aesthetics.</u> Will the Project:</b>				
1) Have a substantial adverse effect on a scenic vista?				✓
2) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
3) Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

**1) No Impact**

No designated scenic vistas exist on the project site or in the project area. Therefore, no impacts in this regard would occur with this development.

**2) No Impact**

There are no officially designated State Scenic Highways or Routes in the project vicinity. Therefore, the Project would have no impact on scenic resources, such as rock outcroppings, trees, or historic buildings within a scenic highway.

**3) Less-Than-Significant Impact**

The proposed Project would transform the site from an undeveloped site to a fully developed site. Undeveloped lots tend lead to concerns regarding weed abatement, waste drop-off, and general dilapidation. The proposed buildings, parking, and common areas would fully develop the site. The units would add architectural interest with the use of siding, stucco, and stone veneers. Based on these factors, this impact is considered to be less than significant.

**4) Less Than Significant**

Construction of the proposed project and off-site improvements include new lighting on the buildings and throughout the parking lots. This new lighting could be a source of light or glare that would affect the views in the area. However, the City of Merced has adopted the California Green Building Standards Code as Section 17.07 of the Merced Municipal Code. As administered by the City, the Green Building Standards Code prohibits the spillage of light from one lot to another. This would prevent new glare effects on the existing buildings surrounding the project site.

## B. Agriculture Resources

### SETTING AND DESCRIPTION

Merced County is among the largest agriculture producing Counties in California (ranked fifth), with a gross income of more than \$4.4 billion. The County's leading agriculture commodities include milk, almonds, cattle and calves, chickens, sweet potatoes, and tomatoes.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>B. <u>Agriculture Resources.</u> Will the Project:</b>				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and monitoring Program of the California Resources Agency, to non-agriculture?				✓
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
3) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓
4) Cause development of non-agricultural uses within 1,000 feet of agriculturally zoned property (Right-to-Farm)?				✓

#### 1) No Impact

The project site is located within the City Limits of Merced. The California Department of Conservation prepares Important Farmland Maps through its Farmlands Mapping and Monitoring Program (FMMP). The system of classifying areas is based on soil type and use. According to the Merced County Important Farmlands Map, the project site is classified as "Urban and Built-Up Land". The conversion of this land from undeveloped lots to a developed urban parcel was analyzed as part of the Environmental Review for the *Merced Vision 2030 General Plan*. The development of multi-family homes on Urban and Built-Up Land is considered to have less than significant impact, as this land is not intended for agriculture. Therefore, CEQA requires no further review.

#### 2) No Impact

There are no Williamson Act contract lands in this area and the land is not currently zoned for agricultural uses. Therefore, there is no impact.

#### 3) Less-Than-Significant Impact

Refer to Item #1 above.

#### 4) **No Impact**

The nearest land being used for farming is located approximately 1-mile south of the subject site (within County jurisdiction). The proposed development would not affect farming operations.

### **C. Air Quality**

#### **SETTING AND DESCRIPTION**

The project site is in the San Joaquin Valley Air Basin (SJVAB), which includes the southern half of the Central Valley and is approximately 250 miles long and an average of 35 miles wide. The Coast Ranges, which have an average height of 3,000 feet, serve as the western border of the SJVAB. The San Emigdio Mountains, part of the Coast Ranges, and the Tehachapi Mountains, part of the Sierra Nevada, are both south of the SJVAB. The Sierra Nevada extends in a northwesterly direction and forms the air basin's eastern boundary. The SJVAB is mostly flat with a downward gradient to the northwest.

The climate of the SJVAB is heavily influenced by the presence of these mountain ranges. The mountain ranges to the west and south induce winter storms from the Pacific Ocean to release precipitation on the western slopes, producing a partial rain shadow over the valley. A rain shadow is defined as the region on the leeward side of a mountain where noticeably less precipitation occurs because clouds and precipitation on the windward side remove moisture from the air. In addition, the mountain ranges block the free circulation of air to the east and entrap stable air in the Central Valley for extended periods during the cooler months.

Winters in the SJVAB are mild and fairly humid, and summers are hot, dry, and typically cloudless. During the summer, a high-pressure cell is centered over the northeastern Pacific, resulting in stable meteorological conditions and steady northwesterly winds.

#### **Existing Ambient Air Quality**

The California Air Resources Board (ARB) and the U.S. Environmental Protection Agency (EPA) focus on ozone, carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), and lead as indicators of ambient air quality. Because these are the most prevalent air pollutants known to be deleterious to human health and extensive health-effects criteria documents are available, they are commonly referred to as criteria air pollutants.

EPA has established primary and secondary national ambient air quality standards (NAAQS) for ozone, CO, NO<sub>2</sub>, SO<sub>2</sub>, respirable particulate matter 10 micrometers or less in diameter (PM<sub>10</sub>), fine particulate matter 2.5 micrometers or less in diameter (PM<sub>2.5</sub>), and lead. The primary and secondary standards are intended to protect public health and public welfare, respectively. In addition to the NAAQS, ARB has established California ambient air quality standards (CAAQS) for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particulate matter. In most cases, the CAAQS are more stringent than the NAAQS.

Concentrations of criteria air pollutants are measured at several monitoring stations in the SJVAB. Since 1991 there have been two monitoring stations in Merced: S. Coffee Avenue and 2334 M Street. Table C-1 summarizes air quality data from these monitoring stations for the most recent years available. The 8-hour state and federal ozone, 1-hour state ozone, state and federal PM<sub>2.5</sub>,

and state PM<sub>10</sub> standards were all exceeded on multiple days between 2011 and 2016, while the federal PM<sub>10</sub> standard has never been exceeded (see Table C-1).

**Table C-1**  
**Ambient Air Quality in Merced:**  
**Number of Days Exceeding State and Federal Standards**

Year	Merced—S. Coffee Avenue				Merced—2334 M Street		
	Ozone			Federal PM <sub>2.5</sub> <sup>2</sup>	PM <sub>10</sub>		Federal PM <sub>2.5</sub> <sup>2</sup>
	8-Hour State	8-Hour Federal <sup>1</sup>	1-Hour State		State <sup>2</sup>	Federal <sup>2</sup>	
2016	29	28	2	5	6	0	2
2015	34	29	2	15	5	0	5
2014	44	40	3	16	9	0	5
2013	31	29	5	16	13	0	11
2012	25	24	2	8	9	0	4
2011	41	38	2	21	8	0	2
Notes: PM <sub>2.5</sub> = fine particulate matter 2.5 micrometers or less in diameter; PM <sub>10</sub> = respirable particulate matter 10 micrometers or less in diameter <sup>1</sup> National 2015 standard (0.070 part per million). <sup>2</sup> Measured number of days over the 24-hour standard. Source: ARB 2017a							

Both ARB and EPA use monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of the designations is to identify areas with air quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are *nonattainment*, *attainment*, and *unclassified*. Unclassified is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards. In addition, the California designations include a subcategory of the nonattainment designation, called *nonattainment-transitional*. The nonattainment-transitional designation is given to nonattainment areas that are progressing and nearing attainment. Table C-2 presents the attainment designations for Merced County for each criteria pollutant.

**Table C-2**  
**Merced County Attainment Designations (Federal and State)**

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone—1-Hour	No Federal Standard <sup>1</sup>	Nonattainment/Severe
Ozone—8-Hour	Nonattainment/Extreme	Nonattainment
PM <sub>10</sub>	Attainment	Nonattainment
PM <sub>2.5</sub>	Nonattainment	Nonattainment
CO	Unclassified/Attainment	Unclassified/Attainment
NO <sub>2</sub>	Unclassified/Attainment	Attainment
SO <sub>2</sub>	Unclassified/Attainment	Attainment
Lead (Particulate)	No Designation/Classification	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility-Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

Notes: CO = carbon monoxide; NO<sub>2</sub> = nitrogen dioxide; PM<sub>2.5</sub> = fine particulate matter 2.5 micrometers or less in diameter; PM<sub>10</sub> = respirable particulate matter 10 micrometers or less in diameter; SO<sub>2</sub> = sulfur dioxide

<sup>1</sup> The federal 1-hour ozone national ambient air quality standard was revoked on June 15, 2005.

Source: SJVAPCD 2017a

The San Joaquin Valley Air Pollution Control District (SJVAPCD) attains and maintains air quality conditions in Merced County through a comprehensive program of planning regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean-air strategy of SJVAPCD includes preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations governing air pollution sources (SJVAPCD 2017b), and issuing permits for stationary sources of air pollution. SJVAPCD also inspects stationary sources and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by the federal Clean Air Act and the California Clean Air Act.

The *Guide for Assessing and Mitigating Air Quality Impacts* is an advisory document that provides uniform procedures for lead agencies, consultants, and project applicants to use when addressing air quality in environmental documents (SJVAPCD 2015). The guide contains:

- criteria and thresholds for determining whether a project may have a significant adverse impact on air quality;
- specific procedures and modeling protocols for quantifying and analyzing air quality impacts;
- methods available to mitigate impacts; and
- information for use in air quality assessments and environmental impact reports that will be updated more frequently such as air quality data, regulatory setting, climate, and topography.

## Air Quality Plans

SJVAPCD prepares and submits air quality attainment plans (AQAPs) in compliance with California Clean Air Act requirements. The California Clean Air Act also requires a triennial assessment of the extent of air quality improvements and emission reductions achieved through the use of control measures. The assessment requires that the attainment plans be reviewed and, if necessary, revised to correct for deficiencies in progress and incorporate new data or projections. As a nonattainment area, the region also must submit rate-of-progress milestone evaluations in accordance with the Clean Air Act Amendments. These milestone reports include compliance demonstrations showing that the requirements have been met for the nonattainment area.

The AQAPs and reports present comprehensive strategies to reduce emissions of reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), and PM<sub>10</sub> from stationary, area, mobile, and indirect sources. These strategies include adopting rules and regulations; implementing a new and modified indirect-source review (ISR) program; adopting local air quality plans; and implementing stationary-, mobile-, and indirect-source control measures. Table C-3 summarizes SJVAPCD's most current AQAPs.

**Table C-3**  
**Summary of SJVAPCD Air Quality Attainment Plans**

<b>Pollutant</b>	<b>Plan Title</b>	<b>Date</b>	<b>Status</b>
Ozone	<i>SJVAB 8-Hour O<sub>3</sub> Plan (2015 EPA Standard)</i>	Pending	Public workshops in progress
	<i>SJVAB 8-Hour O<sub>3</sub> Plan (2008 EPA standard)</i>	June 2016	Adopted by SJVAPCD June 2016
	<i>San Joaquin Valley's 2013 Plan to Attain the Revoked Federal 1-Hour O<sub>3</sub> Standard</i>	November 2013	Submitted to EPA in December 2013 <sup>1</sup>
	<i>Draft Staff Report, 8-Hour O<sub>3</sub> Reasonably Available Control Technology—State Implementation Plan Analysis</i>	April 2006	Adopted by SJVAPCD in August 2006
	<i>2007 San Joaquin Valley 8-Hour O<sub>3</sub> Plan</i>	March 2012	Approved by ARB in June 2007 Approved by EPA in March 2012
Carbon Monoxide	<i>2004 Revision to the California State Implementation Plan for CO Updated Maintenance Plan For Ten Federal Planning Areas</i>	July 2004	Adopted by ARB July 2004
Respirable and Fine Particulate Matter	<i>2007 PM<sub>10</sub> Maintenance Plan and Request for Redesignation</i>	September 2007	Approved by EPA in November 2008
	<i>2012 PM<sub>2.5</sub> Plan to Attain the Federal 24-Hour PM<sub>2.5</sub> Standard</i>	January 2013	Submitted to EPA in November 2014 <sup>2</sup>
	<i>2015 Plan for the 1997 PM<sub>2.5</sub> Standard</i>	April 2015	Approved by SJVAPCD in April 2015 and submitted to EPA
	<i>2016 Moderate Area Plan for the 2012 PM<sub>2.5</sub> Standard</i>	September 2016	Adopted by SJVAPCD in September 2016
	<i>2018 PM<sub>2.5</sub> Plan for 1997, 2006, and 2012 PM<sub>2.5</sub> Standards</i>	Pending	Public workshops in progress

Notes: ARB = California Air Resources Board; CO = carbon monoxide; EPA = U.S. Environmental Protection Agency; O<sub>3</sub> = ozone; PM<sub>2.5</sub> = fine particulate matter 2.5 micrometers or less in diameter; PM<sub>10</sub> = respirable particulate matter 10 micrometers or less in diameter; SJVAB = San Joaquin Valley Air Basin; SJVAPCD = San Joaquin Valley Air Pollution Control District

<sup>1</sup> Effective June 15, 2005, EPA revoked in full the national 1-hour ozone ambient air quality standard, including associated designations and classifications. The *2013 Plan for the Revoked 1-Hour O<sub>3</sub> Standard* was approved by SJVAPCD's Governing Board on September 19, 2013. The plan demonstrates that the air basin will attain the revoked 1-hour ozone standard by 2017.

<sup>2</sup> SJVAPCD submitted a Supplemental Document for the 2012 PM<sub>2.5</sub> Plan demonstrating that attainment of the 2006 PM<sub>2.5</sub> standard by 2015 would not be practical. The document requested a reclassification of SJVAB to serious nonattainment.

Sources: SJVAPCD 2013, 2017c, 2017d; ARB 2011, 2017b

## Indirect-Source Review

The ISR Rule (Rule 9510) and the Administrative ISR Fee Rule (Rule 3180) (SJVAPCD 2017b) are the result of state requirements outlined in California Health and Safety Code Section 40604 and the State Implementation Plan (SIP). SJVAPCD's AQAPs include the SIP's commitments to reach the ambient air-pollution standards on schedule. The plans identify growth and reductions in multiple source categories. They also quantify the reduction from current SJVAPCD rules and proposed rules, as well as state and federal regulations, and then model future emissions to determine whether SJVAPCD may reach attainment for applicable pollutants.

Rule 9510 applies to new developments that exceed a certain threshold size. An application must be submitted for any project that exceeds the Rule 9510 thresholds listed below unless the project would have mitigated emissions of less than 2 tons per year (tpy) each of NO<sub>x</sub> and PM<sub>10</sub>.

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- 9,000 square feet of any land use not identified above

The project is not subject to Rule 9510 because it would involve developing less than 50 units, as 16 units are proposed. Additionally, construction and operational NO<sub>x</sub> emissions would not exceed 2 tpy.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>C. <u>Air Quality.</u></b> Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for O <sub>3</sub> precursors)?			✓	
4) Expose sensitive receptors to substantial pollutant concentrations?			✓	
5) Create objectionable odors affecting a substantial number of people?			✓	

Impacts are evaluated below on the basis of both State CEQA Guidelines Appendix G criteria and SJVAPCD significance criteria.

SJVAPCD's thresholds for determining environmental significance separate a project's short-term emissions from long-term emissions. The short-term emissions are related mainly to the construction phase of a project. For this project, the long-term emissions are related primarily to household trips.

#### 1) **Less-than-Significant Impact**

Air quality plans describe air pollution control strategies to be implemented by a city, county, or region. SJVAPCD is responsible for developing and implementing AQAPs for each criteria air pollutant for which the region does not meet the applicable standard. AQAP documents are transmitted to ARB and EPA for incorporation into the SIP, a general plan to attain and maintain the NAAQS for complying with the federal Clean Air Act.

Table C-3 lists recent SJVAPCD AQAPs. The plans account for projections of population growth and vehicle miles traveled (VMT) provided by the San Joaquin Council of Governments in the SJVAB and identify strategies for bringing regional emissions into compliance with federal and state air quality standards. Because population growth and projected VMT are the basis of the AQAPs' strategies, a project would conflict with a plan if it would result in more growth or VMT than projected in the applicable plan. The primary way of determining whether a project would result in more growth or VMT than in the AQAPs is to determine consistency with the applicable general plan.

The *Merced Vision 2030 General Plan* (City of Merced 2012) is the applicable general plan. However, the population projections used in the previous general plan, the *Merced Vision 2015 General Plan* (City of Merced 1997), included projects through 2035 and were higher than those used in the 2030 General Plan (see Table C-4). The project site has a residential land use designation in the *Merced Vision 2030 General Plan*. Because the project would involve relocating an existing land use within the plan area, it can be assumed that it was included in the *Merced Vision 2030 General Plan*. The proposed 16 units is slightly larger than the 12 units that could be developed under the current land use designation. It is reasonable to assume that the growth was accounted for in the AQAP's calculations and that this project would not create a significant impact. Therefore, implementation of the project would not exceed the assumptions used to develop the air quality plans and would neither obstruct nor conflict with implementation strategies. The impact would be less than significant.

**Table C-4**  
**Population Projections in the Current and Previous Merced General Plans**

<b>Year</b>	<b>Population within City 2015 SUDP Area</b>	<b>Percent of Merced County</b>
<b><i>Merced Vision 2015 General Plan (1997): 1990–2035 Projections</i></b>		
1990	60,900	34.1
1995	83,830	35.2
2000	89,940	35.5
2010	116,800	38.3
2015	133,250	39.2
2020	149,700	39.7
2035	202,070	42.3
<b><i>Merced Vision 2030 General Plan (2012): 2000–2030 Projections</i></b>		
2000	63,893	30.4
2005	74,010	30.7
2010	85,798	31.1
2015	99,463	31.6
2020	115,305	32.1
2030	154,961	33.7

Notes: City = City of Merced; SUDP = Specific Urban Development Plan

Sources: City of Merced 1997, 2012

## 2) Less-than-Significant Impact

As part of the building permit review process, the applicant is required to consult with the San Joaquin Valley Air Pollution Control District (SJVAPCD). The developer is responsible for adhering to all air quality mitigation measures during the construction phase as required by the SJVAPCD and the California Building Code. Due to these permitting requirements, the impact would be less than significant.

**3) Less-than-Significant Impact**

The applicant is proposing to develop a total of 16 residential units on a subject area that is currently designated for 12 residential units. Given the population projections shown on Table C-4, the additional units are factored into the General Plan's projected growth. The minor increase in density are consistent with smart growth and sustainability principles. Therefore, this impact would be less than significant.

**4) Less-than-Significant Impact**

Sensitive receptors are facilities that house or attract children, the elderly, and people with illnesses, or other people who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, schools, convalescent facilities, and residential areas. The project is on undeveloped land in an area partly developed with residential uses.

The greatest potential for project-related emissions of toxic air contaminants (TACs) is related to the diesel PM emissions that would be generated by heavy-duty construction equipment. Off-road construction equipment used for the project would generate diesel exhaust PM emissions. According to the Office of Environmental Health Hazard Assessment, health risk assessments that determine the health risks associated with exposure of residential receptors to TAC emissions should be based on a 30-year exposure period (OEHHA 2015). However, health risk assessments should be limited to the period/duration of emissions-generating activity. Project construction would last approximately 6 months, less than 2 percent of the required exposure period for health risk assessments. Additionally, because no sensitive receptors are in the project vicinity, the risk of exposure would be minimal.

Neither construction-related nor operational emissions for the project would exceed the thresholds of significance. Therefore, the project would not expose nearby sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.

**5) Less-than-Significant Impact**

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Offensive odors rarely cause any physical harm, but they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

Project construction equipment would emit diesel exhaust that could result in short-term odorous emissions. However, because of the temporary nature of these emissions, the highly diffusive properties of diesel exhaust, and the location of the project site, construction-related odors would not affect a substantial number of people. Standard construction techniques would be implemented, and the odors would be temporary and typical of most construction sites. Once constructed, the site would be used for residential purposes, so the ongoing operations would not be a source of odors.

Potential sources of odors during project construction would include exhaust from diesel construction equipment. Odors from off-road equipment and on-road vehicles would be temporary and typical of most construction sites. Therefore, potential odor emissions would be short term and would not be considered harmful or a nuisance to a substantial number of people. This impact would be less than significant.

## **D. Biological Resources**

### **SETTING AND DESCRIPTION**

The project site is located in southcentral Merced, approximately one mile southwest of Downtown and one mile south of Highway 99. The development is considered infill development and is surrounded by developed urban uses. The project site does not contain any trees, creeks, or other wetland areas.

The general project area is located in the Central California Valley eco-region (Omernik 1987). This eco-region is characterized by flat, intensively farmed plains with long, hot, dry summers and cool, wet winters (14-20 inches of precipitation per year). The Central California Valley eco-region includes the Sacramento Valley to the north, the San Joaquin Valley to the south, and it ranges between the Sierra Nevada Foothills to the east and the Coastal Range foothills to the west. Nearly half of the eco-region is actively farmed, and about three-fourths of that farmed land is irrigated.

The biological resources evaluation, prepared as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (EIR), does not identify the project area as containing any seasonal or non-seasonal wetland or vernal pool areas. Given the adjacent, built-up, urban land uses and major roadways, no form of unique, rare or endangered species of plant and/or animal life could be sustained on the subject site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>D. <u>Biological Resources.</u> Would the Project:</b>				
1) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
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?				✓
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

### 1) No Impact

The proposed project would not have any direct effects on animal life by changing the diversity of species, number of species, reducing the range of any rare or endangered species, introducing any new species, or leading to deterioration of existing fish or wildlife habitat. Although the *Merced Vision 2030 General Plan* identifies several species of plant and animal life that exist within the City's urban boundaries, the subject site does not contain any rare or endangered species of plant or animal life.

**2) Less-than -Significant Impact**

The proposed project would not have any direct effects on riparian habitat or any other sensitive natural community. The City General Plan identifies Bear, Black Rascal, Cottonwood, Miles, Fahrens, and Owens Creeks within the City's growth area. The subject site is approximately 2.5 miles from Bear and Black Rascal Creek which are Waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers (ACOE), the California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board. Any proposed "fill" of that waterway would be subject to permits from ACOE, CDFW, and the Regional Water Quality Control Board. No such "fill" or disturbance of the waterway is proposed as part of this development. The City's General Plan requires the preservation of the creek in its natural state. No riparian habitat identified in CDFW or USFW plans are present on the project site. Therefore, the Project would have a less-than-significant impact on riparian habitat.

**3) No Impact**

The project site would not have any direct effect on wetlands as no wetlands have been identified in the project area.

**4) No Impact**

The Project would not have any adverse effects on any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridor, or impede the use of native wildlife nursery sites.

**5) Less Than Significant Impact**

The Project would not interfere with any local policies or ordinances protecting biological resources such as tree preservation policy or ordinance. The City requires the planting and maintenance of street trees along all streets and parking lot trees in parking lots but has no other tree preservation ordinances.

**6) No Impact**

The proposed project would not conflict with the provisions of a habitat conservation plan. There are no adopted Habitat Conservation Plans, Natural Conservation Community Plan, or other approved local, regional, or state Habitat Conservation Plan for the City of Merced or Merced County.

**E. Cultural Resources****SETTING AND DESCRIPTION**

The City of Merced area lies within the ethnographic territory of the Yokuts people. The Yokuts were members of the Penutian language family which held all of the Central Valley, San Francisco Bay Area, and the Pacific Coast from Marin County to near Point Sur.

Merced County was first explored by Gabriel Moraga in 1806, when he named the Merced River, "El Rio de Nuestra Senra de la Merced." Moraga's explorations were designed to locate appropriate sites for an inland chain of missions. Moraga explored the region again in 1808 and 1810.

## Archaeology

Archaeological sites are defined as locations containing significant levels of resources that identify human activity. Very little archaeological survey work has been conducted within the City or its surrounding areas. Creeks, drainage, and sloughs exist in the northern expansion area of the City, and Bear Creek and Cottonwood Creek pass through the developed area. Archaeological sites in the Central Valley are commonly located adjacent to waterways and represent potential for significant archaeological resources.

Paleontological sites are those that show evidence of pre-human existence. They are small outcroppings visible on the earth's surface. While the surface outcroppings are important indications of paleontological resources, it is the geological formations that are the most important. There are no known sites within the project area known to contain paleontological resources of significance.

## Historic Resources

In 1985, in response to community concerns over the loss of some of the City's historic resources, and the perceived threats to many remaining resources, a survey of historic buildings was undertaken in the City. The survey focused on pre-1941 districts, buildings, structures, and objects of historical, architectural, and cultural significance. The survey area included a roughly four square-mile area of the central portion of the City.

The National Register of Historic Places, the California Historical Landmarks List, and the California Inventory of Historic Resources identify several sites within the City of Merced. These sites are listed on the Merced Historical Site Survey and are maintained by the Merced Historical Society. There are no listed historical sites on the project site.

According to the environmental review conducted for the General Plan, there are no listed historical sites and no known locations within the project area that contain sites of paleontologic or archeological significance. The General Plan (Implementation Action SD-2.1.a) requires that the City utilize standard practices for preserving archeological materials that are unearthed during construction, as prescribed by the State Office of Historic Preservation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>E. <u>Cultural Resources.</u> Would the Project:</b>				
1) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			✓	
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			✓	
3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
4) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

**1) Less-than-Significant Impact**

The Project would not alter or destroy any known historic or archaeological site, building, structure, or object; nor would it alter or affect unique ethnic cultural values or restrict religious or sacred uses. According to the environmental review conducted for the General Plan, there are no listed historical sites and no known locations within the project area that contain sites of historical or archeological significance. The General Plan (Implementation Action SD-2.1.a) requires that the City utilize standard practices for preserving archeological materials that are unearthed during construction, as prescribed by the State Office of Historic Preservation.

**2) Less-than-Significant Impact**

The Project would not alter or destroy any known prehistoric or archaeological site, building, structure, or object; nor would it alter or affect unique ethnic cultural values or restrict religious or sacred uses. According to the environmental review conducted for the General Plan, there are no listed historical sites and no known locations within the project area that contain sites of historical or archeological significance. The General Plan (Implementation Action SD-2.1.a) requires that the City utilize standard practices for preserving archeological materials that are unearthed during construction, as prescribed by the State Office of Historic Preservation.

**3) Less-than-Significant Impact**

The Project would not alter or destroy any paleontological resource, site, or unique geological feature. According to the environmental review conducted for the General Plan, there are no listed historical sites and no known locations within the project area that contain sites of paleontological significance. The General Plan (Implementation Action SD-2.1.a) requires that the City utilize standard practices for preserving archeological materials that are unearthed during construction, as prescribed by the State Office of Historic Preservation.

**4) Less-than-Significant Impact**

The proposed project would not disturb any known human remains, including those interred outside of formal cemeteries; nor would it alter or affect unique ethnic cultural values or restrict religious or sacred uses. There are no known cemeteries in the project area. Excavation of the site would be needed to construct the proposed project, so it is possible that human remains would be discovered. However, Section 7050.5 of the California Health and Safety Code requires that if human remains are discovered during the construction phase of a development, all work must stop in the immediate vicinity of the find and the County Coroner must be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner the appropriate method for the disposition of the remains and any associated grave goods. Additionally, the City's General Plan (Implementation Action SD-2.1.a) requires that the City utilize standard practices for preserving archeological materials that are unearthed during construction, as prescribed by the State Office of Historic Preservation. By following the requirements of the Health and Safety Code and



Compliance with the City's General Plan, this potential impact would be less than significant.

## **F. Geology and Soils**

### **SETTING AND DESCRIPTION**

The City of Merced is located approximately 150 miles southeast of San Francisco along the east side of the southern portion of the Great Valley Geomorphic Province, more commonly referred to as the San Joaquin Valley. The valley is a broad lowland bounded by the Sierra Nevada to the east and Coastal Ranges to the west. The San Joaquin Valley has been filled with a thick sequence of sedimentary deposits from Jurassic to recent age. A review of the geological map indicates that the area around Merced is primarily underlain by the Pleistocene Modesto and Riverbank Formations with Holocene alluvial deposits in the drainages. Miocene-Pliocene Mehrten and Pliocene Laguna Formation materials are present in outcrops on the east side of the SUDP/SOI. Modesto and Riverbank Formation deposits are characterized by sand and silt alluvium derived from weathering of rocks deposited east of the SUDP/SOI. The Laguna Formation is made up of consolidated gravel sand and silt alluvium and the Mehrten Formation is generally a well consolidated andesitic mudflow breccia conglomerate.

### **Faults and Seismicity**

A fault, or a fracture in the crust of the earth along which rocks on one side have moved relative to those on the other side, are an indication of past seismic activity. It is assumed that those that have been active recently are the most likely to be active in the future, although even inactive faults may not be "dead." "Potentially Active" faults are those that have been active during the past two million years or during the Quaternary Period. "Active" faults are those that have been active within the past 11,000 years. Earthquakes originate where movement or slippage occurs along an active fault. These movements generate shock waves that result in ground shaking.

Based on review of geologic maps and reports for the area, there are no known "active" or "potentially active" faults, or Alquist-Priolo Earthquake Fault Zones (formerly referred to as a Special Studies Zone) in the SUDP/SOI. In order to determine the distance of known active faults within 50 miles of the Site, the computer program EZ-FRISK was used in the General Plan update.

### **Soils**

Soil properties can influence the development of building sites, including site selection, structural design, construction, performance after construction, and maintenance. Soil properties that affect the load-supporting capacity of an area include depth to groundwater, ponding, flooding, subsidence, shrink-swell potential, and compressibility.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>F. <u>Geology and Soils.</u> Would the Project:</b>				
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?			✓	
b) Strong seismic ground shaking?			✓	
c) Seismic-related ground failure, including liquefaction?			✓	
d) Landslides?			✓	
2) Result in substantial soil erosion or loss of topsoil?			✓	
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓	
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			✓	
5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				✓

### 1) **Less than Significant Impact**

The project site is not located within a mapped fault hazard zone, and there is no record or evidence of faulting on the project site (City of Merced General Plan Figure 11.1). Because no faults underlie the project site, no people or structures would be exposed to substantial adverse effects related to earthquake rupture.

According to the City's *Merced Vision 2030 General Plan* EIR, the probability of soil liquefaction occurring within the City of Merced is considered to be a low to moderate hazard; however, a detailed geotechnical engineering investigation would be required for the project in compliance with the California Building Code (CBC).

There would be no exposure to any geological hazards in the project area.

Ground shaking of moderate severity may be expected to be experienced on the project site during a large seismic event. All building permits are reviewed to ensure compliance with the California Building Code (CBC). In addition, the City enforces the provisions of the Alquist Priolo Special Study Zones Act that limit development in areas identified as having special seismic hazards. All new structures shall be designed and built in accordance with the standards of the California Building Code.

### **APPLICABLE GENERAL PLAN GOALS AND POLICIES**

The City's *Merced Vision 2030 General Plan* contains policies that address seismic safety.

<i>Goal Area S-2: Seismic Safety:</i>	
<b>Goal: Reasonable Safety for City Residents from the Hazards of Earthquake and Other Geologic Activity</b>	
<b>Policies</b>	
<b>S-2.1</b>	Restrict urban development in all areas with potential ground failure characteristics.

The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Landslides generally occur on slopes of 15 percent or greater. The project site's topography is generally of slopes between 0 and 3 percent, which are considered insufficient to produce hazards other than minor sliding during seismic activity.

Therefore, no hazardous conditions related to seismic ground shaking would occur with the implementation of the Project. Additionally, the implementation of the project would not lead to offsite effects related to hazards related to seismic groundshaking, nor would any existing off-site hazards be exacerbated.

#### **2) Less-Than-Significant Impact**

Construction associated with the proposed project could result in temporary soil erosion and the loss of top soil due to construction activities, including clearing, grading, site preparation activities, and installation of the proposed buildings and other improvements. The City of Merced enforces a Storm Water Management Program in compliance with the Federal Clean Water Act. All construction activities are required to comply with the City's Erosion and Sediment Control Ordinance (MMC §15.50.120.B), including the implementation of Best Management Practices (BMPs) to limit the discharge of sediment.

#### **3) Less Than Significant Impact**

The City of Merced is located in the Valley area of Merced County and is therefore less likely to experience landslides than other areas in the County. The probability of soil liquefaction actually taking place anywhere in the City of Merced is considered to be a low hazard. Soil types in the area are not conducive to liquefaction because they are either too

coarse or too high in clay content. According to the *Merced Vision 2030 General Plan* EIR, no significant free face failures were observed within this area and the potential for lurch cracking and lateral spreading is, therefore, very low within this area.

**4) Less-Than-Significant**

Expansive soils are those possessing clay particles that react to moisture changes by shrinking (when they dry) or swelling (when they become wet). Expansive soils can also consist of silty to sandy clay. The extent of shrinking and swelling is influenced by the environment, extent of wet or dry cycles, and by the amount of clay in the soil. This physical change in the soils can react unfavorably with building foundations, concrete walkways, swimming pools, roadways, and masonry walls.

Implementation of General Plan Policies, adherence to the Alquist-Priolo Act, and enforcement of the California Building Code (CBC) Standards would reduce the effect of this hazard on new buildings and infrastructure associated with the proposed development. This would reduce potential impacts to a less-than-significant level.

**5) No Impact**

The project site would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. However, the proposed project would be served by the City's sewer system. No new septic systems are allowed within the City Limits.

## **G. Hazards and Hazardous Materials**

### **SETTING AND DESCRIPTION**

#### **Hazardous Materials**

A substance may be considered hazardous due to a number of criteria, including toxicity, ignitability, corrosivity, or reactivity. The term "hazardous material" is defined in law as any material that, because of quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment.

#### **Wildland and Urban Fire Hazards**

Both urban and wildland fire hazard potential exists in the City of Merced and surrounding areas, creating the potential for injury, loss of life, and property damage. Urban fires primarily involve the uncontrolled burning of residential, commercial, or industrial structures due to human activities. Wildland fires affect grassland, brush or woodlands, and any structures on or near these fires. Such fires can result from either human made or natural causes.

Urban fires comprise the majority of fires in the City of Merced. The site is adjacent to undeveloped ag land which could be a source for a wildland fire. However, the City of Merced Fire Department has procedures in place to address the issue of wildland fires, so no additional mitigation would be necessary.

**Airport Safety**

The City of Merced is impacted by the presence of two airports-Merced Regional Airport, which is in the southwest corner of the City, and Castle Airport (the former Castle Air Force Base), located approximately eleven miles northwest of the subject site.

The continued operation of the Merced Regional Airport involves various hazards to both flight (physical obstructions in the airspace or land use characteristics which affect flight safety) and safety on the ground (damage due to an aircraft accident). Growth is restricted around the Regional Airport in the southwest corner of the City due to the noise and safety hazards associated with the flight path.

Castle Airport also impacts the City. Portions of the northwest part of the City's SUDP/SOI and the incorporated City are within Castle's safety zones. The primary impact is due to noise (Zones C and D), though small areas have density restrictions (Zone B2). The military discontinued operations at Castle in 1995. One important criterion for determining the various zones is the noise factor. Military aircraft are designed solely for performance, whereas civilian aircraft have extensive design features to control noise.

Potential hazards to flight include physical obstructions and other land use characteristics that can affect flight safety, which include: visual hazards such as distracting lights, glare, and sources of smoke; electronic interference with aircraft instruments or radio communications; and uses which may attract flocks of birds. In order to safeguard an airport's long-term usability, preventing encroachment of objects into the surrounding airspace is imperative.

According to the Merced County Airport Land Use Compatibility Plan, the project site is not located in any restricted safety zones for either airport, and no aircraft overflight, air safety, or noise concerns are identified.

**Railroad**

Hazardous materials are regularly shipped on the BNSF and SP/UP Railroad lines that pass through the City. While unlikely, an incident involving the derailment of a train could result in the spillage of cargo from the train in transporting. The spillage of hazardous materials could have devastating results. The City has little to no control over the types of materials shipped via the rail lines. There is also a safety concern for pedestrians along the tracks and vehicles utilizing at-grade crossings. The design and operation of at-grade crossings allows the City some control over rail-related hazards. Ensuring proper gate operation at the crossings is the most effective strategy to avoid collision and possible derailments. The Atishon Topeka and Santa Fe Railroad is approximately 1,000 feet from the site and Union Pacific Railroad is over 2 miles away.

**Public Protection and Disaster Planning**

Hospitals, ambulance companies, and fire districts provide medical emergency services. Considerable thought and planning have gone into efforts to improve responses to day-to-day emergencies and planning for a general disaster response capability.

The City's Emergency Plan and the County Hazardous Waste Management Plan both deal with detailed emergency response procedures under various conditions for hazardous material spills. The City also works with the State Department of Health Services to establish cleanup plans and to monitor the cleanup of known hazardous waste sites within the City.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>G. <u>Hazards and Hazardous Materials.</u></b> Would the Project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓	
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓	
7) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
8) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			✓	

### 1) Less-Than-Significant Impact

Construction activities associated with the proposed project would involve the use, storage, transport, and disposal of oil, gasoline, diesel fuel, paints, solvents, and other hazardous materials. The Project would be required to adhere to all applicable federal and state health

and safety standards. Construction activity must also be in compliance with the California Occupational Safety and Health Administration regulations (Occupational Safety and Health Act of 1970). Compliance with these requirements would reduce the risk of hazards to the public to a less-than-significant level.

## 2) Less-Than-Significant Impact

Construction on the project site would be reviewed for the use of hazardous materials at the building permit stage. Implementation of Fire Department and Building Code regulations for hazardous materials, as well as implementation of federal and state requirements, would reduce any risk caused by a future use on the site from hazardous materials to a less than-significant-level.

### APPLICABLE GENERAL PLAN GOALS AND POLICIES

The City of Merced *Vision 2030 General Plan* contains policies that address hazardous materials.

<i>Goal Area S-7: Hazardous Materials</i>	
<b>Goal: Hazardous Materials Safety for City Residents</b>	
<b>Policies</b>	
<b>S-2.1</b>	Prevent injuries and environmental contamination due to the uncontrolled release of hazardous materials.
<b>Implementing Actions:</b>	
<b>7.1.a</b>	Support Merced County in carrying out and enforcing the Merced County Hazardous Waste Management Plan.
<b>7.1.b</b>	Continue to update and enforce local ordinances regulating the permitted use and storage of hazardous gases, liquids, and solids.
<b>7.1.d</b>	Provide continuing training for hazardous materials enforcement and response personnel.

## 3) Less-Than-Significant Impact

The nearest school is Tenaya Middle School, located on the west side of P Street, between 5<sup>th</sup> and 8<sup>th</sup> Streets. The site is about 600 feet of this school. There are no other existing or proposed schools within ¼ mile of the site. Given the California Building Code protective measures required during the construction process, this developments impacts would be less than significant. Post-construction the site would be used for dwelling purposes only.

## 4) Less-Than-Significant Impact

No project actions or operations would result in the release of hazardous materials that could affect the public or the environment, and no significant hazard to the public or the environment would result with project implementation. This potential impact is less than significant.

**5) Less-Than-Significant Impact**

The project site is located about one mile of the Merced Regional Airport. However the 0.88-acre site is surrounded by existing residential uses and reserved for residential purposes. Given the land use designation and surrounding land use, the potential impact is less than significant.

**6) Less-Than-Significant Impact**

The closest private airstrip to the site is approximately 9 miles away. There would be no hazard to people living or working on the project site.

**7) Less-Than-Significant Impact**

The proposed project will not adversely affect any adopted emergency response plan or emergency evacuation plan. No additional impacts would result from the development of the project area over and above those already evaluated by the EIR prepared for the *Merced Vision 2030 General Plan*.

**APPLICABLE GENERAL PLAN GOALS AND POLICIES:**

The *Merced Vision 2030 General Plan* contains policies that address disaster preparedness.

<i>Goal Area S-1: Disaster Preparedness</i>	
<b>Goal: General Disaster Preparedness</b>	
<b>Policies</b>	
<b>S-1.1</b>	Develop and maintain emergency preparedness procedures for the City.
<b>Implementing Actions:</b>	
<b>1.1.a</b>	Keep up-to-date through annual review the City's existing Emergency Plan and coordinate with the countywide Emergency Plan.
<b>1.1.b</b>	Prepare route capacity studies and determine evacuation procedures and routes for different types of disasters, including means for notifying residents of a need to evacuate because of a severe hazard as soon as possible.
<b>7.1.d</b>	Provide continuing training for hazardous materials enforcement and response personnel.

**8) Less-Than-Significant Impact**

According to the EIR prepared for the *Merced Vision 2030 General Plan*, the risk for wildland fire within the City of Merced is minimal. According to the Cal Fire website, the Merced County Fire Hazard Severity Zone Map shows the project site is designated as a "Local Responsibility Area" (LRA) with a Hazard Classification of "LRA Unzoned."

The City of Merced Fire Department is the responsible agency for responding to fires at the subject site. The project site is served by Station #52 located on 1400 Falcon Way (approximately 1.5 miles from the project site).

The site is not near agricultural land that could be susceptible to wildland fires. The City of Merced Fire Department has procedures in place to address the issue of wildland fires,



so no additional mitigation would be necessary. This potential impact is less than significant.

## H. Hydrology and Water Quality

### SETTING AND DESCRIPTION

#### Water Supplies and Facilities

The City's water supply system consists of 22 wells and 14 pumping stations equipped with variable speed pumps that attempt to maintain 45 to 50 psi (pounds per square inch) nominal water pressure. The City is required to meet State Health pressure requirements, which call for a minimum of 20 psi at every service connection under the annual peak hour condition and maintenance of the annual average day demand plus fire flow, whichever is stricter. The project site would be serviced by an existing water main in Q Street.

#### *Storm Drainage/Flooding*

In accordance with the adopted *City of Merced Standard Designs of Common Engineering Structures*, percolation/detention basins are designed to temporarily collect runoff so that it can be metered at acceptable rates into canals and streams that have limited capacity. The project would be required to adhere to the Post Construction Standards for compliance with the City's Phase II MS4 permit issued by the state of California.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>H. <u>Hydrology and Water Quality.</u></b> Would the Project:				
1) Violate any water quality standards or waste discharge requirements?			✓	
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite?			✓	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite?			✓	
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			✓	
6) Otherwise substantially degrade water quality?			✓	
7) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			✓	
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			✓	
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
10) Inundation by seiche, tsunami, or mudflow?			✓	

### 1) Less-Than-Significant Impact

The Project is not expected to violate any water quality standards or waste discharge requirements during construction or operation. In addition to compliance with standard construction provisions, the Project shall be required to comply with the Draft Merced Storm Water Master Plan and the Storm Water Management Plan, and obtain all required permits for water discharge. During project operations, the City has developed requirements to minimize the impact to storm water quality caused by development and redevelopment. The increase in impervious areas caused by development can cause an increase in the type and quantity of pollutants in storm water runoff. Prior planning and design to minimize pollutants in runoff from these areas is an important component to storm water quality management. These standards are set forth in the City's Post-Construction Standards Plan and provide guidance for post-construction design measures to ensure that storm water quality is maintained. Compliance with these requirements and permits would reduce the impact to a less than significant level.

#### APPLICABLE GENERAL PLAN GOALS AND POLICIES:

The *Merced Vision 2030 General Plan* contains policies that address Water Quality and Storm Drainage.

<i>Goal Area P-5: Storm Drainage and Flood Control</i>	
<b>Goal: An Adequate Storm Drainage Collection and Disposal System in Merced</b>	
<b>Policies</b>	
<b>P-5.1</b>	Provide effective storm drainage facilities for future development.
<b>P-5.2</b>	Integrate drainage facilities with bike paths, sidewalks, recreation facilities, agricultural activities, groundwater recharge, and landscaping.
<b>Implementing Actions:</b>	
<b>5.1.a</b>	Continue to implement the City's Storm Water Master Plan and the Storm Water Management Plan and its control measures.
<b>5.1.c</b>	Continue to require all development to comply with the Storm Water Master Plan and any subsequent updates.

## 2) Less-Than-Significant Impact

The City of Merced is primarily dependent on groundwater sources that draw from the San Joaquin aquifer. The City has 22 active well sites with one under construction, and 14 pumping stations, which provide service to meet peak hour urban level conditions and the average daily demand plus fire flows.

According to the City of Merced Draft Water Master Plan, the estimated average peak water demand was 23.1 mgd.

The proposed project is estimated to use approximately 750 gallons of water per day. This would represent 0.0026% of the estimated average daily water consumption. Although development of the site would restrict onsite recharge where new impervious surface areas are created, all alterations to groundwater flow would be captured and routed to the storm water percolation ponds or pervious surfaces with no substantial net loss in recharge potential anticipated. This reduces this impact to a less-than-significant level.

## 3) Less-Than-Significant Impact

The proposed project would result in modifications to the existing drainage pattern on the site. If required by the City's Engineering Department, the project will be designed to capture all surface water runoff onsite and then drain into the City's existing storm drainage system.

The project site is currently vacant and consists of pervious surfaces. The proposed project would create impervious surfaces over a large portion of the project site, thereby preventing precipitation from infiltrating and causing it to pond or runoff. However, stormwater flows would be contained onsite and piped or conveyed to the City's stormwater system, there would be no potential for increased erosion or sedimentation.

Developed storm drainage facilities in the area are adequate to handle this minor increase in flows. The Project would not result in a substantial alteration of drainage in the area, and no offsite uses would be affected by the proposed changes. All potential impacts are less than significant.

**4) Less-Than-Significant Impact**

The proposed project would alter the existing drainage pattern of the site, but not in a manner that would result in flooding. The site is currently vacant and any construction on the site would alter the drainage pattern and reduce the absorption capability of the site. There are no streams or rivers that would be affected. All storm runoff would be captured onsite and conveyed through pipes to the City's stormwater system. Any changes to the site would drain into the City's existing storm drain system which would prevent any onsite or offsite flooding. This potential impact is less than significant.

**5) Less-Than-Significant Impact**

Construction on the site will drain into the City's existing storm drain system. The developer would be required to provide documentation showing the capacity exists within the existing lines and basin to serve this project.

**6) Less-Than-Significant Impact**

The proposed project would not substantially degrade water quality. The proposed project would be served by the City's water system and all water runoff will be contained onsite then directed out to the City's storm drain system. The construction of the project would not affect the water quality and would not degrade water quality in the area. This potential impact is less than significant.

**7) Less-Than-Significant Impact**

The project would be required to comply with flood-related regulations, including submitting a flood elevation certificate to the City's Building Department during the building permit process. This potential impact is less than significant.

**8) Less-Than-Significant Impact**

The Flood Insurance Rate Map shows the project within a Zone "AO," limited flood hazard area. As required with all new construction, the project would be required to comply with all requirements of the California Building Code (CBC) to ensure construction of the buildings meets the minimum requirements set forth by the CBC and the requirements of Flood Zone "AO." Therefore, there are no significant impacts.

**9) Less-Than-Significant Impact**

The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. According to Figure 11.3 of the *Merced Vision 2030 General Plan*, the project site is outside the inundation area of the Yosemite Lake Dam and the Bear Reservoir Dam. In the case of dam failure, the General Plan Safety Element addresses local hazard response procedures. This potential impact is less than significant.

**10) Less-Than-Significant Impact**

The proposed project is located approximately 80 miles from the Pacific Ocean, distant from any large lakes, and not within the inundation zones for Lake Yosemite or Bear Reservoir at an elevation ranging from approximately 173 feet above MSL. According to the City's General Plan Safety Element, the City of Merced is not subject to inundation by tsunami, seiche, or mudflow. This potential impact is less than significant.

## I. Land Use and Planning

### SETTING AND DESCRIPTION

The project site is located within the City Limits of Merced and within its Specific Urban Development Plan and Sphere of Influence (SUDP/SOI).

### SURROUNDING USES

Refer to Page 2 of this Initial Study and the map at Attachment A for the surrounding land uses.

### Current Use

The project site is 0.88 acres of vacant land located on the west side of Q street, south of 6<sup>th</sup> Street.

The project site is currently reserved for residential purposes, which would allow three units (including accessory dwelling units) for each of the 4 parcels in questions. The proposed land use amendment would slightly increase residential density to 4 units per parcel.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. <u>Land Use and Planning.</u></b> Would the Project:				
1) Physically divide an established community?			✓	
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

#### 1) Less-Than-Significant Impact

The project site is within the boundaries of the Merced City Limits. It would not physically divide the community as it is already part of the City. This potential impact is less than significant.

#### 2) Less-Than-Significant Impact

The project site is currently reserved for residential purposes, which would allow three units for each of the 4 parcels in questions. The proposed land use amendment would slightly increase residential density to 4 units per parcel. Therefore, this impact is less than significant.

### 3) No Impact

No Habitat Conservation Plans or Natural Community Conservation Plans have been adopted by the City of Merced. Therefore, there would be no impact.

## J. Mineral Resources

### SETTING AND DESCRIPTION

The City of Merced does not contain any mineral resources that require managed production according to the State Mining and Geology Board. Based on observed site conditions and review of geological maps for the area, economic deposits of precious or base metals are not expected to underlie the City of Merced or the project site. According to the California Geological Survey, Aggregate Availability in California - Map Sheet 52, minor aggregate production occurs west and north of the City of Merced, but economic deposits of aggregate minerals are not mined within the immediate vicinity of the SUDP/SOI. Commercial deposits of oil and gas are not known to occur within the SUDP/SOI or immediate vicinity.

According to the Merced County General Plan Background Report (June 21, 2007), very few traditional hard rock mines exist in the County. The County's mineral resources are almost all sand and gravel mining operations. Approximately 38 square miles of Merced County, in 10 aggregate resource areas (ARA), have been classified by the California Division of Mines and Geology for aggregate. The 10 identified resource areas contain an estimated 1.18 billion tons of concrete resources with approximately 574 million tons in Western Merced County and approximately 605 million tons in Eastern Merced County. Based on available production data and population projections, the Division of Mines and Geology estimated that 144 million tons of aggregate would be needed to satisfy the projected demand for construction aggregate in the County through the year 2049. The available supply of aggregate in Merced County substantially exceeds the current and projected demand.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>J. <u>Mineral Resources.</u> Would the Project:</b>				
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

### 1) No Impact

No mineral resources occur within City Limits, SUDP/SOI, or within the project site, so no impact.

## 2) Less-Than-Significant Impact

See #1 above.

## K. Noise

### SETTING AND DESCRIPTION

Potential noise impacts of the proposed project can be categorized as those resulting from construction and those from operational activities. Construction noise would have a short-term effect; operational noise would continue throughout the lifetime of the project. Construction associated with the development of the project would increase noise levels temporarily during construction. Operational noise associated with the development would occur intermittently with the continued operation of the proposed project.

Some land uses are considered more sensitive to noise levels than other uses. Sensitive land uses can include residences, schools, nursing homes, hospitals, and some public facilities, such as libraries. The noise level experienced at the receptor depends on the distance between the source and the receptor, the presence or absence of noise barriers and other shielding devices, and the amount of noise attenuation (lessening) provided by the intervening terrain. For line sources such as motor or vehicular traffic, noise decreases by about 3.0 to 4.5A –weighted decibels (dBA) for every doubling of the distance from the roadway.

### Noise from Other Existing Sources

Vehicular noise from Q Street would be the primary existing noise source at the project site, in addition to noise generated by Tenaya Middle School (500 east of subject site). The nearest railroad corridor is 0.75 miles from the project site. The site is surrounded by various residential properties that generate operational noise on a daily basis. There are no industrial uses located within 1,000 feet of the project site.

According to the *Merced Vision 2030 General Plan*, noise exposure not exceeding 45 dB is considered to be a “normally acceptable” noise level for residential uses.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>K.     <u>Noise.</u></b> Would the Project result in:				
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
2) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	

4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			✓	
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			✓	

### 1) Less Than Significant

#### Construction Noise

Construction of the Project would temporarily increase noise levels in the area during the construction period. Therefore, the noise from construction may be steady for a few months and then cease all together. Construction activities, including site preparation and grading, building construction, and sidewalk and street improvements would be considered an intermittent noise impact throughout the construction period. These activities could result in various effects on sensitive receptors, depending on the presence of intervening barriers or other insulating materials. The affects will be short term and would result in a less than significant impact.

#### Operational Noise

Operational noise would be the main noise source expected from the proposed project. Traffic coming to and from the project site would generate the most noise. However, the site is surrounded by other residential uses, which are generally expected to generate similar amount of noise as the proposed development. Implementation of the Project would not lead to continued offsite effects related to noise generated by the Project. Given the noise from similar low impact zones near the subject site, this potential impact is less than significant.

### 2) Less-Than-Significant Impact

Implementation of the proposed project would not result in the generation of any groundborne vibration or noise. This is a less-than-significant impact.

### 3) Less-Than-Significant Impact

As noted above, limited operational noise would be expected from the proposed residential project. Any development on the site could be considered an increase in the ambient noise



given the fact that the site is currently vacant. However, as explained previously, the site is within a residential area and surrounded by residential properties. The potential impacts of this project in the vicinity are less than significant.

4) **Less-Than-Significant Impact**

The project construction will cause temporary and periodic increases in the ambient noise levels. However, because the construction noise will only be temporary and the increase in noise generated from the site would be minimal, the impacts are less than significant.

5) **Less-Than-Significant Impact**

The project site is located within 1 mile from active areas of the Merced Regional Airport and approximately 10 miles from the Castle Airport. However, the airstrip has a flight pattern that goes northwest/southeast, which does not fly directly over the project site. Given its location, the private airstrip should not pose a hazard to the project development. Therefore, no population working or living at the site would be exposed to excessive levels of aircraft noise. This potential impact is less than significant.

6) **Less-Than-Significant Impact**

See section #5 above.

## L. Population and Housing

### SETTING AND DESCRIPTION

The Project includes the construction of 16 housing units on 4 lots.

### Expected Population and Employment Growth

According to the State Department of Finance population estimates for 2020, the City of Merced's population was estimated to be 88,120. Population projections estimate that the Merced SUDP area will have a significant population of 159,900 by the Year 2030.

According to the *Merced Vision 2030 General Plan*, the City of Merced is expected to experience significant population and employment growth by the Year 2030.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>L. <u>Population and Housing.</u></b> Would the Project:				
1) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			✓	

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

**1) Less-Than-Significant Impact**

The project site is currently reserved for residential purposes, which would allow three units for each of the 4 parcels in questions, for a total of 12 units. The proposed land use amendment would slightly increase residential density to 4 units per parcel, for a total of 16 units. Based on this slight increase in density and need to increase housing supply, this potential impact would be less than significant.

**2) Less-Than-Significant Impact**

The proposal would slightly increase housing supply (by 4 residential units), resulting in less-than-significant impact.

**3) No Impact**

The project site is vacant. No housing would be displaced as a result of this project. There is no impact.

## **M. Public Services**

### **SETTING AND DESCRIPTION**

#### **Fire Protection**

The City of Merced Fire Department provides fire protection, rescue, and emergency medical services from five fire stations throughout the urban area. Fire Station #52 is located at 1400 Falcon Way, less than 1 mile from the site. This Station would serve the proposed project.

#### **Police Protection**

The City of Merced Police Department provides police protection for the entire City. The Police Department employs a mixture of sworn officers, non-sworn officer positions (clerical, etc.), and unpaid volunteers (VIP). The service standard used for planning future police facilities is approximately 1.37 sworn officers per 1,000 population, per the Public Facilities Financing Plan.

#### **Schools**

The public school system in Merced is served by three districts: 1) Merced City School District (elementary and middle schools); 2) Merced Union High School District (MUHSD); and, 3) Weaver Union School District (serving a small area in the southeastern part of the City with elementary schools). The districts include various elementary schools, middle (junior high) schools, and high schools.

As the City grows, new schools will need to be built to serve our growing population. According to the Development Fee Justification Study for the MUHSD, Merced City Schools students are generated by new development at the following rate:

<b>Table 6 Student Generation Rates</b>		
<b>Commercial/Industrial Category</b>	<b>Elementary (K-8) (Students per 1,000 sq.ft.)</b>	<b>High School (9-12) (Students per 1,000 sq.ft.)</b>
Retail	0.13	0.038
Restaurants	0.00	0.157
Offices	0.28	0.048
Services	0.06	0.022
Wholesale/Warehouse	0.19	0.016
Industrial	0.30	0.147
Multi-Family	0.559 (per unit)	0.109 (per unit)

Based on the table above, the 16 units would generate 8 K-8 students and 1.5 high school students.

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>M. <u>Public Services.</u> Would the Project:</b>				
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
a) Fire Protection?			✓	
b) Police Protection?			✓	
c) Schools?			✓	
d) Parks?			✓	
e) Other Public Facilities?			✓	

### 1) **Less Than Significant**

#### a) **Fire Protection**

The project site would be served by Fire Station #52, located at 1400 Falcon Way (approximately 1 mile from the project site). The response from this station would meet the desired response time of 4 to 6 minutes, citywide, 90 percent of the time, within the financial constraints of the City. The proposed change in land use designation would not affect fire protection services, and no new or modified fire facilities would be needed. Any

changes to the building or site would be required to meet all requirements of the California Fire Code and the Merced Municipal Code. Compliance with these requirements would reduce any future impacts to a less than significant level.

At the time a building permit is issued, the developer would be required to pay Public Facility Impact Fees (PFIF). A portion of this fee goes to cover the cities costs for fire protection such as fire stations, etc. In addition, the developer may be required to annex into the City's Community Facilities District for Services. This would result in an assessment paid with property taxes in which a portion of the tax would go to pay for fire protection services. Compliance with all Fire, Building, and Municipal Code requirements as well as payment of the Public Facility Impact Fees, and annexation into the City's CFD for services would reduce any potential impacts to a less than significant level.

**b) Police Protection**

The site would be served by the City Police Department. The development of the vacant project site could result in more calls to the site. Implementation of the proposed project would not require any new or modified police facilities.

The same requirements for paying Public Facility Impact Fees and potentially annexation into the City's Community Facilities District for Services would apply with a portion of the fees and taxes collected going toward the costs for police protection. Therefore, this potential impact is reduced to a less-than-significant level.

**c) Schools**

The project site is located within the boundaries of the Merced City School District and Merced Union High School District. Based on the table and discussion provided in the "Settings and Description" section above, the proposed development would likely generate additional students to the school system. As appropriate, the developer would be required to pay all fees due under the Leroy F. Greene School Facilities Act of 1988. Once these fees are paid, the satisfaction of the developer of his statutory fee under California Government Code §65995 is deemed "full and complete mitigation" of school impacts. This potential impact is less than significant.

**d) Parks**

McNamara is located approximately 0.5 miles east of the site. This housing development would slightly increase the use of neighborhood or regional parks.

Payment of the fees required under the Public Facilities Financing Program (PFIF) as described above would be required at time of building permit issuance to help fund future parks and maintenance of existing parks as well as the payment of fees in lieu of land dedication for future parks would be required at the building permit stage. The proposed amenities onsite and the payment of fees would reduce this potential impact to less than significant.

**e) Other Public Facilities**

The development of the Project could impact the maintenance of public facilities and could generate impacts to other governmental services. Payment of the fees required under the Public Facilities Financing Program (PFIF) as described above would mitigate these impacts to a less than significant level.

## N. Recreation

### SETTING AND DESCRIPTION

The City of Merced has a well-developed network of parks and recreation facilities. Several City parks and recreation facilities are located within a one-mile radius of the project site.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
N. <b><u>Recreation.</u></b> Would the Project:				
1) Increase the use of neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

#### 1) Less the Significant Impact

Development of the Project may increase the use of neighborhood or regional parks. However, payment of the required development fees at the building permit stage along with the amenities on site would reduce the potential impacts to a less than significant level.

#### 2) No Impact

The Project is not responsible for the construction or expansion of any recreational facilities.

## O. Transportation/Traffic

### SETTING AND DESCRIPTION

#### *Roadway System*

The project site is in southcentral Merced, approximately 1.5 miles from downtown, 0.75-miles from State Route 59, and 1 mile south of State Route (SR) 99. The project site is bounded by local roads, with the nearest north-south road being Q Street, and the nearest east-west road being 8<sup>th</sup> Street. 8<sup>th</sup> Street connects with R Street, which is considered a Major Arterial Road and designed to carry large volumes of traffic traversing through a large portion of the community. R Street also provides access to both Highway 59 and Highway 99 that connect Merced with other regional communities throughout the State.

***Transit Service***

The Transit Joint Powers Authority for Merced County has jurisdiction over public transit in Merced County and operates The Bus. The Bus provides transportation for residents traveling within Merced and outside the City within neighboring communities such as Planada, Atwater, and Livingston.

***Vehicle Miles Traveled***

Senate Bill (SB) 743 directs the Governor’s Office of Planning and Research (OPR) to develop new guidelines for assessing transportation-related impacts that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses” (Public Resources Code Section 21099[b][1]). These new guidelines will replace automobile delay, as described through level of service (LOS), with more appropriate criteria and metrics based on travel demand, such as “vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated” (Public Resources Code Section 21099[b][1]). The State CEQA Guidelines are expected to be amended to include guidance for measuring travel demand and to recommend that delays related to congestion no longer be considered a significant impact under CEQA (OPR 2016).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>P.     <u>Transportation/Traffic.</u></b>				
Would the project:				
1) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			✓	
2) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?			✓	
3) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				✓

4) Result in inadequate emergency access?			✓	

### 1) **Less-than-Significant Impact**

The subject site is currently entitled for 12 units, the proposed 16 units would generate a relatively minimal increase in vehicle traffic. The existing street network could adequately serve this proposal. According to Trip Generation (ITE Report) the average daily trips per unit is 6.59. At 12 units, that would total 79 trips per day, and at 16 units it would total 105 trips per day which would equate to a 25% increase in trips correlating to the 25% increase in number of residential units. This would result in a less than significant impact.

### 2) **Less-than-Significant Impact**

The project would be constructed in an existing residential area on undeveloped land. Given the minimal increase in residential units (4 additional units), the project would not result in a change in air traffic patterns, including air traffic associated with any airports. The increase in density would result in slightly more vehicle miles traveled to surrounding uses such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

Per CEQA Guidelines Section 15064.3 alternative modes of transportation are being assessed and are available within a 1.5 mile distance of the site. The Merced County Bus provides services with several stops nearby (within a ¼ mile) along R Street linking the residents to the M1 Route. The Amtrak (passenger train service) is located within a 1 ½ miles providing services to the greater California area and connections to travel across the county. The closest airport is Merced Regional Airport, located approximately 1 mile to the east.

### 3) **No Impact**

The project would be constructed on an undeveloped lot as infill development surrounded by existing infrastructure – such as the existing street network. The proposal does not require changes to the existing street network. Therefore, no impact would occur.

### 4) **Less-than-Significant Impact**

The project site is on undeveloped land in an area that is mostly developed with residential uses. Site ingress/egress points would be located along Q Street and, 6<sup>th</sup> Street, and 8<sup>th</sup> Street. The project would not result in changes in emergency access to the site or surrounding uses, as the project would have a less-than-significant impact on the roadway

routes serving the neighborhood. Therefore, project construction and operation would not pose a significant obstacle to emergency response vehicles. This impact on emergency access would be less than significant.

## **SETTING AND DESCRIPTION**

### **Water**

The City's water system is composed of 22 groundwater production wells located throughout the City, and approximately 350 miles of main lines. Well pump operators ensure reliability and adequate system pressure at all times to satisfy customer demand. Diesel powered generators help maintain uninterrupted operations during power outages. The City of Merced water system delivers more than 24 million gallons of drinking water per day to approximately 20,733 residential, commercial, and industrial customer locations. The City is required to meet State Health pressure requirements, which call for a minimum of 20 psi at every service connection under the annual peak hour condition and maintenance of the annual average daily demand plus fire flow, whichever is stricter. The City of Merced Water Division is operated by the Public Works Department.

The City of Merced's wells have an average depth of 414 feet and range in depth from 161 feet to 800 feet. The depth of these wells would suggest that the City of Merced is primarily drawing water from a deep aquifer associated with the Mehrten geological formation. Increasing urban demand and associated population growth, along with an increased shift by agricultural users from surface water to groundwater and prolonged drought have resulted in declining groundwater levels due to overdraft. This condition was recognized by the City of Merced and the Merced Irrigation District (MID) in 1993, at which time the two entities began a two-year planning process to ensure a safe and reliable water supply for Eastern Merced County through the year 2030. Integrated Regional Water Planning continues today through various efforts.

### *Wastewater*

Wastewater (sanitary sewer) collection and treatment in the Merced urban area is provided by the City of Merced. The wastewater collection system handles wastewater generated by residential, commercial, and industrial uses in the City.

The City Wastewater Treatment Plant (WWTP), located in the southwest part of the City about two miles south of the airport, has been periodically expanded and upgraded to meet the needs of the City's growing population and new industry. The City's wastewater treatment facility has a capacity of 11.5 million gallons per day (mgd); with an average flow of 8.5 mgd. The City has recently completed an expansion project to increase capacity to 12 mgd and upgrade to tertiary treatment with the addition of filtration and ultraviolet disinfection. Future improvements would add another 8 mgd in capacity (in increments of 4 mgd), for a total of 20 mgd. This design capacity can support a population of approximately 174,000. The collection system will also need to be expanded as development occurs.

Treated effluent is disposed of in several ways depending on the time of year. Most of the treated effluent (75% average) is discharged to Hartley Slough throughout the year. The remaining treated effluent is delivered to a land application area and the on-site City-owned wetland area south of the treatment plant.

### Storm Drainage



The Draft *City of Merced Storm Drainage Master Plan* addresses the collection and disposal of surface water runoff in the City's SUDP. The study addresses both the collection and disposal of storm water. Systems of storm drain pipes and catch basins are laid out, sized, and costed in the plan to serve present and projected urban land uses.

It is the responsibility of the developer to ensure that utilities, including storm water and drainage facilities, are installed in compliance with City regulations and other applicable regulations. Necessary arrangements with the utility companies or other agencies will be made for such installation, according to the specifications of the governing agency and the City (Ord. 1342 § 2 (part), 1980: prior code § 25.21(f)). The disposal system is mainly composed of MID facilities, including water distribution canals and laterals, drains, and natural channels that traverse the area.

The City of Merced has been involved in developing a Storm Water Management Plan (SWMP) to fulfill requirements of storm water discharges from Small Municipal Separate Storm Sewer System (MS4) operators in accordance with Section 402(p) of the Federal Clean Water Act (CWA). The SWMP was developed to also comply with General Permit Number CAS000004, Water Quality Order No. 2003-0005-DWQ.

### **Solid Waste**

The City of Merced is served by the Highway 99 Landfill and the Highway 99 Compost Facility, located at 6040 North Highway 99. The County of Merced is the contracting agency for landfill operations and maintenance, as the facilities are owned by the Merced County Association of Governments. The City of Merced provides services for all refuse pick-up within the City limits and franchise hauling companies collect in the unincorporated areas. In addition to these two landfill sites, there is one private disposal facility, the Flintkote County Disposal Site, at SR 99 and the Merced River. This site is restricted to concrete and earth material.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>P. <u>Utilities and Service Systems.</u></b> Would the Project:				
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	

4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
7) Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

**1) Less Than Significant Impact**

The project site would be served by City sewer system. There is sufficient capacity for serving this project within the City of Merced. This potential impact is less than significant.

**2) Less Than Significant Impact**

The City's current water and wastewater system is capable of handling this project within the City of Merced. There is an existing sewer line along Q Street. No significant environmental impacts would result from connecting to the line. A water line currently exists in Q Street along the property frontage. No new construction for water facilities would be required. This potential impact is less than significant.

**3) Less Than Significant Impact**

No new facilities or expansions of existing facilities are needed. This potential impact is less than significant.

**4) Less Than Significant Impact**

As explained above, no new water facilities are needed for this project. The existing water system is sufficient to serve the development. Potential impacts are less than significant.

**5) Less Than Significant Impact**

Refer to item 2 above.

**6) Less Than Significant Impact**

The City of Merced uses the Highway 59 Landfill. Sufficient capacity is available to serve the future project. According to the *Merced Vision 2030 General Plan* DEIR, the landfill has capacity to serve the City through 2030. Potential impacts are less than significant.

**7) Less Than Significant Impact**

All construction on the site would be required to comply with all local, state, and federal regulations regarding solid waste, including recycling. Potential impacts are less than significant.

**P. Mandatory Findings of Significance**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>P. <u>Mandatory Findings of Significance.</u></b> Would the Project:				
1) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
2) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects?)			✓	
3) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

**1) Less-Than-Significant Impact**

As previously discussed in this document, the Project does not have the potential to adversely affect biological resources or cultural resources, because such resources are lacking on the project site, and any potential impacts would be avoided with implementation of the mitigation measures and other applicable codes identified in this report. Also, the Project would not significantly change the existing urban setting of the project area. Thus, this impact would be less than significant.

**2) Less-Than-Significant Impact**

The Program Environmental Impact Report conducted for the *Merced Vision 2030 General Plan, the General Plan Program EIR* (SCH# 2008071069), has recognized that future development and build-out of the SUDP/SOI will result in cumulative and unavoidable impacts in the areas of Air Quality and Loss of Agricultural Soils. In conjunction with this conclusion, the City has adopted a Statement of Overriding Considerations for these impacts (Resolution #2011-63) which is herein incorporated by reference.

The certified General Plan EIR addressed and analyzed cumulative impacts resulting from changing agricultural use to urban uses. No new or unaddressed cumulative impacts will result from the project that have not previously been considered by the certified General Plan EIR or by the Statement of Overriding Considerations, or mitigated by this Expanded Initial Study. This Initial Study does not disclose any new and/or feasible mitigation measures which would lessen the unavoidable and significant cumulative impacts.

The analysis of impacts associated with the development would contribute to the cumulative air quality and agricultural impacts identified in the General Plan EIR. In the case of air quality, emissions from the proposed project would be less than significant. The nature and extent of these impacts, however, falls within the parameters of impacts previously analyzed in the General Plan EIR. No individual or cumulative impacts will be created by the Project that have not previously been considered at the program level by the General Plan EIR or mitigated by this Initial Study.

**3) Less-Than-Significant Impact**

Development anticipated by the *Merced Vision 2030 General Plan* will have significant adverse effects on human beings. These include the incremental degradation of air quality in the San Joaquin Basin, the loss of unique farmland, the incremental increase in traffic, and the increased demand on natural resources, public services, and facilities. However, consistent with the provisions of CEQA previously identified, the analysis of the proposed project is limited to those impacts which are peculiar to the project site or which were not previously identified as significant effects in the prior EIR. The previously-certified General Plan EIR and the Statement of Overriding Considerations addressed those cumulative impacts; hence, there is no requirement to address them again as part of this project.

This previous EIR concluded that these significant adverse impacts are accounted for in the mitigation measures incorporated into the General Plan EIR. In addition, a Statement of Overriding Considerations was adopted by City Council Resolution #2011-63 that indicates that the significant impacts associated with development are offset by the benefits that will be realized in providing necessary jobs for residents of the City. The analysis and mitigation of impacts have been detailed in the Environmental Impact Report prepared for the *Merced Vision 2030 General Plan*, which is incorporated into this document by reference.

While this issue was addressed and resolved with the General Plan EIR in an abundance of caution, in order to fulfill CEQA's mandate to fully disclose potential environmental consequences of projects, this analysis is considered herein. However, as a full disclosure

document, this issue is repeated in abbreviated form for purposes of disclosure, even though it was resolved as a part of the General Plan.

Potential impacts associated with the Project's development have been described in this Initial Study. All impacts were determined to be less than significant.

## **Q. Greenhouse Gas Emissions**

### **SETTING AND DESCRIPTION**

Certain gases in the earth's atmosphere, classified as greenhouse gases (GHGs), play a critical role in determining the earth's surface temperature. A portion of the solar radiation that enters the atmosphere is absorbed by the earth's surface, and a smaller portion of this radiation is reflected back toward space. Infrared radiation is absorbed by GHGs; as a result, infrared radiation released from the earth that otherwise would have escaped back into space is instead trapped, resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on Earth.

GHGs are present in the atmosphere naturally, are released by natural sources and anthropogenic sources, and are formed from secondary reactions taking place in the atmosphere. The following GHGs are widely accepted as the principal contributors to human-induced global climate change and are relevant to the project: carbon dioxide (CO<sub>2</sub>), methane, and nitrous oxide.

Emissions of CO<sub>2</sub> are byproducts of fossil fuel combustion. Methane is the main component of natural gas and is associated with agricultural practices and landfills. Nitrous oxide is a colorless GHG that results from industrial processes, vehicle emissions, and agricultural practices.

Global warming potential (GWP) is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to CO<sub>2</sub>. The GWP of a GHG is based on several factors, including the relative effectiveness of a gas in absorbing infrared radiation and the length of time the gas remains in the atmosphere (i.e., its atmospheric lifetime). The reference gas for GWP is CO<sub>2</sub>; therefore, CO<sub>2</sub> has a GWP of 1. The other main GHGs that have been attributed to human activity include methane, which has a GWP of 28, and nitrous oxide, which has a GWP of 265 (IPCC 2013). For example, 1 ton of methane has the same contribution to the greenhouse effect as approximately 28 tons of CO<sub>2</sub>. GHGs with lower emissions rates than CO<sub>2</sub> may still contribute to climate change, because they are more effective than CO<sub>2</sub> at absorbing outgoing infrared radiation (i.e., they have high GWPs). The concept of CO<sub>2</sub>-equivalents (CO<sub>2</sub>e) is used to account for the different GWP potentials of GHGs to absorb infrared radiation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Q. <u>Greenhouse Gas Emissions.</u></b> Would the project:				
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

### 1) **Less -than-Significant Impact**

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is responsible for protecting public health and welfare through the administration of federal and state air quality laws and policies. In December 2009, SJVAPCD adopted the *Final Staff Report Addressing Greenhouse Gas Emissions Impacts under the California Environmental Quality Act* (SJVAPCD 2009). SJVAPCD also developed guidance for land-use agencies to address GHG emission impacts for new development projects. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would have a less-than-significant individual and cumulative impact related to GHG emissions. Projects implementing best performance standards and reducing project-specific GHG emissions by at least 29 percent compared to the business-as-usual condition would have a less-than-significant individual and cumulative impact on global climate change under this guidance. However, models used to estimate GHG emissions now include some of the statewide measures that previously would have been used to evaluate this 29 percent reduction performance standard, so this particular method of comparison is out of date.

To establish the context in which to consider the project's GHG emissions, this analysis used guidance from the adjacent Sacramento Metropolitan Air Quality Management District (SMAQMD) to determine significance. In 2014, SMAQMD adopted a significance threshold for GHG emissions consistent with the goals of Assembly Bill (AB) 32: 1,100 metric tons (MT) CO<sub>2</sub>e per year for construction-related and operational emissions (SMAQMD 2014). This significance threshold was developed to assess the consistency of a project's emissions with the statewide framework for reducing GHG emissions.

The impacts associated with GHG emissions generated by the project are related to the emissions from short-term construction and operations. Off-road equipment, materials transport, and worker commutes during construction of the project would generate GHG emissions. Emissions generated by the project during operations are related to indirect GHG emissions associated with residential uses.

GHG emissions associated with construction of the project are short-term and will cease following completion of construction activity. Therefore, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. This impact would be less than significant.

## 2) **Less-than-Significant Impact**

In 2006, California enacted AB 32, the California Global Warming Solutions Act of 2006 (California Health and Safety Code Section 38500 et seq.). AB 32 establishes regulatory, reporting, and market mechanisms to achieve reductions in GHG emissions and establishes a cap on statewide GHG emissions. It requires that statewide GHG emissions be reduced to 1990 levels by 2020.

In 2008 and 2014, the California Air Resources Board (ARB) approved the Climate Change Scoping Plan (Scoping Plan) and the first update to the Climate Change Scoping Plan: Building on the Framework, respectively (ARB 2008; ARB 2014). In 2016, the state legislature passed Senate Bill SB 32, which established a 2030 GHG emissions reduction target of 40 percent below 1990 levels. In response to SB 32 and the companion legislation of AB 197, ARB approved the Final Proposed 2017 Scoping Plan Update: The Strategy for Achieving California's 2030 GHG Target in November 2017 (ARB 2017). The 2017 Scoping Plan draws from the previous plans to present strategies to reaching California's 2030 GHG reduction target. The project would comply with any mandate or standards set forth by an adopted Scoping Plan Update effecting construction activities and operations.

In 2012, the City of Merced adopted the *Merced Climate Action Plan* to address the reduction of major sources of GHG emissions. The climate action plan established an emissions target of 1990 levels by 2020, commensurate with the State of California's target (City of Merced 2012). To meet this goal, the City adopted values, goals, and strategies to reduce emissions. Goals of the plan include:

- enhanced mobility of all transportation modes;
- sustainable community design;
- water conservation and technology;
- protection of air resources;
- waste reduction;
- increased use of renewable energy sources;
- building energy conservation; and
- public outreach and involvement.

The project would be consistent with the goals of the *Merced Climate Action Plan*.

As mentioned above, the project would not exceed emissions thresholds adopted by SMAQMD and would be consistent with the applicable requirements of the *Merced Climate Action Plan*. Therefore, the project would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions. This impact would be less than significant.

#### **4. ENVIRONMENTAL DETERMINATION**

On the basis of this initial environmental evaluation:

    X     I find that the project could have a significant effect on the environment, and that  
a NEGATIVE DECLARATION HAS BEEN PREPARED for public review.

March 29, 2021

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Francisco Mendoza-Gonzalez, Associate Planner

---

Kim Espinosa, Planning Manager  
Environmental Coordinator  
City of Merced

#### **5. PREPARERS OF THE INITIAL STUDY**

##### **LEAD AGENCY**

City of Merced  
Planning & Permitting Division  
678 West 18<sup>th</sup> Street  
Merced, CA 95340  
(209) 385-6929  
Francisco Mendoza-Gonzalez, Planner

##### **ATTACHMENTS:**

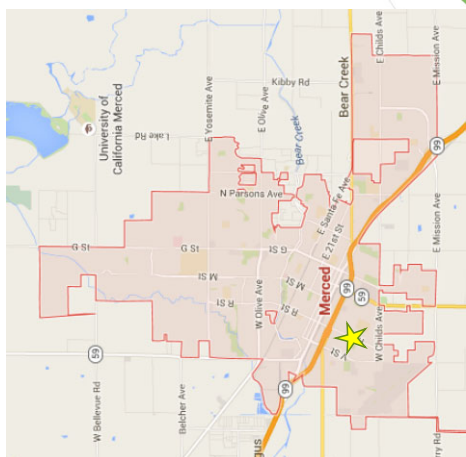
- A) Location Map
- B) Site Plan



GPA #21-01  
& ZC #427

From Low Density Residential to High-Medium Density Residential  
565, 575, 601, and 609 Q Street  
MCP, LLC

## City-Scale Context



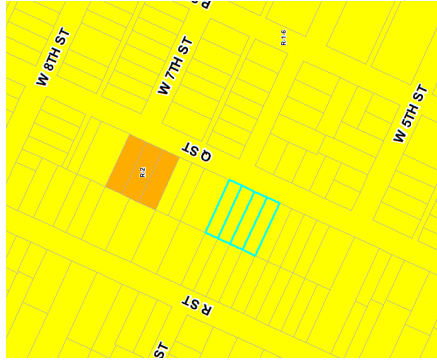
## Location Map



## Current General Plan Designations

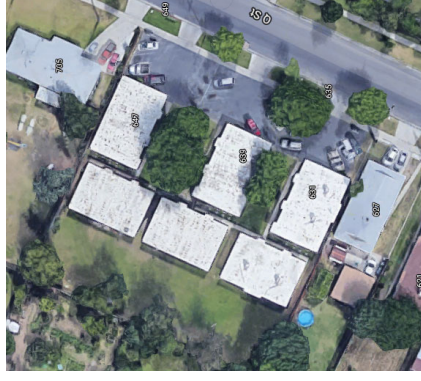


## Current Zoning Designations



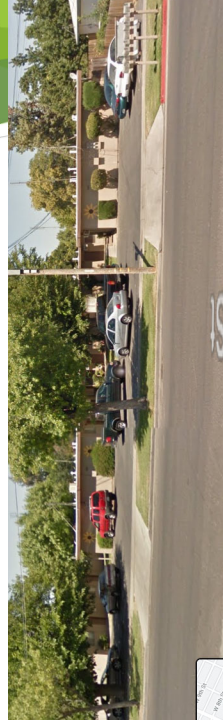
5

## Similar Project (200 feet North)



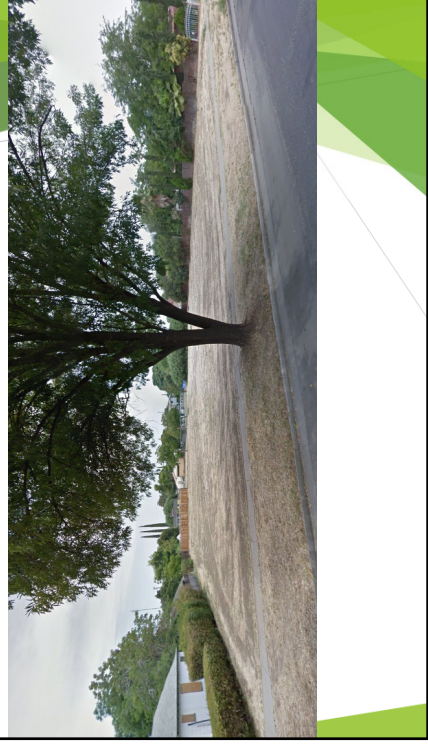
6

## Street View (similar project nearby)



7

## Street View (Project Site)



8

## Current Land Use Designation vs Proposed Land Use Designations

- ▶ Current designations allow for 3 residential units per parcel (with current Accessory Dwelling Unit laws), for a total of up to 12 units.
- ▶ Proposed designation would allow 4 units per parcel, for a total of 16 units.

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## Site Plan

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## Floor Plans

Each unit within each 4-plex would consist of the same program containing: 3 bedrooms, 2 bathrooms, a utility room, a living room, kitchen, for a total of 1,172 square feet. All of these buildings would have a similar design and simple rectangular form.

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## Elevations

- Each unit would have a unique facade.
- Exterior materials used include stucco, siding, and stone veneers.
- Building height (at top of angled roof) is 29 feet.

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# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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**File #:** 21-359

Meeting Date: 5/5/2021

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### **Planning Commission Staff Report**

**SUBJECT:** Report by Planning Manager of Upcoming Agenda Items

**ACTION**

Information only.



# CITY OF MERCED

Merced Civic Center  
678 W. 18th Street  
Merced, CA 95340

## ADMINISTRATIVE REPORT

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File #: 21-360

Meeting Date: 5/5/2021

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### Planning Commission Staff Report

**SUBJECT:** Calendar of Meetings/Events

May3	City Council, 6:00 p.m.
5	Planning Commission, 7:00 p.m. <b>(By Teleconference)</b>
17	City Council, 6:00 p.m.
19	Planning Commission, 7:00 p.m.
Jun.7	City Council, 6:00 p.m.
9	Planning Commission, 7:00 p.m.
21	City Council, 6:00 p.m.
22	Bicycle/Pedestrian Advisory Commission, 4:00 p.m.
23	Planning Commission, 7:00 p.m.