

**Law Offices of
Richard L. Harriman
1078 Via Verona Drive
Chico, California 95973-1031
Telephone: (530) 343-1386
Email: harrimanlaw1@sbcglobal.net**

December 9, 2020

VIA EMAIL TRANSMISSION
[planningweb@cityofmerced.org]

To: City of Merced Planning Commission

Re: MSGA Comments re General Plan Amendment #20-03 submitted on behalf of Casey Steed and Merced Smart Growth Advocates (“MSGA”) in the public interest

MSGA supports the City Planning Department’s identifying the omission in Table 3.2 in the Land Use Element of the *Merced Vision 2030 General Plan*. This omission was one of the main objections raised by MSGA to the Hub 2.0 project at the intersection of Yosemite Avenue and McKee Road, which is currently in litigation with the City. [Case No. 20CV-03123]

MSGA urges your Commission to take testimony and receive comments from the public and continue the hearing to the next Planning Commission meeting for further comment and deliberation by the Commission for the following reasons.

- 1) The amendment needs to add the specific methodology that will be applied to determine the number of bedrooms and **persons** per “residential unit” which will be allowed by right, pursuant to this amendment.
- 2) The environmental review is inadequate, due to the failure to quantify and analyze the increase in population and population density by zoning district that was assumed in the 2012 General Plan and the EIR adopted and certified by the City in 2012, if GPA#20-03 is adopted by the City Council. The increase in projected Cumulative Impacts, Secondary Impacts, and Growth-Inducing Impacts needs to be disclosed, quantified, analyzed, and considered.
- 3) A “Categorical Exemption,” based on the “General Rule” is inapplicable to the GPA 20-03. The quantified analysis should not be deferred to the “project review” level; that will result in improper segmentation and “piece-mealing,” thereby avoiding consideration and mitigation of significant effects on the physical environment.
- 4) Likewise, the cumulative impacts resulting from the approval of GPA 20-03 will include substantial increases in untreated wastewater discharge, traffic congestion, air emissions, Green House Gasses, and CO₂, parking, potable water, and open space (parks) demand.

5) The Draft EIR has already been prepared for the Merced Sewer Master Plan and the increased impacts from increased density on this Plan and on Traffic/Circulation will require an Update of the 2012 General Plan & EIR, the Circulation/Transportation Element, Land Use Element, Sewer Master Plan, and the 2015 Urban Water Management Plan adopted in December, 2016.

Respectfully submitted,



RICHARD L. HARRIMAN SBN 66124

cc: Casey Steed
MSG A

RLH/hr