

3.1 Aesthetics

3.1.1 Introduction

This section of the Environmental Impact Report (EIR) evaluates the potential changes to the existing visual characteristics of the project site and vicinity that could result from future development of the proposed Yosemite Avenue – Gardner Avenue to Hatch Road Annexation project (proposed project). The analysis focuses on the change in visual character, effects on views, visual compatibility with surrounding uses, and the potential for sensitive receptors (e.g., adjacent residential land uses) to be disturbed by light and glare generated by proposed new uses. The Initial Study prepared for the project, provided in Appendix B, concluded that the project would not have an adverse effect on a scenic vista nor would it result in impacts to scenic resources within a state scenic highway. Accordingly, these issues are not further evaluated in this EIR.

As discussed in Chapter 1, Introduction, a Notice of Preparation (NOP) for this Environmental Impact Report (EIR) was initially published in December 2016 based on the original project applications. In 2019, the project applicant submitted revised applications and site plans, increasing the number of residential units from 330 to 540 and increasing the amount of onsite parking. The City issued a revised NOP in May 2020. Comments received in response to the two NOPs for this EIR include concerns regarding introduction of new sources of lighting associated with the project and the potential for lighting to adversely impact existing residences and rural properties in the vicinity. Both NOPs and all comments received in response to them are included in Appendix A.

Information reviewed to prepare this section includes Merced Vision 2030 General Plan (City of Merced 2012a) and General Plan EIR (City of Merced 2012b), and the Merced County General Plan (Merced County 2013a) and General Plan EIR (Merced County 2013b).

3.1.2 Environmental Setting

The project site is located in the eastern portion of Merced County (County) adjacent to the eastern boundary of the City of Merced (City). The project site is bounded by East Yosemite Avenue to the south, Gardner Avenue to the west, agricultural land to the north, and Hatch Road to the east. The topography of the site is fairly level. Figure 3.1-1, Photo Locations, provides a legend to the location of photographs taken that show the project site and the surrounding area; the photographs are displayed in Figures 3.1-2 through 3.1-12.

The approximately 28.4-acre The Crossings component of the project site includes a large area of tilled agricultural land with a small area of development that includes a residence, a few trees, and a barn and small outbuildings located adjacent to East Yosemite Avenue. Large pieces of

construction equipment are also visible near the residence along with overhead utility poles that run parallel to East Yosemite Avenue (see Figure 3.1-2, photo location 6).

The 40.2-acre Remainder Area consists of two separate areas – an approximately 9.4-acre area in the northwest corner of the site, and the approximately 30.8 acres in the eastern portion of the site. The northwest corner of the site contains four single-story ranch-style residences, with trees and front yards located adjacent to Gardner Avenue (see Figure 3.1-3, photo location 12). Overhead utility poles are visible along Gardner Avenue. The eastern portion of the Remainder Area supports more tilled agricultural land, a single-story ranch-style residence along East Yosemite Avenue, Yosemite Church, which is located in a large white building surrounded by trees, landscaping, and surface parking, and Stoneridge Christian School, which is located in five buildings surrounded by blacktop with a turf area and play structure located nearest East Yosemite Avenue and bordered by a 6-foot tall screened fence (see Figure 3.1-4, photo location 9, and Figure 3.1-5, photo location 8). A second residence is located behind the church parking lot. Three single-story residences are located adjacent to Hatch Road with more undeveloped agricultural land located on the north side of the church (see Figure 3.1-6, photo location 10). The lot at the corner of Hatch Road and East Yosemite Avenue is vacant.

Land north and east of the project site is within the County boundaries and is visually characterized by the presence of rural residential development and agricultural land. To the north, land adjacent to the project boundary in the County is also undeveloped agricultural land. To the east development in the County includes large lot residential with pockets of undeveloped land interspersed throughout. Trees and typical landscaping are present throughout the residential areas. Figure 3.1-7 (photo location 11) shows a residence in the County east of the project site, which is typical of other residences in the vicinity.

Land south and west of the project site is within the City boundaries and is visually characterized by the presence of primarily residential development. This includes higher density residential areas located to the west of the project site, across Gardner Avenue and south of East Yosemite Avenue (Figure 3.1-8, photo location 7, and Figure 3.1-9, photo location 5), and a small commercial development that includes medical offices and a surgery center located at the southwest corner of the intersection of Parsons Avenue and East Yosemite Avenue.

Views of the Project Site from the Surrounding Area

The project site is visible from vehicles traveling along Gardner Avenue, which borders the western edge of the project site, and residences that back up to Gardner Avenue. Current views from these areas consist of rural residential ranch style homes in the northwest corner of the site and tilled agricultural land. The project site is also visible from the south by vehicles traveling along East Yosemite Avenue and from residences that back up to East Yosemite Avenue. Views

include tilled agricultural land, heavy equipment and a gravel driveway, trees, surface parking and the buildings at Yosemite Church and Stoneridge Christian School. Views of the project site from Hatch Road along the eastern boundary include trees and ranch style single family residences. There is no public access from the north side of the project site. Photographs in Figure 3.1-10 (photo location 3) and Figure 3.1-11 (photo location 4), show views of the site from adjacent areas.

Views from the Project Site

Views looking west from the project site consist of the two lane Gardner Avenue with one and two-story homes, dense green shrubs and landscaping that appear to cover or block the backyard fences, some taller trees, and overhead electrical lines that run parallel to Gardner Avenue. The homes are stucco and wood; most are painted white and beige with gray roofs. The views to the south are unobstructed and include views of East Yosemite Avenue with the second stories and roofs of the one- and two-story homes adjacent to East Yosemite Avenue visible. The homes are typically brown or beige with either light brown or red tile roofs. Similar to the homes along Gardner Avenue, there are dense green shrubs that cover much of the backyard fence/wall that faces East Yosemite Avenue.

Looking to the north, there are views of tilled agricultural land with trees visible in the background. Looking west views are of Gardner Avenue, dense landscaping and green shrubs across Gardner Avenue looking west with the second stories and roofs of homes visible. Figures 3.1-12 (photo location 1) and 3.1-13 (photo location 2) show views of the surrounding area from the project site.

Views to the east from The Crossings portion of the project site include the Stoneridge Christian School, Yosemite Church and associated landscaping and parking adjacent to East Yosemite Avenue. Views to the east from the eastern portion of the Remainder Area consist of single-family residential lots with associated landscaping and utilities.

Existing Light and Glare Conditions

The majority of The Crossings portion of the project site is undeveloped and does not contain any sources of lighting. The small residence, barn and outbuildings located on approximately 3 acres within this portion of the site include sources of light that may be somewhat visible from properties north, west, and south of the site.

Existing development that generates a limited amount of light within the Remainder Area portion of the project site includes the four residences in the northwest corner of the site and the five residences, church, and private school in the eastern portion of the site.

Ambient nighttime light also emanates from interior and exterior building lighting, parking lot lighting, and streetlights in nearby neighborhoods to the south and west and commercial areas to

the southwest, as well as car headlights along Gardner Avenue and East Yosemite Avenue. Overhead street lights are installed along the sidewalks that extend along the southern side of East Yosemite Avenue and along the western side of Gardner Avenue.

3.1.3 Regulatory Setting

Federal Regulations

There are no specific federal or state regulations pertaining to visual quality or aesthetics.

State Regulations

The California State Department of Transportation (Caltrans) identifies a state system of eligible and designated scenic highways that, if designated, are subject to various controls intended to preserve their scenic quality. There are no state-eligible or state-designated scenic highways within the view shed of the proposed project.

Local Regulations

The project site is currently within the boundaries of Merced County and within the City of Merced Sphere of Influence (SOI). The project proposes to annex the site to the City. Although the site would be annexed to the City, and thus would not be subject to the County General Plan, the proposed project would be visible from properties within the County. Thus, relevant policies of the County General Plan are included in this section.

Merced Vision 2030 General Plan

The Merced Vision 2030 General Plan includes the following policies relevant to aesthetics, light, and glare.

Policy UD-2.2 Maintain and Enhance the Unique Community Appearance of Merced

Implementing Actions

- 2.2.b Encourage the design of buildings that are in scale with adjacent development and harmonize with the character of the area or neighborhood. Through the site plan and design review process, encourage the preparation of architectural renderings of new buildings in scale and context with existing improvements in the area to permit a broader range of review options.
- 2.2.c Discourage the visual monotony along major streets created by designs which use uninterrupted walls or fences with little or no landscaping. Where it is necessary to develop

fences or walls as visual screens or sound barriers, encourage the use of earth berms and other landscape techniques to minimize visual monotony. Fences and walls shall have landscaped areas with varied setbacks where they are visible from public streets. Adequate measures, such as the annexation to the City's Services Community Facilities District (CFD), shall be imposed on development permits to assure that long-term maintenance of these areas can be assured. Openings for pedestrian access in such walls will also be encouraged at intervals along arterial streets. Modified open-end cul-de-sacs will be encouraged in place of continuous walls along collector and lower-order streets.

- 2.2.d Encourage the development of methods to require acceptable levels of landscaping for new development and for effective maintenance in highly visible areas of the community. Landscape designs should incorporate water conservation and low maintenance features.
- 2.2.e Expand the City's programs for undergrounding utility lines and require all new utility lines to be placed underground. Working closely with PG&E and other utility companies, the City shall continue its efforts to place existing overhead electrical and communication lines underground. All new utility lines shall be placed underground. Utility boxes, which cannot be placed underground, shall be screened from view in residential and commercial areas.
- 2.2.f Expand the City's policies which require architecturally suitable means of screening utility equipment and garbage containers. Site plan review procedures shall consider screening of utility equipment, garbage collection/recycling stations and other necessary appurtenant features of urban development.

City of Merced Municipal Code

The City of Merced Municipal Code includes specific requirements for parking lot landscaping and lighting. The portions of the City's code relevant to consideration of the potential aesthetic impacts of the proposed project are shown below.

Chapter 20.38, Parking and Loading

F. Landscaping

1. General Standards. All landscaping within parking areas shall comply with the requirements of Chapter 20.36 (Landscaping) in addition to the standards within this section.
2. Landscaping Defined. Except as otherwise specified in this section, landscaping and landscaped areas shall consist of drought-tolerant plant materials, including any combination of trees, shrubs, and ground cover.

3. Parking Lot Standards. As illustrated in Figure 20.38-2 (Parking Lot Landscaping Standards), the following landscaping standards, as well as the standards in the city's Standard Designs of Common Engineering Structures, shall apply to parking lots containing six (6) or more parking spaces. All landscape areas shall have an irrigation system.
 - a. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped with plantings with drought-tolerant, non-invasive species.
 - b. Shade Trees.
 - (1) One (1) shade tree shall be provided for every six (6) parking spaces, or portion thereof, in a parking lot in addition to street trees.
 - (2) Shade trees shall be a minimum fifteen (15) gallon box in size and shall provide a minimum thirty (30)-foot canopy at maturity.
 - (3) Shade trees shall be of a type that can reach maturity within fifteen (15) years of planting and shall be selected from a city-approved list of canopy tree species suitable for the valley climate.
 - (4) Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty (30)-foot canopy) on August 21. The arrangement should approximate nearly fifty (50) percent shade coverage at noon on August 21 within fifteen (15) years of planting.
 - (5) The above standards may be modified with a minor use permit if alternative shade structures (including solar carports) are provided. Design standards for such shade structures shall be approved as part of the minor use permit process as well.

G. Lighting

1. A parking area with six (6) or more parking spaces shall include outdoor lighting that provides a minimum illumination of 1.0 foot candles over the entire parking area or as otherwise required by the building code.
2. Outdoor lighting as required by Subsection G.1 above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and designed so that any glare or spillage is directed away from residential properties.
4. All fixtures shall be hooded.

I. Screening. Parking lots of six (6) spaces or more shall comply with the following screening standards, unless otherwise approved with a minor use permit.

2. Height.

- a. Screening adjacent to streets shall have a minimum height of two and one-half (2½) feet.
 - b. Screening abutting a residential zoning district shall have a minimum height of six (6) feet, except in required setback areas, where the minimum height shall be four (4) feet.
 - c. Commercial parking lots abutting residential zoning districts shall have a solid wall with a minimum height of six (6) feet.
3. Materials. Required screening may consist of one (1) or more of the following materials:
- a. Low-profile walls constructed of brick, stone, stucco or other durable material with graffiti-proof coating materials or landscaping/vines.
 - b. Evergreen plants that form an opaque screen.
 - c. An open fence combined with landscaping to form an opaque screen.
 - d. A berm landscaped with ground cover, shrubs, or trees.

20.46.030 - General design standards for multi-family dwellings.

B. Exterior Treatment.

1. Blank walls shall be treated with a variety of textures, use of projecting details that create shade/shadow and contrasting trim materials.
2. Any pipes, vents or tubes, etc., on the roof shall be painted or otherwise covered to match roof color or shall be screened.
3. Ground-mounted air conditioning units shall be screened from public view, using either landscaping or a combination of landscaping and screening comprised of the same materials as used on the buildings.

D. Parking.

1. Parking areas shall be screened from public right-of-way by landscaping, which may include berms or fencing/screening.
2. Parking areas shall be landscaped with a minimum of one (1) tree per every six (6) spaces.
3. Parking areas shall be lit at night for security reasons, but the lighting shall not spill over onto adjacent properties.

E. Trash Collection Area.

2. Refuse collection areas shall be screened with the same and/or complementary materials and colors used on the main buildings.

20.46.040 - Specific design standards for multi-family dwellings.

- A. All Multi-Family Dwelling in the Planned Development Zoning District and Multi-Family Dwellings with Five (5) or more Units (or Three (3) or more Units on Corner Lots) in Non-Planned Development Zoning Districts. In addition to the standards in Section 20.46.040 above, such units shall comply with the following:
1. Building construction shall not exceed the plane established by 1:1 height and setback ratio from any exterior property line of a lot or parcel, for more than 50 percent of the allowable building area at any established distance from said exterior property line.
 2. A minimum of 1 tree per 3 units is required, and foundation plantings with a minimum mean horizontal depth of 3 feet covering the equivalent of a minimum of 50 percent of the overall horizontal building frontage shall be required in the overall project area.
 3. Fences.
 - a. Private balconies or patios shall be screened with solid or near-solid fencing/railings.
 - (1) Materials used shall be comparable quality and aesthetics to those used on the rest of the project.
 - (2) The color shall complement or match building trim.
 - b. Patio or Swimming Pool. Following standards exclude perimeter fencing.
 - (1) Fencing shall use the same materials, textures and colors as are used for the main building.
 - (2) Fencing shall not include chain link.
 4. Parking, Garage, and Carports.
 - a. Carports shall have fascia boards. Materials for the fascia board shall match building material(s) of main structures; both fascia boards and vertical members (supports, screening elements, etc.) shall be painted to match or complement building trim.
 - b. A directory, with a list of all apartment unit identifications and a schematic or other locational device/site plan, shall be required in proximity to each parking lot entrance for use by emergency vehicles or visitors:
 - (1) Materials and color(s) of the directory will match/complement the building(s).
 - (2) City's approval is required for its placement and dimension, including orientation and lighting arrangements.
 5. Mechanical and Utility Equipment and Trash Collection Area.

- a. No roof-mounted air-conditioning equipment shall be permitted.
 - b. Trash Collection Areas.
 - (1) The perimeter of trash enclosures shall be planted with landscaping, such as shrubs or climbing evergreen vines, unless otherwise required by the city.
 - (2) Decorative gates shall enclose a trash area; walk-in access for tenants, other than the main gates to the trash area, shall be provided unless otherwise required by the city.
 - c. Utility meters shall not be located within setback nor should they be visible from the public right-of-way, consistent with the following:
 - (1) A 3-foot clear space shall be provided in front of the meters;
 - (2) The meters shall be located near the front of the complex, but may be along the side of a unit;
 - (3) The meters may be screened with plants or materials as long as the utility company can still reach the meters to read them;
 - (4) Screening materials shall be the same as used on main buildings and shall be painted to match/complement building colors; and,
 - (5) The meters shall be located away from parking areas where they could be hit or backed into.
- B. Multi-Family Dwellings in the Planned Development Zoning District. In addition to the standards in Section 20.46.030 and 20.46.040.A above, such units shall comply with the following: No composition roof materials shall be permitted except three-dimensional, architectural grade shingles.

Merced County 2030 General Plan

The Merced County 2030 General Plan Natural Resources Element includes the following policies that address scenic resources.

Policy NR-4.1 Scenic Resource Preservation (RDR) Promote the preservation of agricultural land, ranch land, and other open space areas as a means of protecting the County's scenic resources.

Policy NR-4.3 Building Design (RDR) Require that siting and design of buildings protect, improve, and enhance the scenic quality of the built and natural environments and take full advantage of scenic resources through site orientation, building setbacks, preservation of view sheds, height limits, and the use of appropriate construction materials and exterior modulation.

Policy NR-4.5 Light Pollution Reduction (RDR) Require good lighting practices, such as the use of specific light fixtures that reduce light pollution, minimize light impacts, and preserve views of the night sky.

3.1.4 Impacts

Methods of Analysis

The value attached to changes in visual character is largely subjective. This EIR does not assign a judgment of “good” or “bad” to a proposed change; rather, it identifies any “substantial adverse effect,” as defined below, as a significant environmental impact.

The descriptions of the project site and the surrounding area provided in Section 3.1.2 are derived from a site visit and photographs. The Merced Vision 2030 General Plan was reviewed to determine what visual elements have been deemed valuable by the community. Similarly, the Merced County 2030 General Plan was reviewed to identify the applicable visual elements that are valued within the County. The impact analysis focuses on the manner in which development could alter the visual elements or features that exist in or near the project area.

This analysis assumes that development of the project site would comply with the City’s General Plan goals and policies, improvement standards, and design standards; therefore, such policies and standards are not specifically identified as mitigation. Where specific design details are not available from which to verify compliance with City standards, the impact analysis notes the specific standards that would be applicable and identifies the mechanisms by which compliance with those standards would be verified by City staff prior to issuance of building permits,

Items Addressed in the Initial Study

The Initial Study prepared for the project (see Appendix B) determined that the project would not have an adverse effect on a scenic vista because the project site is not within any of the City’s 11 designated scenic corridors. In addition, none of the three highways that pass through the City of Merced (140, 59, and 99) are listed as state scenic highways within the City of Merced or this portion of Merced County. The project site is currently tilled land used for growing crops and does not contain any trees or rock outcroppings. Therefore, the project would not substantially damage scenic resources within a State scenic highway and these issues are not further addressed.

Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the City's General Plan, and professional judgment, a significant impact would occur if development of the proposed project would do any of the following:

- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. In urbanized areas, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

Impacts and Mitigation Measures

Impact 3.1-1: Implementation of the proposed project may degrade the existing visual character or quality of the site and the surrounding area and/or conflict with applicable zoning and other regulations governing scenic quality. This would be a less than significant impact.

The project site is located at a point of transition between the urbanized area within the City and the non-urbanized area within the County. The site is designated as a Rural Residential Center on the Merced County General Plan Land Use Policy Diagram, Figure LU-1 (Merced County 2013a). The County's zoning designation for the project site is Rural Residential (R-R), which provides areas for rural residential development, hobby farming, and limited animal raising operations with less than a full range of urban services. The project site is located within the City's SOI and is designated Rural Residential (RR) in the City of Merced Vision 2030 General Plan (Merced Vision 2030 General Plan, Figure 2-3). Land surrounding the project site to the south and west within the City is designated low density residential in the City's 2030 General Plan and zoned low density residential (R-1-6) with a small area at the southwest corner of Parsons Avenue and East Yosemite Avenue designated commercial/office and zoned Residential Planned Development (RP-D 20). Land to the north in the unincorporated County is designated Rural Residential and zoned A-R. The City and County zoning designations for the project site and surroundings is shown on Figure 2-5, Zoning Designations. The City's General Plan and zoning ordinance do not regulate scenic quality other than building height and general aesthetics.

The Crossings

The project proposes a General Plan Amendment that would change the land use designation of The Crossings portion of the project site to Neighborhood Commercial (C-N) and High-Medium Density Residential (HMD), once annexed. The project also proposes to pre-zone this portion of the site to Planned Development (P-D). Under the P-D zoning, the City must approve a Site

Utilization Plan that includes land use designations for the project site. The Site Utilization Plan for The Crossings would apply a land use designation consistent with R-4 zoning for the residential portion of the site and a land use designation consistent with Neighborhood Commercial (C-N) zoning for the mixed use portion of the site.

The City's zoning ordinance identifies that the P-D zoning district allows for high quality development that deviates from standards and regulations applicable to other zoning districts within the City. The P-D zoning districts are intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The P-D zoning districts are also intended to provide a mechanism by which to ensure a proposed project is consistent with the General Plan (City of Merced 2016). Permitted land uses within a P-D zone would be required to conform to the applicable General Plan designation; thus, the proposed project would be required to comply with the development standards of the proposed land use designations of C-N and HMD. Under Municipal Code Section 20.20.020, and as required by Chapter 20.66 of the City's Municipal Code (City of Merced 2016), the development standards for the proposed project would be included within the Final Site Utilization Plan, which would prescribe the density, setbacks, structure height, building architecture and design, parking, and landscape requirements. Since a Final Site Utilization Plan would be required to be approved by the Site Plan Review Committee, the proposed project would reflect the allowed building heights and scenic quality as approved by the City. Under Municipal Code Section 20.20.020, approval of the Final Site Utilization plan and mitigation measures would be required as a part of the approval and construction of the proposed project. Thus, because construction would not be permitted to proceed until approval of a Final Site Utilization plan, and approval of that plan would be contingent on the plan meeting the City's development standards, potential impacts associated with conflicts with zoning regulations would be **less than significant**.

Remainder Area

The project proposes to pre-zone the 40.2-acre Remainder Area to Low Density Residential (R-1-10) and Urban Transition (U-T). No new development within the Remainder Area is proposed at this time. If development within the portion of the Remainder Area zoned R-1-10 is proposed in the future, it would require approval of a tentative subdivision map to create single-family residential lots with a minimum size of 10,000 square feet. If development within the portion of the Remainder Area zoned U-T is proposed in the future, the proposal would need to include a rezone request since no additional non-agricultural development is permitted under the U-T zone. Both a tentative subdivision map application and a rezone request are discretionary actions requiring environmental review under CEQA. As part of the environmental review, the City would evaluate the proposed development to ensure compliance with the design standards included in the Municipal Code (City of Merced 2016), such the single-family residential standards provided in Municipal Code Section 20.08, including the Development Standards provided in Table 20.08-

2. Thus, because construction would not be permitted to proceed until the City has verified that site plan meets the applicable City development standards, potential impacts associated with conflicts with zoning regulations would be **less than significant**.

Mitigation Measures

No mitigation measures are required.

Impact 3.1-2: Implementation of the proposed project may introduce new sources of light or glare which could cause an annoyance to adjacent residential uses. This would be a potentially significant impact.

Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments. Light that falls beyond the intended area of illumination is referred to as “light trespass.” Types of light trespass include spillover light and glare. Spillover light, which is light that illuminates surfaces beyond the intended area, is typically caused by artificial lighting sources, such as from building security lighting, signs, parking lot lights, roadway lights, and stadium lights on playing fields. Spillover light can adversely affect light-sensitive uses, such as residential neighborhoods at nighttime. The type of light fixture determines the extent to which light will spill over onto adjacent properties and/or be visible from far away. Modern, energy-efficient fixtures that face downward, such as cutoff-type fixtures and shielded light fixtures, are less obtrusive than light fixtures that have been used in the past.

The second type of light trespass is glare, which results when a light source in the field of vision is brighter than the eye can comfortably accept. Glare can result when sunlight or artificial light reflects off building exteriors, such as glass windows or other highly reflective surface materials. Squinting or turning away from a light source is an indication of glare. Glare is particularly associated with high light intensity. Glare can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, because these types of light sources prevent light from traveling long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles. Glare resulting from sunlight reflecting off building exteriors can be reduced with design features that use low-reflective glass and exterior materials and colors that absorb, rather than reflect, light.

The Crossings

The majority of the Crossings portion of the project site is undeveloped and currently does not contain any source of lighting. There is an approximately 3-acre portion that includes a small residence, barn and outbuildings that include sources of light. Ambient nighttime light also emanates from nearby neighborhoods to the south and west, as well as from commercial areas

to southwest, and car headlights along Gardner Avenue and East Yosemite Avenue. Adjacent neighborhoods have lighting on individual homes and street lighting at night. Currently, there are no sources of glare within the Crossings portion of the site.

The proposed project would introduce new sources of light into the area, including security lighting, parking lot lights, building lights, landscape lighting, car headlights, illuminated signage, and light emitted from the interior of the buildings through windows. The amount of light would be typical of urban areas. Views into the project site at night would be altered by these sources of artificial light. In addition, lighting introduced by the proposed project could be an annoyance if it spills into backyards or homes, because it could interfere with sleeping or other activities. Furthermore, the proposed project could result in light spillover on the neighboring agricultural and rural residential properties to the north and a general increase in ambient light levels that would be visible from offsite properties.

Parking Lot and Building Lighting

The specific end-users of the proposed 66,000 square feet of commercial space within the project are not known, and thus the likely hours of operation for the commercial uses has not been determined. If businesses are open during evening hours, some building and parking lot lighting would be needed and could cause light spillover into adjacent and nearby residential properties and increased ambient light levels. After business hours, low level building lighting and some parking lot lights would remain on all night for security, which could also result in increased ambient light levels in the project vicinity.

Within the project site, light and glare from car headlights would be limited to people parking and driving along internal roadways. On-site parking is proposed adjacent to the project boundaries. Along the northern site boundary, parking for the multi-family residential buildings would be set back from the boundary with a 10-foot deep landscape area and a 6-foot tall masonry wall would be constructed at the property line. Parking lot landscaping for the multi-family portion of the project would include a minimum of one shade tree for every six parking spaces as required by Section 20.38.070 of the City's Zoning Ordinance. The setback, wall, and shade trees would also extend along the western and eastern property lines, which are adjacent to both sections of the Remainder Area. The setback, wall, and shade trees would help shield adjacent properties from direct exposure to onsite lighting. Along the western and southern boundaries of The Crossings component, adjacent to N Gardner Avenue and E Yosemite Avenue, a larger landscaped setback, approximately 30 feet deep and including a separated sidewalk, would be provided. Parking lot landscaping within the mixed-use portion of the project would also include a minimum of one shade tree for every six parking spaces as required by Section 20.38.070 of the City's Zoning Ordinance. A detention basin is proposed on the north side of the commercial uses, which would provide a separation from the existing residences located in the northwest portion of the Remainder Area.

The landscaped setback and shade trees would help shield adjacent properties from direct exposure to onsite lighting.

Project lighting would include building lights, parking lot lights, and lighting for pedestrian pathways interior to the project site. Section 20.38.030 of the City's Zoning Ordinance requires that parking lot lighting be "energy efficient and designed so that any glare or spillage is directed away from residential properties" and that all fixtures be hooded. Similarly, Section 20.46.030 of the City's Zoning Ordinance requires that parking area lighting for multi-family developments be designed such that "lighting shall not spill over onto adjacent properties." Compliance with the Zoning Ordinance would ensure that lighting within parking areas for both the multi-family buildings and the mixed-use buildings does not spillover onto adjacent residential properties. However, lighting within the project site could contribute to an increase in the nighttime ambient lighting levels in the area, which could lead to annoyance for residents of nearby property, particularly for the rural residential properties north of the site. This is a **potentially significant** impact.

Offsite Vehicle Lights

The proposed project would contribute additional cars to local roadways during the nighttime hours, but traffic on local roads would not increase significantly relative to what exists today. The project includes a main entrance off East Yosemite Avenue that would provide access to the student housing portion of the site. This driveway would be directly across from Chaparral Drive. Another driveway is proposed off East Yosemite Avenue to access the commercial area with two additional driveways off Gardner Avenue. The residences located to the south, across East Yosemite Avenue, do not front East Yosemite Avenue, but are set back from the road with landscaping, a sidewalk, and a fence that blocks the backyards from the road. The same is true for residences that back up to Gardner Avenue. None of the residences in this area front onto Gardner Avenue.

The proposed project is not proposing any new roadways that would potentially shine headlights directly into an adjacent residence, contributing to an unacceptable condition. The proposed project would not result in the creation of substantial levels of glare associated with car headlights that would be any different from current conditions along roadways in the area, thus impacts associated with vehicle lights would remain **less than significant**.

Glare from Building Features

Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass, polished surfaces, or metallic architectural features. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. The proposed three-story student housing buildings, particularly in the architectural style and building materials identified for the project, would not include the large expanses of reflective surfaces necessary to generate

substantial glare, as shown in Figure 2-7, Proposed Multi-Family Building Elevations. The two-story mixed-use buildings would use large storefront windows on the first floor and residential-scale windows on the second floor, as shown in Figure 2-8, Proposed Mixed-Use Building Elevations. These windows would be shielded with awnings and overhangs that would reduce the potential for these reflective surfaces to generate glare. Additionally, the mixed-use buildings would be placed interior to the site, with parking lots placed between the buildings and the adjacent public roadways, which would further reduce the potential for glare from windows to cause adverse effects for neighboring properties or people traveling along the adjacent roadways. Thus, the Crossings component of the project is anticipated to result in **less than significant** effects due to glare.

Conclusion

The Crossings component does not include any buildings or uses that would generate glare that could create a hazard to motorists or a nuisance to nearby residences. The proposed onsite landscaping along the project's frontage with Gardner Avenue and East Yosemite Avenue and surrounding the multi-family area would serve to shield light from the proposed buildings, and from vehicles traveling along internal roadways. Compliance with the Zoning Ordinance requires use of hooded fixtures to ensure that parking lot lighting does not spillover onto adjacent properties. However, building and parking lot lighting could cause annoyance due to increases in the ambient light levels in the project vicinity, which is considered a **potentially significant** impact.

Remainder Area

Existing development within the Remainder Area portion of the project site includes four residences located in the northwest corner of the project site and five residences and a church located in the eastern portion of the project site. No new development that could introduce new sources of light and glare area is proposed at this time. However, if development is proposed in the future, it is anticipated compliance with the City's Zoning Ordinance would address spillover light, similar to the analysis of light and glare associated with The Crossings component of the project. Because it is not known if future development could result in the creation of glare this is considered a **potentially significant impact**.

Mitigation Measures

The following mitigation measures would reduce impacts from light and glare to a less-than-significant level by establishing performance standards for lighting fixtures, light levels, and building materials that ensure light and glare would not adversely affect existing land uses in the project vicinity.

The Crossings/Remainder Area

- 3.1a** Lighting throughout the project site shall be ‘dark sky friendly’ by meeting the following requirements:
1. Parking lot lighting shall be designed to provide a minimum of 1 footcandle of light in all portions of the parking lot, a maximum of 1 footcandle at the outer edge of all parking areas, and a maximum of 1 foot candle at a height of 10 feet along the property line;
 2. All outdoor lighting, including that required for steps, stairs, walkways, and building entrances shall be directed downward and shall use low-glare and full-cutoff fixtures;
 3. All outdoor lighting shall include controls that automatically extinguish the lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device; and
 4. No floodlight fixtures shall be used.

3.1.5 Cumulative Impacts

The geographic scope of the cumulative impact analysis varies depending on the specific environmental issue area being analyzed. The scope of the cumulative impact analysis for aesthetics includes the area that comprises the view shed of and from the project site, which includes development in the immediately surrounding areas.

The cumulative context for light considers other development in the surrounding area that could affect the same area as that affected by project-generated light.

As discussed previously, the proposed project would not alter scenic vistas or resources because there are no designated scenic vistas or scenic resources in the area. The cumulative change in scenic vistas and scenic resources is a local effect of the project and not cumulatively considerable because there are no scenic vistas or resources in the immediate project vicinity. Therefore, these issues are not discussed in the cumulative analysis.

Impact 3.1-3: The proposed project could contribute to cumulative changes in the existing visual character of the area. This would be a less-than-significant impact.

The Crossings/Remainder Area

The project site is located at a point of transition between the urbanized area within the City and the non-urbanized area within the County. As stated under Impact 3.1-1, the County land use designation for the site is Rural Residential Center (Merced County 2013a) and the County's zoning designation for the project site is Rural Residential (R-R). The project site is located within the City's SOI, indicating that it is anticipated to be annexed to the City, and is designated Rural Residential (RR) in the City of Merced Vision 2030 General Plan (City of Merced 2012a). The City's General Plan EIR analyzes the cumulative impacts to visual resources, including the area containing the project site. The General Plan EIR finds that buildout of the General Plan would have a less than significant cumulative impact on visual resources within the City's SOI (City of Merced 2012b), thus there is no significant cumulative aesthetic impact to which the project would contribute. Although development within the City associated with the City's General Plan would change the visual conditions in portions of the City, the General Plan EIR finds that adherence to policies and actions set forth by the City's General Plan and Municipal Code would ensure that these changes serve to enhance the City's visual character by promoting development that is consistent with existing neighborhoods. Because new development and redevelopment activities associated with the General Plan would be compatible with existing surrounding land uses, the visual character of the City would be maintained. The proposed project as well as all other projects within the City and its SOI are required to follow the City's design requirements as identified in the General Plan and Municipal Code, which encourage design elements that are consistent with the development's surroundings. Therefore, a **less-than-significant** impact would occur.

Mitigation Measures

No mitigation measures are required.

Impact 3.1-4: The proposed project could contribute to a cumulative increase in light and glare. This would be a less-than-significant impact.

The Crossings /Remainder Area

Current development within the area surrounding the project site has introduced artificial lighting, including property lighting, street lighting from adjacent residential uses to the south and west, and vehicle headlights along Gardner Avenue and East Yosemite Avenue. Future development both in the City and County in the surrounding area is also anticipated to generate an increase in light. Future development in the City would be required to comply with City requirements that

necessitate all lighting be shielded with a hood to reduce light spillover. Development that may occur north of the project site would be regulated by the County General Plan and County Code. Merced County General Plan policy NR-45 also requires using light fixtures that reduce light pollution and minimize light impacts. Due to the anticipated development around the perimeter of the existing City limits, on the edge of more rural, less dense development in the County the addition of light generated by past, present, and probable future development in the City and County surrounding the project site is considered a **potentially significant** cumulative impact.

As discussed in Impact 3.1-3, development of The Crossings portion of the project site as well as future development in the Remainder Area would introduce new sources of light. The proposed project could contribute to the existing ambient light in the area by introducing exterior building lights, parking lot lights, security lighting, landscape lighting, illuminated signs, car headlights, and interior-building light emitted through windows. Building and parking lot lights would be timed to turn on and off at specific times and would be shielded to prevent light spillover. For security purposes, there would be some building lights and parking lot lights left on during the evening hours. However, all lighting would be required to comply with the City's Zoning Ordinance and with the 'dark sky' standards included in Mitigation Measure 3.1a; therefore, the project's contribution to an increase in light would not be cumulatively considerable and the project's contribution to the cumulative impact would be **less than significant**.

There are no buildings or other uses in the City or County near or surrounding the project site that create glare and due to the suburban nature of the City it is not anticipated that new development would create large expanses of reflective glass, polished surfaces, or metallic architectural features that could result in glare effects. Therefore, glare generated by past, present and probable future development is considered a less-than-significant cumulative impact and the project's contribution would be **less than significant**.

Mitigation Measures

No mitigation measures are required.

3.1.6 References Cited

City of Merced. 2012a. *City of Merced 2030 General Plan*. Adopted January 2012.

<https://www.cityofmerced.org/departments/development-services/planning-division/merced-vision-2030-general-plan>.

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County of Merced. 2013a. *2030 Merced County General Plan*. Adopted December 2013.

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SOURCE: Bing Maps (Accessed 2017)

Yosemite Avenue-Gardner Avenue to Hatch Road Annexation Project

- Project Boundary
- Photo Locations

FIGURE 3.1-1
Photo Locations

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FIGURE 3.1-2
View of Project Site from Residential Area Along E Yosemite Ave



FIGURE 3.1-3
House on Western Edge of Project Site

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FIGURE 3.1-4
View of Church from McKee Road



FIGURE 3.1-5
Stoneridge Christian School in Remainder Area

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FIGURE 3.1-6
Residence in Remainder Area along Hatch Road



FIGURE 3.1-7
Residence Across from Site Along Hatch Road

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FIGURE 3.1-8
Typical Residence in Residential Area South of E Yosemite Ave



FIGURE 3.1-9
Typical Residence in Gardner Ave Residential Area

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FIGURE 3.1-10
Looking East from Residential Area on Gardner Ave



FIGURE 3.1-11
View of Project Site from E Yosemite Ave and Gardner Ave Intersection

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FIGURE 3.1-12
Looking North Across Project Site



FIGURE 3.1-13
Looking West Across Project Site

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