

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Merced
Address: 2222 M St.
Merced, CA 95340

From:

Public Agency: City of Merced
Address: 678 W. 18th St.
Merced, CA 95340
Contact: Julie Nelson
Phone: 209-385-6967

Lead Agency (if different from above): _____

Address: _____
Contact: _____
Phone: _____

2022 APR 22 PM 3:35
FILED
MERCED COUNTY CLERK
BY: [Signature]

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): _____

Project Title: General Plan Amendment #21-03, Zone Change #429, Environmental Review #21-47

Project Applicant: Peter Lau on behalf of Bellevue Paseo, LLC

Project Location (include county): City of Merced, Merced County

Project Description:

General Plan Amendment to change the General Plan land use designation from Neighborhood Commercial (CN) to Low-Medium Density (LMD) Residential and a Zone Change to change the zoning designation from P-D #73 to RP-D #63 for approximately 8.5 acres of land generally located at the northeast corner of Bellevue Rd. and Barclay Way. The proposed changes are consistent with the EIR for the Merced Vision 2030 General Plan (SCH #2008071069).

This is to advise that the City of Merced has approved the above
(Lead Agency or Responsible Agency)

described project on April 18, 2022 and has made the following determinations regarding the above
(date)
described project.

- 1. The project [will will not] have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [were were not] made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
- 5. A statement of Overriding Considerations [was was not] adopted for this project.
- 6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Merced Planning Department, 678 W. 18th Street, Merced, CA 95340

Signature (Public Agency): [Signature] Title: Planning Manager

Date: April 22, 2022 Date Received for filing at OPR: _____

**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: General Plan Amendment #21-03 & Zone Change #429 – Environmental Review #21-47

Assessor Parcel Number or Location: Assessor's Parcel Numbers (APN's): 170-010-001 to -039; 170-022-001 to -003; 170-030-001 to -028; 170-041-001 to -003; 170-044-001

Previous Initial Study/EIR Reference: This site was previously reviewed through the Environmental Impact Report (EIR) for the *Merced Vision 2030 General Plan* (SCH#2008071069).

Original Project Date: The EIR for the *Merced Vision 2030 General Plan* was adopted by the Merced City Council by Resolution #2011-63 on January 4, 2012.

Section A - Previous Studies

- | | | |
|--|------------|-----------|
| | Yes | No |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | | X |

Comment/Finding: The proposed General Plan Amendment changing the General Plan land use designation to Low-Medium Density Residential and the proposed Zone Change to change the zoning designation to Residential Planned Development (RP-D) #63 would be reverting the property back to the land use designations reviewed under the EIR for the *Merced Vision 2030 General Plan* (small lot single-family dwellings). Therefore, there are no substantial changes from what was analyzed with the original EIR.

- | | | |
|--|------------|-----------|
| | Yes | No |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | | X |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

- | | | |
|---|------------|-----------|
| | Yes | No |
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | | X |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

Section B - New Information

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>


Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: January 6, 2022

Prepared By:



Julie Nelson,
Senior Planner



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
24-2022-043
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MERCED	LEAD AGENCY EMAIL	DATE 04/22/2022
COUNTY/STATE AGENCY OF FILING MERCED COUNTY	DOCUMENT NUMBER 24-2022-043	
PROJECT TITLE GENERAL PLAN AMENDMENT #21-03, ZONE CHANGE #429, ENVIRONMENTAL REVIEW #21-47		

PROJECT APPLICANT NAME PETER LAU ON BEHALF OF BELLEVUE PASEO, LLC	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 385-6967
PROJECT APPLICANT ADDRESS 678 W 18TH STREET	CITY MERCED	STATE CA
		ZIP CODE 95340

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	<u>0.00</u>

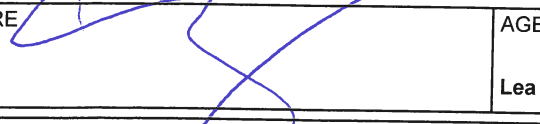
- Exempt from fee
- Notice of Exemption (attach)
- CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u>0.00</u>

PAYMENT METHOD:

- Cash Credit Check Other

TOTAL RECEIVED \$ 50.00

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE Lea Z. H. Holguin Deputy Clerk
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