

CHAPTER ONE

INTRODUCTION

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This Draft Program Environmental Impact Report (EIR) is an informational document prepared for the City of Merced (herein referred to as “City”) to evaluate potential environmental impacts of the proposed *Merced Vision 2030 General Plan*. This Draft Program EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) Statutes and Guidelines.

In accordance with *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines), this Draft Program EIR is a document intended to inform public decision makers, responsible or interested agencies, and the general public of the potential environmental effects of the adoption of the General Plan Update. The environmental review process has been established to enable interested parties to evaluate a proposed project in terms of its environmental consequences, to examine and implement methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the proposed project. While CEQA requires that major consideration be given to avoiding adverse environmental effects, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including the economic and social benefits of a proposed project, in determining whether a proposed project should be approved. This document is also intended to serve CEQA compliance purposes for the Local Agency Formation Commission (LAFCO) review of the revised Sphere of Influence boundary.

1.1 Procedures and Purpose

Pursuant to Section 15168 of the CEQA Guidelines, a Program EIR is prepared for a series of related actions that can be characterized as one large project, such as a general plan or specific plan. In contrast, a project EIR, the most common type of EIR, examines the impacts that would result from a specific development proposal or project. As prescribed by CEQA, the City, in its role as Lead Agency, has determined that a Program EIR shall be prepared for the update of the General Plan. On July 17, 2008, the City prepared and circulated a Notice of Preparation (NOP) to responsible, trustee, and local agencies for review and comment. A copy of the NOP and copies of written responses to the NOP are included in [Appendix A](#) of this EIR. A public scoping meeting was held for the EIR on the proposed General Plan on July 29, 2008. Comments received advised extensive analysis on impacts to air quality, agricultural resources and transportation.

The Draft Program EIR will consider all potential environmental effects of the update of the General Plan to determine the level of significance of the environmental effect, and will analyze these potential effects to the detail necessary to make a determination of significance. The Program EIR discussion of less-than-significant environmental effects will be limited to a brief explanation of why those effects are not considered potentially significant.

Section 15121(a) of the CEQA Guidelines defines an EIR as an informational document that will:

...inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

As defined by Section 15378 of the CEQA Guidelines, a "project" is any action that "...has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." Section 15093 of the CEQA Guidelines requires decision makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the proposed project's benefits to the public.

The CEQA process requires that the Lead Agency consider input from other interested agencies, citizen groups, and individuals. CEQA provides for a public process requiring full public disclosure of the expected environmental consequences of the proposed action. The public must be given a meaningful opportunity to comment on the environmental document. CEQA also requires monitoring of the mitigation measures to ensure that they are in fact carried out.

CEQA requires a public review period, normally 45 days, for commenting on the Draft EIR. During the review period, any agency, group, or individual may comment in writing on the Draft EIR, and the Lead Agency must respond to each comment on environmental issues in the Final EIR. According to Section 15202(a) of the CEQA Guidelines, CEQA does not require formal hearings at any stage of the environmental review process; however, it is typical to consider the EIR and its findings during public hearings required for the proposed project.

If the City finds that the Final EIR is "adequate and complete," the City may certify the Final EIR in writing in accordance with CEQA Guidelines Section 15091, and if applicable, Section 15093. CEQA Guidelines Section 15091 specifies that the lead agency shall state findings, in writing, of any environmental impacts and the changes made to lessen the impact or the reason why such mitigation is infeasible. CEQA Guidelines Section 15093 requires a statement of overriding considerations in cases where the lead agency deems the proposed project's benefits outweigh the unavoidable environmental impacts. The rule of adequacy generally holds that the EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and,
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 require lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) to describe measures that have been adopted or made a condition of project approval in order to mitigate or

avoid significant effects on the environment. Any mitigation measures adopted by the City as conditions of project approval will be included in this report to verify compliance. The MMRP is adopted by Resolution at the time of project approval.

All comments or questions regarding this DEIR must be made in writing and should be addressed to:

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City of Merced
678 West 18th Street
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1.2 Organization of the EIR

CHAPTER ONE

Chapter One briefly describes the procedures and purpose for environmental evaluation of the proposed project, the contents and organization of the Draft EIR and a brief methodology discussion.

CHAPTER TWO

Chapter Two provides the proposed project intent and objectives, project location, project setting, project description, purpose, project characteristics, proposed action, and the uses of the EIR, and agency actions, permits and consultation requirements.

CHAPTER THREE

Chapter Three provides an environmental analysis evaluating each topical area. Each topical area is organized as follows:

Introduction. Each environmental topic is preceded by a description of the topic and a brief statement of the rationale for addressing the topic.

Environmental Setting. Description of the existing environment in and around the proposed project area.

Regulatory Setting. A discussion of the regulatory environment that may be applicable to the proposed project.

Thresholds of Significance. The thresholds of significance are the standards or thresholds by which impacts are measured, with the objective being the determination of whether an impact

will be significant or less than significant. The purpose is to establish the level at which an environmental impact will be considered significant.

Impacts and Mitigation Measures. Each impact and mitigation measure associated with an environmental topic is described and listed by number for reference.

Discussion/Conclusion. This is an analysis and concluding statement identifying whether the impact is significant or less-than-significant. If found to be significant, the conclusion states whether the impact can be avoided or reduced to an acceptable level through implementation of mitigation measures, or whether the impact is significant and unavoidable.

Mitigation Measures. Each feasible mitigation measure is described and listed by number. Existing regulations are described, but are not treated as mitigation measures that must be repeated in the EIR. Rather, they are assumed to be existing law with which the proposed project must comply.

Effectiveness of Mitigation Measure. For significant impacts, a statement is made regarding whether the impact is mitigated to a less than significant level or, alternatively, whether the impact is only partially mitigated, immitigable, unavoidable, and/or irreversible, based on the Significance Thresholds.

CHAPTER FOUR

Chapter Four describes and evaluates alternatives to the proposed project. The proposed project is compared to each alternative, and the environmental ramifications of each are analyzed. Per requirements of CEQA Guidelines Section 15126.6(e)(1), the “no project” alternative must be considered to compare the environmental consequences of the project as proposed to the consequences of taking no action.

CHAPTER FIVE

Chapter Five evaluates and describes the following CEQA required topics: unavoidable significant environmental effects, significant irreversible environmental changes, growth-inducing impacts, and effects found not to be significant. Chapter Five also examines the cumulative impacts associated with the proposed General Plan.

APPENDICES

References to published literature or technical reports cited in the text have been included at the end of this Draft EIR to facilitate full environmental review of the proposed project. Also included are the names and agencies of individuals contacted for information during EIR preparation.

1.3 Methodology

The City has determined that a program level EIR shall be prepared for the update of the Merced General Plan. An Initial Study was not prepared for the proposed project and the City has not made any determinations regarding less than significant environmental effects of the project. Section 15168 of the CEQA Guidelines provides the following description of when a program EIR is used:

- (a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - (1) Geographically,
 - (2) As logical parts in the chain of contemplated actions,
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Section 15168(c) and (d) also describe the use of a program EIR with later activities.

- (c) Use With Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
- (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program.

The update of the Merced General Plan is evaluated at a program level of detail in this EIR. This EIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering adoption of the revised General Plan. Based upon the comments received on the NOP prepared by the City, it has been determined that the EIR should focus on the environmental aspects outlined below:

AESTHETICS

This section of the EIR evaluates potential impacts associated with the update that include the introduction of new areas where urban lighting may conflict with rural or agricultural land uses, increased production of light and glare, change in the visual character of existing rural and agricultural areas, impacts to a scenic highway or area, and reduction in visibility at night within the urbanized area. These issues are examined within the framework of the existing General Plan EIR, and General Plan policies will be reviewed for their ability to address these problems.

AGRICULTURE AND FOREST RESOURCES

This section examines how the proposed changes in the SUDP and Sphere of Influence may result in the conversion of existing agricultural lands to non-agricultural uses, including residential, commercial, institutional, and other urban uses. This section will address the potential loss of agricultural lands within the context of the local agricultural setting. The analysis identifies the impacts to agricultural and forest resources, and identifies mitigation measures designed to reduce the impact.

AIR QUALITY

The air quality analysis contains a description of the climate and meteorology of the project area, historical air quality data, and current efforts to attain and maintain the State and federal ambient air quality standards. The setting section of the EIR provides a summary of health effects of criteria and TAC pollutants, summarizes air quality data from monitoring sites, and identifies all sensitive receptors for air pollutants in Merced. The air quality analysis covers the meteorological and vehicle mix characteristics, forecast years, emissions and air quality models to be used. The analysis predicts future trends in air quality under the proposed General Plan using the URBEMIS modeling software.

BIOLOGICAL RESOURCES

The biological section of this EIR contains: a) a list of state and federal regulations, local policies, habitat conservation plans, and natural community conservation plans that are applicable to the City; b) existing environmental and regulatory setting; c) a list and description of special status species that are likely to occur within or immediately adjacent to the City; d) the standards and thresholds for determining the significance of biological impacts; e) an impacts analysis discussion; and f) a list of available mitigation measures that could reduce potentially significant environmental impacts.

CULTURAL RESOURCES

Existing cultural resources (archaeological and historical) that could be affected by adoption and implementation of the proposed General Plan are described in this section, and impacts and mitigation measures are identified.

GEOLOGY AND SOILS

This section discusses potential geological hazards caused by adoption and implementation of the Merced Vision 2030 General Plan. The analysis will include the review of the City's current General Plan, published documents, geologic maps and other geological and geotechnical literature pertaining to the City and the region to aid in evaluating the adequacy of the proposed General Plan relative to geologic resources, hydrology, and geologic hazards that may be present.

HAZARDS AND HAZARDOUS MATERIALS

This section of the EIR addresses the potential impacts associated with hazards and hazardous materials. The General Plan is not expected to result in significant new generation of health hazards that were not adequately considered in the existing General Plan EIR. However, changes in State law, as well as new standards for treatment and removal of hazardous materials, will likely necessitate the incorporation of additional mitigation measures to offset potential impacts associated with the proposed General Plan.

HYDROLOGY AND WATER QUALITY

The hydrology section of the EIR contains analysis and mitigation measures to address potential impacts associated with impacts to water quality, groundwater recharge, flooding, erosion, and area surface waterways. The application of water quality standards from the Central Valley Regional Water Quality Control Board will be used as the basis for assessing impacts, and development of mitigation measures will build upon those contained in the existing General Plan EIR.

LAND USE AND PLANNING

The land use analysis within the EIR addresses potential land use conflicts created by the proposed General Plan changes, and reviews existing mitigation measures and findings to determine what level of further analysis is warranted. The land use analysis follows recent case law and CEQA statutes in ensuring that the EIR provides adequate review and consideration of the land use issues associated with the project, and provides acceptable levels of guidance for future developments within the City.

MINERAL RESOURCES

This section describes the regulatory framework and existing conditions related to mineral resources in and around Merced, and the potential mineral resources impacts of the proposed General Plan.

NOISE

This section of the EIR includes future noise contours for transportation noise sources, discussion of impacts, and mitigation measures. The noise analysis contained within the EIR will be based on the noise model and contours created in the *Merced Vision 2030 General Plan*, and will conform to all CEQA requirements for noise analysis.

POPULATION AND HOUSING

This section of the EIR addresses the potential impacts to population and housing associated with the proposed changes to the General Plan. It is anticipated that the Update will result in an increase in population from the 1997 General Plan, and that such an increase may have impacts on the housing market and housing conditions within the City.

RECREATION

This section of the EIR addresses the adoption and incorporation of the Parks and Open Space Master Plan (2004) into the *Merced Vision 2030 General Plan*. The change in development areas of the SUDP/SOI, as well as the adoption of the Parks Master Plan, may result in changes in the distance of residents from area parks, resulting in new demand for parkland and recreational facilities, and other similar impacts. This section of the EIR addresses recreational impacts associated with the General Plan, and provides adequate mitigation, where necessary, to reduce potentially significant impacts.

PUBLIC SERVICES

This section of the EIR presents information on existing public services in Merced, including police and fire protection, schools, libraries, health services and government facilities, and describes the potential effects of the proposed General Plan related to the provision of these services.

TRANSPORTATION/TRAFFIC

This section of the EIR addresses the potential transportation related impacts of the proposed General Plan. The first part of the section discusses the environmental and regulatory setting, while the last part of the section analyzes the potential transportation impacts of the proposed General Plan and provides mitigation measures where appropriate. The City of Merced General Plan Update Traffic Analysis (Fehr and Peers, May 9, 2009) entailed technical analysis used as a basis for this section of the Draft EIR. Traffic count data and a summary of the traffic impact modeling are presented in Appendix K.

UTILITIES/SERVICES

The impacts of the proposed General Plan and proposed changes on existing City Master Plans, including water, sewer, and storm drainage, are evaluated. In addition, the projected demand for water and wastewater services, as well as storm drainage, solid waste, gas and electricity, and telecommunications will be addressed to the greatest extent possible. This section also addresses other potential issues associated with the extension of these services, including infrastructure improvements, plant expansion, and other related improvements.

GREENHOUSE GAS EMISSIONS (GLOBAL CLIMATE CHANGE)

This section of the EIR describes the environmental setting including the availability of scientific information and the sources of CO₂ emissions, describes the regulatory context, and discloses the proposed General Plan's potential impacts on greenhouse gas emissions and climate change including consideration of feasible mitigation measures that the proposed General Plan is incorporating to reduce those impacts.