

FINAL
ENVIRONMENTAL IMPACT REPORT
South Merced Community Plan
(Sch # 2006041164)



SOUTH MERCED COMMUNITY PLAN STUDY AREA

NOVEMBER 2007

Prepared for
City of Merced
678 West 18th Street
Merced, CA 95340

Prepared by
URS Corporation



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CHAPTER I:
Purpose of the Final EIR

Purpose of a Final Environmental Impact Report (Final EIR)

Prior to the approval of a project and certification of an EIR, the Lead Agency must prepare a Final EIR for consideration by the approving authority. A Final EIR consists of any revisions to the draft EIR (errata pages and/or additional analysis); any comments or recommendations made on the draft; a list of those persons, organizations, and public agencies providing comments; the responses given by the Lead Agency to any significant environmental points raised during the review process, and any other information deemed necessary by the Lead Agency.

The Draft EIR for the South Merced Community Plan (SCH # 2006041164), dated April 2007, was available for public comment from April 27, 2007 through June 11, 2007.

CHAPTER II:
Errata Pages

Errata Pages

Errata pages consist of corrections and additional analysis added to the Draft EIR based on comments received from agencies and the public. These changes can include correcting typographical errors, corrections to facts or figures, clarification of statements, and additional analyses to answer questions or provide additional information or update information. The following errata pages are included in the order in which they appear in the Draft EIR document.

The planning effort, content and future implementation of the planning document created for South Merced is one of a broad and general view. The document is not a “Specific Plan” as described in the California Government Code. The plan and environmental documents have been renamed to better reflect the general scope of the plan and the effort to create it. Therefore, the plan is properly referred to as the “South Merced Community Plan,” and the DEIR and Plan document have been amended to correctly describe it.

ES.1 EXECUTIVE SUMMARY

This document is a draft environmental impact report (EIR) analyzing the potential environmental effects of the South Merced ~~Specific-Community~~ Plan and is tiered from the Merced Vision 2015 General Plan EIR.

According to the *Merced Vision 2015 General Plan*, the South Merced area could benefit especially from improved neighborhood conditions, economic development, more defined land uses, coordinated infrastructure improvements, and expanded services. The *South Merced Strategic Plan* (City of Merced, 2003), accepted by the Merced City Council on January 20, 2004, describes the community's future vision for the South Merced area and outlines strategic implementation actions for achieving that vision. That Strategic Plan serves as the fundamental policy basis for the South Merced ~~Specific-Community~~ Plan.

The City of Merced proposes to adopt a ~~Specific-Community~~ Plan (~~SPCP~~) to revitalize and guide the future development of a 2,052-acre area in the southern portion of the City. The planning effort, content and future implementation of the planning document created for South Merced is one of a broad and general view. The *South Merced Community Plan* and associated Program Level DEIR was drafted as a general planning document; It is not meant to be treated or implemented as a "Specific Plan" as set forth in the California Government Code. The South Merced ~~Specific-Community~~ Plan (~~Specific-Community~~ Plan or ~~SMSP~~~~SMCP~~) involves planning for the development of specific land uses in the South Merced area. The project was defined in the adopted South Merced Strategic Plan (Strategic Plan) (City of Merced, 2003). The ~~Specific-Community~~ Plan area is located in the southern portion of Merced. The ~~Specific-Community~~ Plan study area is bounded on the north by Childs Avenue, by State Route (SR) 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west. See Figure II-1, Land-Use Concept, and Figure II-2, Topographic Map.

In April 1997, the City of Merced adopted the *Merced Vision 2015 General Plan* (GP) (City of Merced, 1997). The GP encompasses the entire City of Merced and its sphere of influence and, therefore, also covers the proposed SMSP area. The GP Environmental Impact Report (GP EIR) (City of Merced, 1997) (SCH# 95082050) that was prepared in conjunction with the GP analyzed the potential environmental impacts of the adoption and implementation of the GP, including impacts from land development in portions of the proposed ~~SMSP-SMCP~~ area.

This South Merced ~~Specific-Community~~ Plan EIR (~~SMSP-SMCP~~ EIR) is a program EIR that is tiered from the City's Merced Vision 2015 GP EIR. This ~~SMSP-SMCP~~ EIR focuses on the differences between land-use designations and policies contained in the proposed ~~Specific-Community~~ Plan and the land-use designations and policies in the City's GP for the ~~SMSP-SMCP~~ area. It also evaluates whether the changes in land-use designations and policies would result in new significant environmental impacts that were not addressed previously in the GP EIR. The Merced Vision 2015 General Plan EIR (City of Merced, 1997) is available for review at the City of Merced.

This ~~SMSP-SMCP~~ EIR is a program EIR that evaluates the environmental impacts of the proposed ~~Specific-Community~~ Plan at a program level. As specific development projects within the ~~SMSP-SMCP~~ area are proposed for construction, additional environmental review will be

conducted that will analyze the project-specific impacts of each development project. That project-level analysis will tier from both the GP EIR and this ~~SMSP-SMCP~~ EIR and will address those impacts that are not adequately addressed in these two program EIRs.

As directed by the City of Merced, the environmental analysis was conducted on an approximate of the proposed plan diagram. There are minor differences in the figures (dwelling units, land use acreages, etc) in the DEIR compared to the proposed plan.

ES.2 PROJECT DESCRIPTION

The project involves planning for the development of specific land uses to occur in the South Merced area as a result of the preparation of a ~~Specific-Community~~ Plan. The South Merced ~~Specific-Community~~ Plan study area comprises 2,052 acres and is bounded on the north by Childs Avenue, by SR 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west.

A total of 11 different land-use types are proposed for the ~~Specific-Community~~ Plan area based on the land-use concept developed for the ~~Specific-Community~~ Plan. These land use types are as follows:

- Agricultural
- Business Park
- Commercial – General
- Commercial – Neighborhood
- Commercial – Office
- Commercial – Regional
- Industrial
- Open Space / Park and Recreation
- Residential – Low Density
- Residential – Low to Medium Density
- Residential – Village
- School

1. AGRICULTURAL

The Agricultural land-use designation comprises 86 gross acres (65 net acres) of the ~~Specific-Community~~ Plan area. It is in the identified Merced Airport Runway Protection Zone, in the far southwestern corner of the ~~Specific-Community~~ Plan area. It essentially acts as a buffer and compatible use for the potential hazards associated with the airport landing areas.

2. BUSINESS PARK

The Business Park land-use designation comprises 123 gross acres (92 net acres) within the ~~Specific-Community~~ Plan area. The Floor Area Ratio (FAR) is 0.50. The estimated allowable square footage is 2,009,205. As shown on Figure II-1, the Business Park land uses are in several

areas: at the intersection of R Street and Gerard Avenue; next to the Commercial General strip along SR 59 and the intersection of West Dickenson Ferry Road; between B Street and Brantley Street; and at the intersection of Mission Avenue and SR 99.

3. COMMERCIAL – GENERAL

The Commercial General land-use designation comprises 123 gross acres (92 net acres) within the ~~Specific~~Community Plan area. The FAR is 0.25. The estimated allowable square footage is 1,004,603. As shown on Figure II-1, the Commercial General land-use designation is along the SR 59 corridor.

4. COMMERCIAL – NEIGHBORHOOD

The Commercial Neighborhood land-use designation comprises 20 gross acres (15 net acres) within the ~~Specific~~Community Plan area. The FAR is 0.25. The estimated allowable square footage is 163,350. As shown on Figure II-1, the Commercial Neighborhood land-use designation is in two areas: next to the Commercial General strip along SR 59 and the intersection with West Dickenson Ferry Road; and at the village concept, near the intersection of Brantley Street and Mission Avenue.

5. COMMERCIAL – OFFICE

The Commercial Office land-use designation comprises 13 gross acres (10 net acres) within the ~~Specific~~Community Plan area. The FAR is 0.25. The estimated allowable square footage is 106,178. As shown on Figure II-1, the Commercial Office land-use designation is in two areas: next to the Commercial General strip along SR 59 and the intersection of West Dickenson Ferry Road; and at the village concept, near the intersection of Brantley Street and Mission Avenue.

6. COMMERCIAL – REGIONAL

The Commercial Regional land-use designation comprises 41 gross acres (31 net acres) within the ~~Specific~~Community Plan area. The FAR is 0.25. The estimated allowable square footage is 334,868. As shown on Figure II-1, the Commercial Regional land-use designation is along the southern edge of the ~~Specific~~Community Plan area – on the corner of Henry and Mission Avenue.

7. INDUSTRIAL

The Industrial land-use designation comprises 352 gross acres (264 net acres) within the ~~Specific~~Community Plan area. The FAR is 0.50. The estimated allowable square footage is 5,749,920. Locating the majority of this land-use type in the southwest portion of the planning area is important because that portion of the planning area is within the Merced Airport Runway Protection Zone, the Approach/Departure Zone, and the Extended Approach/Departure Zone. Each of these zones has limitations regarding what types and intensities can be used. The other location for Industrial land use is proposed in the southeastern corner of the Plan area, between Henry Street and SR 99.

8. OPEN SPACE/PARK AND RECREATION

The Open Space/Park Recreation land-use designation comprises 74 gross acres (56 net acres) within the ~~Specific-Community~~ Plan area. Open Space/Park use locations are most commonly located near residential areas. The only cemetery use is located at SR 59 and Childs Avenue.

9. RESIDENTIAL-LOW DENSITY

The Residential-Low Density land-use designation comprises 888 gross acres (666 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are seven. The estimated allowable number of development units is 4,662. Most of this land-use type is found between SR 99 and Tyler Road. Residential-Low Density is also found between West Avenue and SR 99, primarily north of Gerard Avenue.

10. RESIDENTIAL-LOW TO MEDIUM DENSITY

The Residential-Low to Medium Density land-use designation comprises 89 gross acres (67 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are 12. The estimated allowable number of development units is 801. Most of this land-use type is found in pockets near “village concepts”—at the intersection of M Street and Childs Avenue, flanking the main village concept between Tyler Road and Henry Street, just north of Mission Avenue.

11. VILLAGE RESIDENTIAL

The Village Residential land-use designation comprises 117 gross acres (88 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are 18. The estimated allowable number of development units is 1,580. Most of this land-use type is found between SR 99 and Tyler Road, just north of Mission Avenue, and constitutes the heart of the “village” development located between Tyler Road and Henry Street, just north of Mission Avenue.

12. SCHOOL

The School land-use designation comprises 29 gross acres (22 net acres) of the ~~Specific-Community~~ Plan area. School sites have specific requirements for their location, and the most common and non-conflicting neighboring land use is Residential. The existing school site is at the intersection of N Street and Childs Avenue. The recently approved school site is located at the intersection of G Street and Mission Avenue.

ES.3 PUBLIC AND AGENCY INVOLVMENT

The City of Merced (Lead Agency) distributed a Notice of Preparation (NOP) of an EIR for the South Merced ~~Specific-Community~~ Plan project. The NOP was sent to approximately 60 agencies and individuals on April 25th, 2006. The NOP announced a public information/scoping meeting for May 18th, 2006, and requested that comments on the content of the EIR be submitted by May 26th, 2006. Issues raised at the meetings and in comment letters are discussed in each section of Chapter 4, Discussion of Environmental Impacts. Public review of the Draft EIR was

When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

The "No Project" Alternative is the continuation of the existing General Plan. The projected impacts of the proposed plan or alternative plans will be compared to the impacts that would occur under the existing plan.

After defining the No Project Alternative using one of these approaches, the analyses of possible impacts of the No Project Alternative was conducted by projecting what could reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

These changes would result in lower employment opportunities within the South Merced area, which might increase the distance traveled by local residents to their place of employment. Traffic congestion would be reduced at major intersections. The visual character of undeveloped land might remain consistent with existing conditions. Little medium-density and no high-density housing developments would take place. Impacts on schools, public services and facilities, and utilities would be less than for the South Merced ~~Specific-Community~~ Plan land-use concept.

The "No-Project" Alternative is the environmentally superior alternative and is the preferred alternative, compared to Alternative 2.

B. Alternative 2 – Low-Density Residential Development

The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making

Alternative 2 would reduce the amount of acreage designated for Commercial Office (from 13 to 3 acres), Residential Medium Density (from 89 to 28 acres), Regional Commercial (from 41 to none) High Density Residential (from 117 to none), and Industrial (from 351 to 273). At the same time, it would increase acreage available for Neighborhood Commercial (from 20 to 45 acres) and Residential Low Density designations (from 989 to 1,266 acres). These changes would result in lower employment opportunities within the South Merced area, which might increase the distance traveled by local residents to their place of employment. Traffic congestion would be reduced at major intersections. The visual character of undeveloped land might remain consistent with existing conditions. Little medium-density and no high-density housing developments would take place. Impacts on schools, public services and facilities, and utilities would be less than for the South Merced ~~Specific-Community~~ Plan land-use concept.

The reduced density project alternative would reduce the density of development, thereby reducing the traffic and air quality impacts through reduced motor vehicle trips being generated by the project.

Comparing the significant effects of the proposed project to Alternative 2, anticipated impacts to traffic and air quality would be reduced, given the overall reduction in scale of the project. Although less than the impacts from the ~~Specific-Community~~ Plan, the traffic increase would still require traffic improvements. The vehicle emissions would still surpass the threshold set by the SJVAPCD and would still be considered a significant air quality impact, though to a lesser degree than the proposed project. Although the reduction in air quality and traffic impacts from the ~~Specific-Community~~ Plan would be reduced, overall, continued development in South Merced at a lower density would require additional land for the city to accommodate the projected population anticipated in the General Plan. Developing at a lower density would generate an increase, in motor vehicle trips, over development at the proposed density, negating any short-term air quality improvement.

If the overall scope of the project is reduced in this way, it will not be possible to develop the project as proposed. This would fail to achieve one of the primary objectives of the project from the city’s perspective and would achieve something less than the property’s full development potential. With respect to the City’s objectives of developing the project at higher densities than currently planned, requiring less dense development would be in direct conflict with the city’s objective. Less dense development also would reduce the ability to develop more pedestrian-friendly neighborhoods and transit-oriented development. Furthermore, since this reduced project alternative would not, overall, avoid or substantially reduce environmental impacts when compared to the project as proposed, and since it would be much less effective in achieving the project objectives, it is not being pursued.

Comparison of Environmental Impacts for No Project (Alternative 1) and Low-Density Residential Development (Alternative 2)

Impact	Alternative 1	Alternative 2	Comments
Air Quality	-	-	Although fewer dwelling units proposed under Alternative 2 results in approximately half the traffic because of the mix of land uses and inclusion of alternative forms of transportation.
Biological Resources	-	0	Same acreage of biological resources impacted under each Alternative and the project.
Cultural Resources	-	0	Same acreage of cultural resources impacted under each Alternative and the project.
Hazards and Hazardous Materials	-	-	Not a significant impact under any Alternative or the project.
Land Use and Planning	0	+	Project would proceed under the City of Merced General Plan, with corresponding unresolved issues in land use conflicts such as residential uses in sensitive airport influence zones and lack of commercial services for residents.
Noise	-	0	Although fewer dwelling units in Alternative 2, the amount of traffic on roads is assumed to exceed threshold resulting in same noise impacts from traffic.
Transportation/Traffic	0	-	Under Alternative 1 – no project, the project would

TABLE I-1
Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact AQ-2: Construction emissions See Chapter IV, Section A</p>	<p>Mitigation Measure AQ-2: NO_x and ROG construction equipment emissions from construction sites will be reduced by complying with construction vehicle air pollutant control strategies developed, recommended and enforced by the SJVAPCD. Contractors will be required to list the recommended emission reducing strategies on construction contracts or other forms acceptable to the SJVAPCD. Such strategies may include the following requirements or measures shown to be equally effective:</p> <ul style="list-style-type: none"> i. Use of alternative fueled or catalyst-equipped diesel construction equipment; ii. Minimize idling time (e.g., 10 minute maximum); iii. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use; iv. Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set); v. Curtail construction during periods of high ambient pollutant concentrations (this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways); and vi. <u>Require all diesel engines to be shut off when not in use;</u> vii. <u>If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off;</u> viii. <u>Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel</u> 	<p>Less than Significant</p>

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<p><u>Impact AO-5: (Operational Impact)</u> See <u>Chapter IV, Section A</u></p>	<p><u>engines; and</u> ix. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).</p>	
<p>Impact BIO-1: Sensitive Biological Lands. Implementation of the Specific-Community Plan could result in the permanent and/or temporary loss of substantial amounts (defined as 10 acres or more by the City of Merced) of wetlands, permanent marshes, riparian habitats, vernal pools, and oak woodlands.</p>	<p>Mitigation Measure AO-5: <u>A Health Risk Assessment (HRA) will be performed, in conjunction with the District’s requirement for a risk management review (RMR) to analyze the health risk for all commercial and industrial project related sources including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicles), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).</u></p>	<p><u>Less than Significant</u></p>
<p>Impact BIO-1: Sensitive Biological Lands. Focused surveys, including floristic surveys, targeted wildlife surveys, and CWA 401, 404, and California Fish and Game Code 1600 (<i>et seq.</i>) jurisdictional delineations shall be required prior to initiating any development or other site-disturbance activity to avoid and minimize adverse impacts to sensitive biological lands (e.g., vernal pools, riparian areas, and wildlife corridors) to the maximum extent practicable pursuant to Merced Vision 2015 General Plan Policy OS-1.1.</p> <p>i. If present and practicable, impacts to sensitive biological lands will be avoided with the use of a minimum setback to maintain the biological and hydrological (when applicable) integrity of sensitive biological lands.</p> <p>ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts <u>by securing all</u></p>		<p>Less than Significant</p>

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Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact BIO-2: <i>Special-Status Species</i>. Implementation of the Special-Community Plan could have an adverse effect on special-status species (e.g., mortality, destruction, etc.) and result in the loss of breeding, foraging, dispersal, and refuge habitats as a result of development and ground disturbing activities.</p>	<p><u>obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS). through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, USFWS, and USACE) to secure all obligatory discretionary permits and development authorization.</u></p> <p>iii. <u>Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.</u></p> <p>At a minimum, development activities that result in loss of sensitive biological lands will be compensated for on a one-to-one (1:1) impact to mitigation ratio to ensure a no-net-loss standard within Merced County.</p>	<p>Less than Significant</p>
<p>Impact BIO-2: <i>Special-Status Species</i>. Implementation of the Special-Community Plan could have an adverse effect on special-status species (e.g., mortality, destruction, etc.) and result in the loss of breeding, foraging, dispersal, and refuge habitats as a result of development and ground disturbing activities.</p>	<p>Mitigation BIO-2: <i>Special-Status Species</i>. Projects will be required to include the following measures to assure no substantial adverse effect on local, state, or federally-protected plant or wildlife species result form the Project. Developers will also be required to include focused surveys for the presence or absence of state and federal ESA-protected species and the habitats upon which they depend.</p> <p>i. If present and practicable, impacts to state and federal ESA protected species, and their habitats will be avoided by implementing environmental awareness programs for project staff, the designation of</p>	<p>Less than Significant</p>

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	<p>environmental inspectors/monitors who will have the authority to redirect non-emergency activities that might harm state and federally-protected species, limiting development activities to prescribed areas, and avoiding introduction of non-native species.</p> <p>ii. If avoidance of ESA or other special-status species is not practicable, the developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtain all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) to-sectete.</p> <p>iii. <u>Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.</u></p> <p>iv. Specific mitigation measures are suggested below for burrowing owl, <u>giant garter snake</u>, vernal pool branchiopods, and special-status plants:</p> <p><i>Burrowing Owl and Swainson’s Hawk</i></p> <p>1. <u>Surveys by a qualified biologist for lands and species shall include an impact assessment of burrowing owl and Swainson’s hawk foraging and nesting habitat. The biological assessment report will contain recommend mitigation measures, such as those listed below, to reduce potential significant impacts to nests and habitat to less-than-</u></p>	

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Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
	<p><u>significant.</u></p> <ol style="list-style-type: none"> 2. Projects will conduct pre-development surveys to following CDFG guidelines. If no active avian nests are identified on or within 250 feet of the development site, no further mitigation would be required. 3. If active nests are located, development would be delayed within the buffer zone until the young have fledged or appropriate mitigation measures have been developed in consultation with appropriate resource agencies. 4. In the case of burrowing owls, burrows would be avoided or passive exclusion and relocation techniques would be implemented following CDFG guidance to the maximum extent practicable. 5. In the case of Swainson’s hawks, informal consultations with CDFG will be initiated to determine appropriate actions necessary to protect the nest site until the young have fledged and begin foraging independently. <p><u>Giant Garter Snake</u></p> <p>Focused surveys by a qualified biologist for lands and species shall include an assessment of habitat for the Giant Garter Snake. Such surveys and associated biological assessment reports will contain recommend mitigation measures to reduce significant impacts to less-than-significant. Such measures will include the following:</p> <p><u>All construction activities within snake habitat shall be conducted</u></p>	

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	<p><u>between May 1 and October 1 to fall within the activity period of the snake. The United States Fish and Wildlife Service's Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat</u> shall be followed and surveys shall be conducted by qualified biologist(s) 24-hours prior to the start of construction.</p> <p>Vernal Pool Branchiopods</p> <ol style="list-style-type: none"> Field surveys for vernal pool branchiopods will be conducted following USFWS “Interim Survey Guidelines for Recovery Permits for Vernal Pool Branchiopods” to the maximum extent practicable in consultation with all applicable agencies (e.g., USFWS and CDFG). If present and practicable, impacts to vernal pool species and habitats will be avoided with the use of a minimum setback. If avoidance is not practicable, developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS), through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, USFWS) to secure all obligatory discretionary permits and development authorization. Developers shall submit to the City Building Division notification of the determination from the USACE regarding fill of the site and CDFG / USFWS for take 	

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Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
	<p>of listed species prior to issuance of grading permits.</p> <p>4. Activities that result in loss of vernal pool habitats will at a minimum be compensated for on a 1:1 impact to mitigation ratio to ensure a no-net-loss standard within Merced County.</p> <p><i>Special-Status Plant Species</i></p> <p>1. Pre-development surveys will be performed to detect the presence of special-status plant species within the project areas.</p> <p>2. If present and practicable, impacts to special-status plant species and habitats will be avoided with the use of a minimum setback.</p> <p>3.If avoidance is not practicable, applicants will be obligated to minimize and compensate for adverse impacts <u>by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS), through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, and USFWS);</u></p> <p>4.In areas subject to development, special status perennial plants will be salvaged for transplantation following established protocols.</p> <p>5.For special status annual plants, seeds will be collected from populations prior to the loss of the populations due to development.</p>	<p> </p>

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Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact BIO-3: Migratory Bird Treaty Act and California Fish and Game Code 3500 (et seq.) Protected Species. Implementation of the Specific-Community Plan could result in the direct loss of nesting habitats or temporarily deter residential and migratory avian species and raptors that have the potential to breed and forage within the study area.</p>	<p>6. Salvage plants and collected seeds will be planted and dispersed within suitable habitat not currently occupied by the affected plant species, to avoid impacts on the genetic composition of existing populations.</p> <p>Mitigation BIO-3: Migratory Bird Treaty Act and California Fish and Game Code 3500 (et seq.) Protected Species. Projects will be required to include the following measures to assure no substantial adverse effect on any nesting habitats or foraging areas for residential and migratory species.</p> <ul style="list-style-type: none"> i. A qualified biologist will conduct a nesting bird and raptor survey prior to any vegetation-clearing activities. Surveys will occur within 72 hours prior to initiation of physical ground disturbance activities to document that no occupied passerines and/or raptor nests would be impacted. ii. Vegetation clearing activities will be completed prior to the onset of the avian breeding season beginning in March, to the maximum extent practicable, in order to greatly reduce or avoid adverse impacts to avian species. Clearing of vegetation prior to development activities would deter the majority of individuals from selecting nesting or breeding sites within the development areas. iii. Upon detection of an active nest within the project site or on immediately adjacent lands, a buffer zone from occupied nests will be maintained during physical ground disturbing activities. Once nesting has been determined to cease, the buffer may be removed. 	<p>Less than Significant</p>

TABLE I-1
Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact BIO-4: Creeks, Ditches, and Drainages. Implementation of the Specific-Community Plan could result in development or ground disturbing activities without adequate preservation and enhancement of creeks in their natural state throughout the study area.</p>	<p>Mitigation BIO-4: Creeks, Ditches, and Drainages. Projects will be required to avoid, minimize, and/or compensate for adverse impacts to Merced’s important natural urban creek system.</p> <p>i. If present and practicable, impacts to Merced’s important natural urban creek system will be avoided.</p> <p>ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts <u>by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS), through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, and USACE) to secure all obligatory discretionary permits and development authorization.</u></p> <p>ii. <u>Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.</u></p> <p>Local development authorization will obligate subsequent projects to:</p> <p>(1) avoid fencing and piping creeks to the maximum extent practicable, (2) conserve major creeks, riparian habitat, substantial woodlands or stands of trees and knolls as open space amenities when practicable, (3) engineer naturalized channelization improvements and pursue alternatives to concrete channeling of existing creeks and streams as part of any flood control project to support more natural</p>	<p>Less than Significant</p>

TABLE I-1

Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact CUL-6 The development of the South Merced urban development area has the potential to lead to the continual loss and destruction of cultural resources.</p>	<p>Mitigation CUL-6 Mitigation measures for direct impacts are anticipated to mitigate cumulative impacts to cultural resources to a <i>less than significant level</i>.</p>	<p>Less than Significant</p>
<p>Impact NOI-3 Existing residential uses will be located in areas adjacent to major roadways and subject to noise levels that are likely to exceed the City of Merced standard of 65 dBA.</p>	<p>Mitigation NOI-1 For residential or other sensitive land uses proximate to the arterials and major collector roads which will exceed City noise thresholds per Table IVF-2), noise mitigation may include a combination of building setbacks; the construction of noise barriers that may include a berm, wall, or combination of the two; and the siting of buildings to block traffic noise, to provide suitable outdoor living areas with Ldn values no higher than 65 dBA. Concurrent with submittal of an annexation or a tentative subdivision map for land already within the City, the applicant shall provide a project development plan based in part on a sound study that includes noise attenuation features, such as noise barriers, increased setbacks, building layout, floor-plan and architectural design, or a combination thereof. The sound study, prepared by an acoustical engineer, shall specify the features necessary to meet the City's adopted noise level standards (Noise Implementation Action N-1.4.a), and shall be submitted together with the proposed development plan.</p>	<p>Less than Significant</p>
<p>Impact TR-1 Conditions near the SR 99/Childs Avenue interchange will exceed the LOS D minimum. Projected daily traffic volumes on Childs Avenue near the SR 99 freeway exceed the capacity of the planned four-lane arterial. These volumes are indicative of the need to modify the interchange to provide additional capacity, as noted in the Specific-Community Plan goals and policies.</p>	<p>Mitigation TR-1 Development in the Specific-Community Plan area will contribute its fair share cost of modifying the SR 99/Childs Avenue interchange. The fair-share amount will be determined through specific traffic studies required at the annexation stage of entitlement. This contribution will be collected by the City and placed in a fund to be used specifically for said improvement. <u>As part of the next update to the City's Public Facility Financing Plan (PFFP), the need for a PSR for the Childs Avenue Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in</u></p>	<p>Less than Significant</p>

TABLE I-1

Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact TR-4 Traffic conditions on Childs Avenue between Brantley Street and the SR 99 interchange will exceed the LOS D minimum. The Childs Avenue interchange is a major access to the plan area. Even with development of a four lane arterial street, as envisioned in the plan, under the proposed project the year 2030 volume on the portion of Childs Avenue between Brantley Street and the interchange will exceed the LOS D threshold. LOS D conditions will, however, result under the Alternative land use plan.</p>	<p><u>the regional transportation planning efforts of the Merced County Association of Governments (MCAG).</u> Mitigation TR-4 Childs Avenue between Brantley Street and the SR 99 interchange will have to be widened to a six-lane arterial standard. With this level of improvement, the roadway will operate at LOS C. Alternatively, development of the Henry Street extension across SR 99 to Parsons Avenue or the Gerard Street crossing over SR 99 could reduce the volume of traffic on Childs Avenue to the point that a 6-lane section is not needed.</p>	<p>Less than Significant</p>
<p>Impact TR-5 Traffic conditions on Mission Avenue east of SR 99 will exceed LOS D. Development on the eastern side of the freeway is the primary cause of year 2030 traffic volumes that exceed the capacity of the four-lane roadway that is planned for construction in the near future. A six-lane section will be needed to deliver acceptable conditions on this expressway.</p>	<p>Mitigation TR-5 Development in the plan area will contribute its fair share to the cost of improving Mission Avenue east of SR 99 to six lanes through the City’s Public Facility Finance Fee program.</p>	<p>Less than Significant</p>
<p>Impact TR-6 Traffic conditions at the SR 99/SR 59 interchange will exceed the LOS D minimum. Projected daily traffic volumes on SR 59 near the SR 99 freeway exceed the capacity of the planned four-lane arterial. These volumes are indicative of the need to modify the interchange to</p>	<p>Mitigation TR-6 Development in the Specific Community Plan area will contribute its fair share to the cost of modifying the SR 99/SR 59 interchange to meet minimum level of service standards. As part of the next update to the City’s Public Facility Financing Plan (PFFP), the need for a PSR for the SR59/SR99 Interchange will be identified so that Public Facilities Impact fees can be collected for such use.</p>	<p>Less than Significant</p>

TABLE I-1

Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>provide additional capacity, as noted in the Specific <u>Community Plan</u> goals and policies.</p>	<p>Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).</p>	<p>Less than Significant</p>
<p>Impact TR-9 Traffic conditions on G Street from 13th Avenue to Childs Avenue will exceed LOS D. This two-lane segment of G Street can be widened to include either an “urban collector” or four-lanes. Widening to four lanes or use of an “urban collector” with access permitted no closer than every 1/8 mile will be needed to achieve LOS D under the Specific-Community <u>Community Plan</u>.</p>	<p>Mitigation TR-9 Widening to four lanes or use of an “urban collector” with access permitted no closer than every 1/8 mile will be needed to achieve LOS D under the Specific <u>Community Plan</u>. Development in the Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Less than Significant</p>
<p>Impact TR-11 Traffic conditions on B Street in the area from 13th Street to Childs Avenue will exceed the LOS D threshold. This portion of B Street will operate at an LOS in excess of the City standard under the Specific-Community <u>Community Plan</u>. Theoretically, this roadway segment will have to be widened to four lanes to deliver LOS D or better conditions.</p>	<p>Mitigation TR-11 Widen this segment to four lanes using a special cross-section to fit the improvements within the 80-foot right of way that exists. Development in the Specific-Community <u>Community Plan</u> area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Less than Significant</p>
<p>Impact TR-12 Intersections in and near the plan area will meet warrants for signalization. Comparison of projected daily traffic volumes with Caltrans warrants for signalization suggests that in addition to the locations noted in the circulation</p>	<p>Mitigation TR-12 Development in the plan area will contribute its fair share to the cost of traffic signals at the locations identified in the circulation plan and at the following intersections:</p>	<p>Less than Significant</p>

TABLE I-1

Summary of Potential Impacts that Can Be Mitigated – Category 1

Items in Category 1 represent potential environmental impacts that can be fully mitigated, as described in the California Environmental Quality Act (CEQA) Section 21081(a)(1).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>plan, the following intersections are likely to require signalization by the year 2030.</p> <ul style="list-style-type: none"> i. Childs Avenue / M Street ii. East 13th Street / G Street iii. East 13th Street / B Street iv. East 15th Street / S Street v. East 15th Street / B Street 	<ul style="list-style-type: none"> i. Childs Avenue / M Street ii. East 13th Street / G Street iii. East 13th Street / B Street iv. East 15th Street/S Street v. East 15th Street/B Street 	
<p>Impact TR-13 <u>The traffic impacts listed in this section under e. Significant Direct Impacts are based on the growth anticipated in both the City of Merced General Plan and the County General Plan, and the development of this project, as calculated in the MCAG traffic model. Therefore, the cumulative impacts of the project are those listed under Direct Impacts. The mitigation required to reduce impacts to a less than significant impact, or where mitigation is not feasible and the impact has been determined significant, are described for each impact.</u></p>	<p>Mitigation Measure TR-13 <u>The City will update the Public Facility Finance Plan to include all listed improvement needs of the South Merced Community Plan and associated Environmental Impact Report. Until such time as this is accomplished, the City will require contribution of traffic impact fees from new development in the planning area. The impacts and fees will be determined through traffic studies required of project applicants. In most cases, this will occur at the annexation phase of development or through subsequent reviews if the site is already annexed.</u></p>	<p>Less than Significant</p>
<p>Impact PS-2 Implementation of the Specific-Community Plan may conflict with adopted public service goals for the City relative to police services.</p>	<p>Mitigation PS-2 Additional officers will be hired as required, and all development within the Specific-Community Plan area will participate in a Community Facilities District to fund a portion of these additional costs. As a condition of development, applicants pursuant to the Specific-Community Plan will be required to pay this fee at the time building permits are issued.</p>	<p>Less than Significant</p>
<p>Impact PS-3 The Specific-Community Plan may create additional utility service demands in excess of projected supply relative to water.</p>	<p>Mitigation PS-3 Implementation of General Plan Policies P-1.1, P-1.2, P-1.3, P-2.1.e, P-3.1, and P-3.2 and SP S-4.2.a will assist in accommodating the additional water demand. The City will construct wells as needed using funds provided for through</p>	<p>Less than Significant</p>

TABLE I-2
Summary of Potential Impacts that are the Responsibility of Another Agency – Category 2

Items in Category 2 represent potential environmental impacts for which mitigation is the responsibility of another jurisdiction, as described in CEQA Section 21081(a)(2).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Highway 99/Childs Interchange</p> <p>Impact-TR-7</p> <p>Traffic conditions on SR-59 from SR-99 to Gerard Avenue will exceed LOS-D. SR-59 links the project area with SR-99 and with downtown Merced. While the Specific Plan's circulation plan envisions a four-lane arterial street, forecast volumes in the area north of Gerard Avenue are indicative of conditions in excess of LOS-D at four lanes</p>	<p>N/A</p> <p>Mitigation-TR-7</p> <p>Work with Caltrans and Merced County Association of Governments to widen SR-59 to six lanes from SR-99 to Gerard Avenue. Projects within the planning area will be required to contribute a fair share to the cost of modifying this highway.</p>	<p>N/A</p> <p>N/A</p>

TABLE I-3
 Summary of Potential Impacts that Cannot Be Fully Mitigated – Category 3

Items in this category represent potential impacts that may require mitigation measures, but those measures cannot reduce impacts to a level below significance, or the mitigation measures or alternatives are infeasible due to specific economic, legal, social, technological or other considerations, as described in CEQA Section 21081(a)(3).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact AG-1 Implementation of the Specific-Community Plan will not result in the conversion of additional prime agricultural land to non-agricultural uses that were not previously identified in the <i>Merced Vision 2015 General Plan</i>. <u>The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated.</u> That General Plan identified the prime agricultural land of the Specific-Community Plan and addressed the potential impact of the loss of these lands. This impact is less than significant <u>considered significant and unavoidable.</u></p> <p>Impact AG-2 Implementation of the Specific-Community Plan will impair the productivity of prime agricultural land; however, this was identified in the Merced Vision 2015 GP EIR, and a Statement of Overriding Considerations was adopted for this impact. <u>The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated.</u> Although the proposed Specific Community Plan will not impact any additional prime agricultural lands that were identified in the GP EIR; therefore, impacts to agricultural resources are considered less than significant and unavoidable.</p>	<p>Mitigation Measure AG-1 Several goals and policies identified in the <i>Merced Vision 2015 General Plan</i>, as discussed in 1G above, will be incorporated into the Specific-Community Plan to further minimize impacts on agricultural resources. With the incorporation of these policies and the Statement of Overriding Considerations adopted in conjunction with the approval of the Merced Vision 2015 GP EIR, no additional mitigation measures are required.</p>	<p>Less than Significant <u>Significant and Unavoidable</u></p>

TABLE I-3

Summary of Potential Impacts that Cannot Be Fully Mitigated – Category 3

Items in this category represent potential impacts that may require mitigation measures, but those measures cannot reduce impacts to a level below significance, or the mitigation measures or alternatives are infeasible due to specific economic, legal, social, technological or other considerations, as described in CEQA Section 21081(a)(3).

Significant, Adverse Impact	Mitigation Measures	Significance After Mitigation
<p>Impact AG-3</p> <p>Implementation of the Specific Plan will comply with adopted City policies, which include the promotion of compact urban development and the preservation of agricultural resources in identified areas. Specifically, incorporation of GP Policy OS-2.1.c, which “minimize[s] conflict between agricultural and urban uses by requiring buffers, such as landscape areas, roadways or creeks to separate these uses,” will be implemented through the use of Mission Avenue, a 128-foot right-of-way for a future arterial street, as a buffer between residential development in the planning area and agricultural uses to the south. With the incorporation of adopted policies, impacts to agricultural resources are considered <i>less than significant</i>.</p>		
<p>Impact TR-7</p> <p>Traffic conditions on SR 99 from SR 99 to Gerard Avenue will exceed LOS D. SR 99 links the project area with SR 99 and with downtown Merced. While the Community Plan’s circulation plan envisions a four-lane arterial street, forecast volumes in the area north of Gerard Avenue are indicative of conditions in excess of LOS D at four lanes</p>	<p>Mitigation TR-7</p> <p><u>Work with Caltrans and Merced County Association of Governments to widen SR 99 to six lanes from SR 99 to Gerard Avenue. Projects within the planning area will be required to contribute a fair share to the cost of modifying this highway.</u></p>	<p><u>N/A</u></p>

TABLE I-4
Summary of Potential Effects that Have Been Found Not To Be Significant – Category 4

Items in Category 4 represent potential environmental effects that were found not to be significant. Therefore, in accordance with Section 15128 of the CEQA Guidelines, no mitigation measures are required.

Impact	Mitigation Measures	Significance After Mitigation
Impact AQ-4: CO Emissions	None Required	Unknown
Impact AQ-5: HAP Emissions	None Required	Less than Significant
Impact HAZ-1 The Specific-Community Plan would involve the transport or disposal of hazardous materials, which could be accidentally released within one-quarter mile of an existing school or proposed school sites under the Specific-Community Plan. Two schools are located in the South Merced Specific-Community Plan area, Reyes Elementary School and Reyes Preschool. These schools are located at 123 South N Street. The nearest industrial land uses that are proposed under the Specific-Community Plan are over ½ mile southeast of these schools. None of the truck routes that would be serving these industrial land uses are located alongside these schools.	None Required	Less than Significant
Impact HAZ-2 The Specific-Community Plan will involve construction on a hazardous materials site (as identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5).	None required.	Less than Significant

TABLE I-4

Summary of Potential Effects that Have Been Found Not To Be Significant – Category 4

Items in Category 4 represent potential environmental effects that were found not to be significant. Therefore, in accordance with Section 15128 of the CEQA Guidelines, no mitigation measures are required.

Impact	Mitigation Measures	Significance After Mitigation
<p>All of the area within this portion of the Specific <u>Community</u> Plan will be designated for commercial, business park, or industrial uses. Noise thresholds for commercial, business park and industrial are found in Figure 10.6 of the <i>Merced Vision 2015 General Plan</i>. The noise thresholds shown in Figure 10.6 and the expected railroad noise do not provide a conflict. The railroad will not supply noise that exceeds any of the accepted limits. Thus, <i>railroad noise does not represent a significant impact.</i></p>	<p>None required.</p>	<p>Less than Significant</p>
<p>Impact NOI-5 The General Plan Noise Element indicates that the future (2010) 60 dBA CNEL contour will not extend into the Specific-Community Plan area, and the 55 dBA CNEL contour will extend approximately 200 feet into the far southwestern corner of the area. This portion of the Specific-Community Plan area is within the Runway Protection Zone for the airport, and the Specific <u>Community</u> Plan designates this area for agricultural uses compatible with this airport-related zone. The nearest designated residential uses in the Specific-Community Plan will be approximately 1,000 feet outside of the 60 dBA CNEL contour. For this reason, <i>airport noise does not represent a significant impact.</i></p>	<p>None required.</p>	<p>Less than Significant</p>
<p>Impact AG-3 Implementation of the Community Plan will comply with adopted City policies, which include the promotion of</p>	<p>None required.</p>	<p>Less than Significant</p>

TABLE I-4

Summary of Potential Effects that Have Been Found Not To Be Significant – Category 4

Items in Category 4 represent potential environmental effects that were found not to be significant. Therefore, in accordance with Section 15128 of the CEQA Guidelines, no mitigation measures are required.

Impact	Mitigation Measures	Significance After Mitigation
<p>a compact urban development and the preservation of agricultural resources in identified areas. Specifically, incorporation of GP Policy OS-2.1.c, which “minimize[s] conflict between agricultural and urban uses by requiring buffers, such as landscape areas, roadways or creeks to separate these uses,” will be implemented through the use of Mission Avenue, a 128-foot right of way for a future arterial street, as a buffer between residential development in the planning area and agricultural uses to the south. With the incorporation of adopted policies, impacts to agricultural resources are considered <i>less than significant</i>.</p> <p>Impact PS-1 Implementation of the Specific-Community Plan may conflict with adopted public service plans and goals for the City of Merced relative to fire protection.</p> <p>Impact PS-4</p> <p>The Specific-Community Plan may create additional utility service demands in excess of projected supply relative to wastewater collection and disposal. With implementation of GP Policies P-1.1, P-1.2, P-1.3, P-3.2.e, P-4.1.1, and P-4.2, and providing new service capacity to 20 mgd, impacts from the proposed Specific Plan on wastewater facilities are considered <i>less than significant</i>.</p> <p>Impact PS-5 The Specific-Community Plan may create additional utility service demands in excess of the projected supply</p>		
	<p>The listed mitigation is actually routine and part of the project by policy or procedure. As such, there is no impact and no need to mitigate.</p>	<p>Less than Significant</p>
	<p>The listed mitigation is actually routine and part of the project by policy or procedure. As such, there is no impact and no need to mitigate.</p>	<p>Less than Significant</p>
	<p>Mitigation PS-5 With implementation of GP Policies P-1.1, P-1.2, P-1.3, P-5.1, and P-5.2 and SP Policy I-1.1, impacts associated with increased storm water</p>	<p>Less than Significant</p>

A. PROPOSED ACTION**15123. Summary**

An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical. The summary shall identify: (1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect, (2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and (3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

The City of Merced proposes to adopt a ~~Specific-Community~~ Plan (~~SPCP~~) to revitalize and guide the future development of a 2,052-acre area in the southern portion of the City (see Figure I-1). The South Merced ~~Specific-Community~~ Plan (~~Specific-Community~~ Plan or ~~SMSPSMCP~~) involves planning for the development of specific land uses in the South Merced area. The project was defined in the adopted South Merced Strategic Plan (Strategic Plan) (City of Merced, 2003).

In April 1997, the City of Merced adopted the *Merced Vision 2015 General Plan* (GP) (City of Merced, 1997). The GP encompasses the entire City of Merced and its sphere of influence and, therefore, also covers the proposed SMSP area. The GP Environmental Impact Report (GP EIR) (City of Merced, 1997) (SCH# 95082050) that was prepared in conjunction with the GP analyzed the potential environmental impacts of the adoption and implementation of the GP, including impacts from land development in portions of the

proposed ~~SMSP-SMCP~~ area.

This South Merced ~~Specific-Community~~ Plan EIR (~~SMSP-SMCP~~ EIR) is a program EIR that is tiered from the City's Merced Vision 2015 GP EIR. This ~~SMSP-SMCP~~ EIR focuses on the differences between land-use designations and policies contained in the proposed ~~Specific-Community~~ Plan and the land-use designations and policies in the City's GP for the ~~SMSP-SMCP~~ area. It also evaluates whether the changes in land-use designations and policies would result in new significant environmental impacts that were not addressed previously in the GP EIR. The Merced Vision 2015 General Plan EIR (City of Merced, 1997b) is available for review at the City of Merced.

15168. Program EIR

- (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.
- (b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:
- (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action
 - (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,
 - (3) Avoid duplicative reconsideration of basic policy considerations,
 - (4) Allow the lead agency to consider broad policy alternatives and program wide mitigations measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
 - (5) Allow reduction in paperwork.

- (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.

This ~~SMSP-SMCP~~ EIR is a program EIR that evaluates the environmental impacts of the proposed ~~Specific-Community~~ Plan at a program level. As specific development projects within the ~~SMSP-SMCP~~ area are proposed for construction, additional environmental review will be conducted that will analyze the project-specific impacts of each development project. That project-level analysis will tier from both the GP EIR and this ~~SMSP-SMCP~~ EIR and will address those impacts that are not adequately addressed in these two program EIRs.

15152. Tiering

- (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.
- (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.

B. AREAS OF CONTROVERSY KNOWN TO THE LEAD AGENCY

Through the Notice of Preparation process and general community discussions, the City of Merced is aware of public concerns regarding:

- Agricultural Lands
- Land Use and Planning
- Biology
- Air Quality
- Traffic

The following information is presented in accordance with CEQA Guidelines Section 15124.

C. LOCATION AND BOUNDARIES

The ~~Specific-Community~~ Plan area is located in the southern portion of Merced. The ~~Specific-Community~~ Plan study area comprises 2,052 acres and is bounded on the north by Childs Avenue, by State Route (SR) 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west. See Figure II-1, Land-Use Concept, and Figure II-2, Topographic Map.

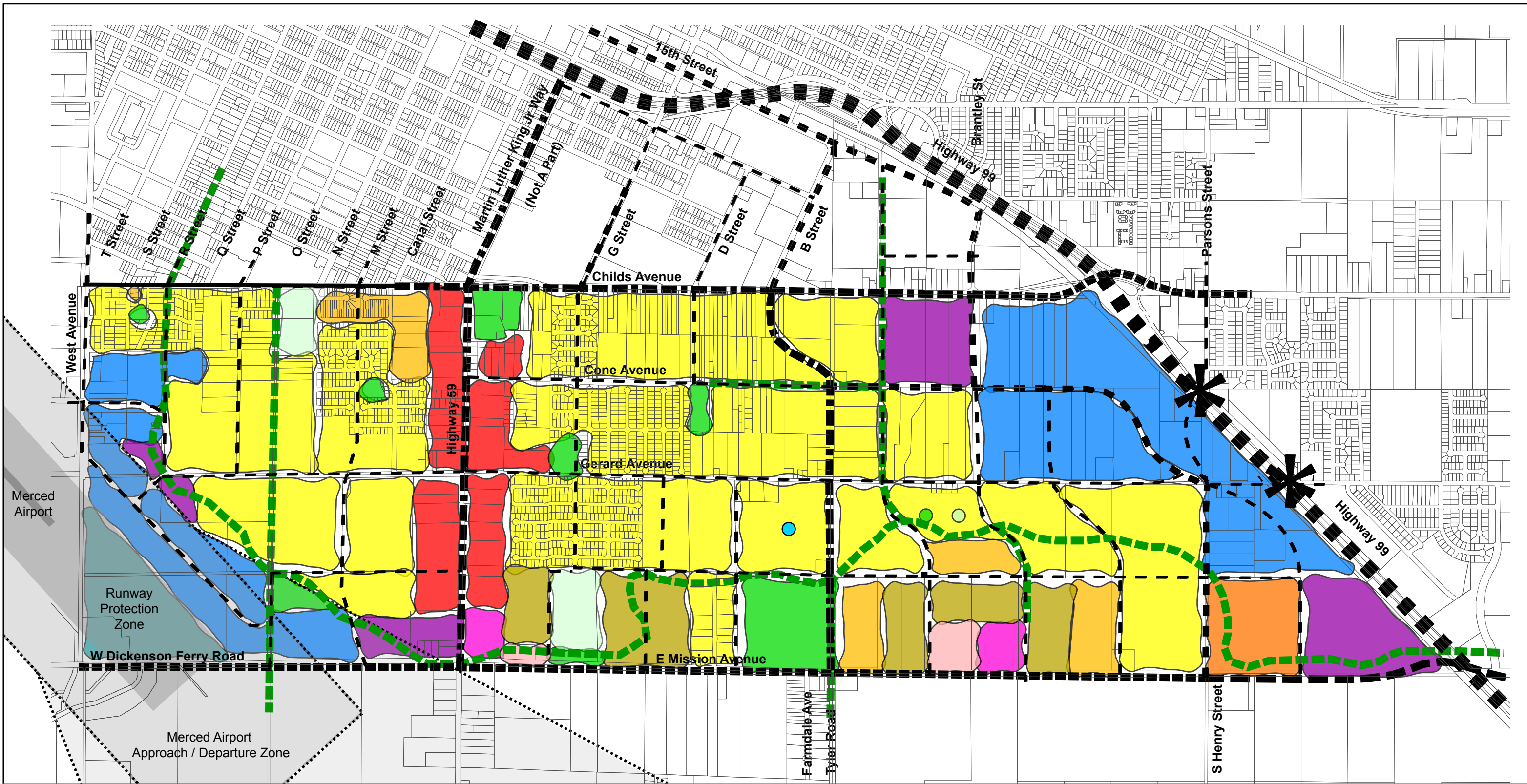
D. PROJECT OBJECTIVES

Section 15124(b) of the CEQA Guidelines indicates that “a clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid decision makers in preparing findings or a statement of overriding considerations, as necessary.” Objectives of the South Merced ~~Specific~~-Community Plan were derived from both the Merced General Plan, which specifically addresses land use and circulation issues for the South Merced area (see Table II-1), and the South Merced Strategic Plan, which added eight additional objectives (see Table II-2).

TABLE I-1

Project Objectives from the *Merced Vision 2015 General Plan (1997)*

1.	Specifically target South Merced as an area that needs more commercial retail and office development (Implementation Action 2.1.e).
2.	Special emphasis should be placed on encouraging the development of neighborhood commercial center(s) in the general vicinity of the South SR 59 corridor to serve the needs of South Merced residents (Implementation Action 2.6.b).
3.	Efforts should be made to encourage the development of a neighborhood commercial center(s) in Southeast Merced in the general area east of Parsons Avenue on Childs Avenue or Gerard Avenue (Implementation Action 2.6.d).
4.	Study options and opportunities for extending the off-street trail (pedestrian and bicycle path) system to and through those portions of the City of Merced south of SR 99 (Implementation Action 2.4.b).
5.	Explore the feasibility of creating some scenic corridors in South Merced through the use of special landscaping standards (Implementation Action 1.3.d).
6.	Develop an off-street bikeway and trail system in South Merced (Implementation Action 3.2.e).
7.	Consider and review the “Urban Villages” concept for feasibility for implementation within South Merced (Specific -Community Plan Guiding Principle 1).



SOUTH MERCED COMMUNITY PLAN - LAND USE CONCEPT

Figure I-2

Prepared map by permission of the City of Merced. 2005.



LEGEND

- | | | | | | | |
|-----------------------------|---------------------------------|------------------------------|-------------------------------------|----------------------|-------------------|---------------|
| Airport Flight Zone | Agricultural | Commercial - Neighborhood | Residential - Low Density | Floating Park Site | Major Arterial | Local |
| Linear Open Space / Pathway | Business Park | Commercial - Office | Residential - Low to Medium Density | Floating School Site | Minor Arterial | N
W E
S |
| Proposed Freeway Overpass | Commercial - Regional Community | Industrial | Residential - Village | Floating High School | Major Collector | Not to Scale |
| | Commercial - General | Open Space / Park Recreation | School | Highway 99 | Minor Collector 2 | |

A. PROJECT CHARACTERISTICS

Section 15124(c) of the CEQA Guidelines requires the Project Description to include: “a general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposal if any and supporting public services facilities.” These characteristics are as follows.

The project involves planning for the development of specific land uses to occur in the South Merced area as a result of the preparation of a ~~Specific-Community~~ Plan. The South Merced ~~Specific-Community~~ Plan study area comprises 2,052 acres and is bounded on the north by Childs Avenue, by SR 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west.

A total of 11 different land-use types are proposed for the ~~Specific-Community~~ Plan area based on the land-use concept developed for the ~~Specific-Community~~ Plan (see Figure II-1). These land use types are as follows:

- Agricultural
- Business Park
- Commercial – General
- Commercial – Neighborhood
- Commercial – Office
- Commercial – Regional
- Industrial
- Open Space / Park and Recreation
- Residential – Low Density
- Residential – Low to Medium Density
- Residential – Village
- School

The environmental analysis is an approximate of the plan and that there is a slight difference in the assumed figures (dwelling units, land use acreages, etc).

1. AGRICULTURAL

The Agricultural land-use designation comprises 86 gross acres (65 net acres) of the ~~Specific-Community~~ Plan area. It is in the identified Merced Airport Runway Protection Zone, in the far southwestern corner of the ~~Specific-Community~~ Plan area. It essentially acts as a buffer and compatible use for the potential hazards associated with the airport landing areas.

2. BUSINESS PARK

The Business Park land-use designation comprises 123 gross acres (92 net acres) within the ~~Specific-Community~~ Plan area. The Floor Area Ratio (FAR) is 0.50. The estimated allowable

square footage is 2,009,205. As shown on Figure II-1, the Business Park land uses are in several areas: at the intersection of R Street and Gerard Avenue; next to the Commercial General strip along SR 59 and the intersection of West Dickenson Ferry Road; between B Street and Brantley Street; and at the intersection of Mission Avenue and SR 99.

3. COMMERCIAL – GENERAL

The Commercial General land-use designation comprises 123 gross acres (92 net acres) within the ~~Specific-Community~~ Plan area. The FAR is 0.25. The estimated allowable square footage is 1,004,603. As shown on Figure II-1, the Commercial General land-use designation is along the SR 59 corridor.

4. COMMERCIAL – NEIGHBORHOOD

The Commercial Neighborhood land-use designation comprises 20 gross acres (15 net acres) within the ~~Specific-Community~~ Plan area. The FAR is 0.25. The estimated allowable square footage is 163,350. As shown on Figure II-1, the Commercial Neighborhood land-use designation is in two areas: next to the Commercial General strip along SR 59 and the intersection with West Dickenson Ferry Road; and at the village concept, near the intersection of Brantley Street and Mission Avenue.

5. COMMERCIAL – OFFICE

The Commercial Office land-use designation comprises 13 gross acres (10 net acres) within the ~~Specific-Community~~ Plan area. The FAR is 0.25. The estimated allowable square footage is 106,178. As shown on Figure II-1, the Commercial Office land-use designation is in two areas: next to the Commercial General strip along SR 59 and the intersection of West Dickenson Ferry Road; and at the village concept, near the intersection of Brantley Street and Mission Avenue.

6. COMMERCIAL – REGIONAL

The Commercial Regional land-use designation comprises 41 gross acres (31 net acres) within the ~~Specific-Community~~ Plan area. The FAR is 0.25. The estimated allowable square footage is 334,868. As shown on Figure II-1, the Commercial Regional land-use designation is along the southern edge of the ~~Specific-Community~~ Plan area – on the corner of Henry and Mission Avenue.

7. INDUSTRIAL

The Industrial land-use designation comprises 352 gross acres (264 net acres) within the ~~Specific-Community~~ Plan area. The FAR is 0.50. The estimated allowable square footage is 5,749,920. Locating the majority of this land-use type in the southwest portion of the planning area is important because that portion of the planning area is within the Merced Airport Runway Protection Zone, the Approach/Departure Zone, and the Extended Approach/Departure Zone.

Each of these zones has limitations regarding what types and intensities can be used. The other location for Industrial land use is proposed in the southeastern corner of the Plan area, between Henry Street and SR 99.

8. OPEN SPACE/PARK AND RECREATION

The Open Space/Park Recreation land-use designation comprises 74 gross acres (56 net acres) within the ~~Specific-Community~~ Plan area. Open Space/Park use locations are most commonly located near residential areas. The only cemetery use is located at SR 59 and Childs Avenue.

9. RESIDENTIAL-LOW DENSITY

The Residential-Low Density land-use designation comprises 888 gross acres (666 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are seven. The estimated allowable number of development units is 4,662. Most of this land-use type is found between SR 99 and Tyler Road. Residential-Low Density is also found between West Avenue and SR 99, primarily north of Gerard Avenue.

10. RESIDENTIAL-LOW TO MEDIUM DENSITY

The Residential-Low to Medium Density land-use designation comprises 89 gross acres (67 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are 12. The estimated allowable number of development units is 801. Most of this land-use type is found in pockets near “village concepts”—at the intersection of M Street and Childs Avenue, flanking the main village concept between Tyler Road and Henry Street, just north of Mission Avenue.

11. VILLAGE RESIDENTIAL

The Village Residential land-use designation comprises 117 gross acres (88 net acres) within the ~~Specific-Community~~ Plan area. The development units per acre are 18. The estimated allowable number of development units is 1,580. Most of this land-use type is found between SR 99 and Tyler Road, just north of Mission Avenue, and constitutes the heart of the “village” development located between Tyler Road and Henry Street, just north of Mission Avenue.

12. SCHOOL

The School land-use designation comprises 29 gross acres (22 net acres) of the ~~Specific-Community~~ Plan area. School sites have specific requirements for their location, and the most common and non-conflicting neighboring land use is Residential. The existing school site is at the intersection of O Street and Childs Avenue. The recently approved school site is located at the intersection of G Street and Mission Avenue.

Table II-3 summarizes land uses by type.

According to the *Merced Vision 2015 General Plan*, the South Merced area could benefit especially from improved neighborhood conditions, economic development, more defined land uses, coordinated infrastructure improvements, and expanded services. The *South Merced Strategic Plan* (City of Merced, 2003), adopted by the Merced City Council on January 20, 2004, describes the community's vision for the future of the South Merced area and outlines strategic implementation actions for achieving that vision. That Strategic Plan serves as the fundamental policy basis for the South Merced ~~Specific-Community~~ Plan.

Given the project’s location in the City, the following key environmental characteristics apply.

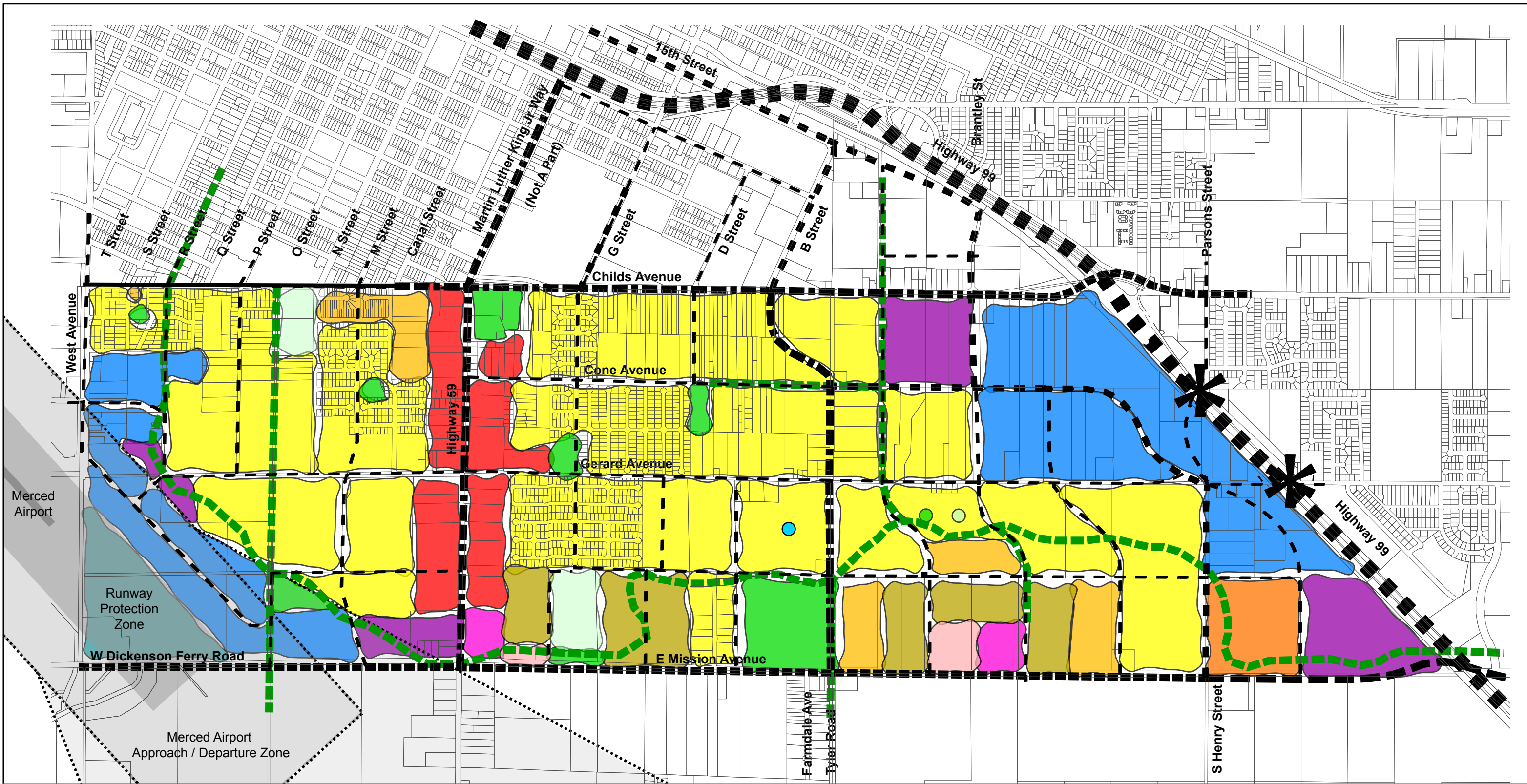
- The San Joaquin Valley, where the ~~Specific-Community~~ Plan area is located, exceeds the federal and state standards for ozone and particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀).
- Airport hazards may exist, given the ~~Specific-Community~~ Plan area’s proximity to the Merced Municipal Airport.
- The eastern portion of the ~~Specific-Community~~ Plan area consists largely of land that is currently undeveloped or in agricultural use.
- The ~~Specific-Community~~ Plan area contains unsafe intersections/roadways as a result of their overall design and/or lack of signalization, such as the intersection of Childs Avenue and Martin Luther King, Jr. Way (MLK).

Specific policies contained in the South Merced ~~Specific-Community~~ Plan are shown in Table II-4.

TABLE II-4

Specific Policies in the South Merced ~~Specific-Community~~ Plan

Goal	Policy	Implementing Action
<i>Goal Area H: Revitalize and Preserve Neighborhoods and Housing</i>		
Create Safe and Attractive Neighborhoods that Contain a Diversity of Housing Types for all Income Levels	H-1.1 Encourage a Diversity of Building Types, Ownership, Prices, Designs, and Site Plans for Residential Areas Throughout The Planning Area.	<p>1.1.a Put small-lot single family developments in the Low-Medium density land use designations that surround the Mission Avenue Urban Village, reserving the Village Residential for higher densities.</p> <p>1.1.b Through the land entitlement process, ensure that a mix of higher density housing types including attached town-homes, condominiums, and apartments are distributed throughout the Village Residential land use designation of the Mission Avenue Urban Village.</p> <p>1.1.c As a means to provide housing opportunities to all income levels, require that a portion of the Village Residential land use designation of the Mission Avenue Urban Village has a minimum density of 20-units per acre.</p> <p>1.1.d Within the low-density residential land use designation, provide a mixture of lots in each subdivision that meets the R-1-5 and R-1-6 bulk lot requirements of the Merced Municipal Code.</p>



SOUTH MERCED COMMUNITY PLAN - LAND USE CONCEPT

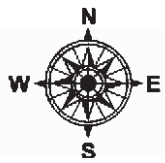
Figure II-1

Prepared map by permission of the City of Merced. 2005.



LEGEND

- | | | | | | | |
|--|---|--|---|--|--|---|
| Airport Flight Zone | Agricultural | Commercial - Neighborhood | Residential - Low Density | Floating Park Site | Major Arterial | Local |
| Linear Open Space / Pathway | Business Park | Commercial - Office | Residential - Low to Medium Density | Floating School Site | Minor Arterial | |
| * Proposed Freeway Overpass | Commercial - Regional Community | Industrial | Residential - Village | Floating High School | Major Collector | |
| | Commercial - General | Open Space / Park Recreation | School | Highway 99 | Minor Collector 2 | |



Not to Scale

A. REGIONAL SETTING

Merced County, where the South Merced ~~Specific-Community~~ Plan Area is situated, is in the heart of the San Joaquin Valley. Merced County is one of the richest agricultural regions in the United States. The combination of rich flood plains, climate, and irrigation systems creates an ideal environment for agribusiness. The City of Merced is the large and is the County Seat. The other incorporated cities in the County are Atwater and Livingston, northwest of the City of Merced along SR 99, and Dos Palos, Los Baños, and Gustine, in western Merced County, along SR 33 and SR 152 (Los Baños). Other highways within the County are SR 59, SR 140, SR 165, and Interstate 5 (I-5). With the exception of state and federally owned lands, unincorporated areas are under the jurisdiction of Merced County.

B. LOCAL SETTING

The City of Merced is approximately 150 miles southeast of San Francisco, along the western slope of the Sierra Nevada mountain range on SR 99. The City of Merced is the county seat for Merced County and is known as the “Gateway to Yosemite.” Merced is situated at the connection of SR 99 and SR 140, which reaches Yosemite National Park 80 miles to the east. SR 59 is the other state route running through the City of Merced.

The ~~Specific-Community~~ Plan study area is in the southern portion of the City of Merced. The ~~Specific-Community~~ Plan study area comprises 2,052 acres and is bounded on the north by Childs Avenue, by SR 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west (see Figure III-1).

According to the California Department of Finance, the City of Merced was estimated to have a population of 73,610 in 2006.

C. RELATIONSHIP TO REGIONAL AND LOCAL PLANS

The South Merced ~~Specific-Community~~ Plan is related to various plans of the following agencies in Merced County.

1. COUNTY OF MERCED

The County of Merced GP has developed Specific Urban Development Plan (SUDP) boundaries around the incorporated cities and unincorporated communities within the County. The SUDP is the land-use tool the County has used to promote urban expansion in and around existing communities where urban infrastructure currently exists. The SUDP is described in the Merced County GP as the recognized ultimate growth boundary of that community for the life of the plan, with all lands within it planned for eventual urban and urban-related development. The southernmost boundary of the SUDP for the City of Merced runs along Mission Avenue, the southern boundary of the ~~Specific-Community~~ Plan area.

Land-use decisions within the City of Merced’s SUDP are currently controlled by the City/County Property Tax Sharing Agreement of 1997. Based on this tax-sharing agreement:

- The County agrees not to change the land-use designation of territory from a rural classification to an urban designation. The County will maintain existing agricultural zoning within this non-urban designation.
- Any discretionary approval by the County within those areas currently zoned for urban development will be subject to adopted City development standards.
- During review of discretionary projects within urban-zoned areas, the County will provide an opportunity for the city to discuss the merits of annexation with the affected property owners.

2. CITY OF MERCED VISION 2015 GENERAL PLAN

The land-use concept for the South Merced ~~Specific-Community~~ Plan area is based on the urban village concept of mixed use, pedestrian- and transit-friendly neighborhoods that are proposed under the City's *Merced Vision 2015 General Plan* (City of Merced, 1997). At a citywide scale, this urban design concept defines the relationship between various parts of the City, linked together by open space and transportation corridors. At the neighborhood scale, the urban village concept results in the development of commercial centers surrounded by residential areas, open space, and public facilities (*Merced Vision 2015 General Plan*, Chapter 6).

3. MERCED COUNTY AIRPORT LAND-USE COMMISSION

The ~~Specific-Community~~ Plan area is within 2 miles of the Merced Municipal Airport. The Airport is in the jurisdiction of the *Merced County Airport Land Use Compatibility Plan* (Merced County, 1999), which provides guidelines for land uses surrounding the airport to minimize land use, noise, and hazards impacts.

D. BASELINE CONDITIONS

Pursuant to Section 15125(a) of the CEQA Guidelines, "(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

In response to Section 15125(a), the local setting is briefly described (see Section III-B). More detailed information is provided in Chapter IV, which describes the "Existing Physical Conditions in the Study Area" relevant to each environmental topic analyzed in this EIR.

(4) Sensitive Receptors

Some locations are considered more sensitive to adverse effects from air pollution than others. These locations are termed sensitive receptors. For CEQA purposes, a sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons, are found, and there is a reasonable expectation of continuous human exposure according to the averaging period for the AAQS (e.g., 24-hour, 8-hour, and 1-hour). These typically include residences, hospitals, and schools and may also include employees in neighboring facilities within commercial and industrial zones. The South Merced ~~Specific~~ Community Plan area is located near several residences that would qualify as sensitive receptors. In addition, the plan also would create new sensitive receptors, such as schools and residences.

(5) Climate and Topography

Merced County is characterized by an inland Mediterranean type climate with moist, cool winters and dry, warm summers. Approximately 94% of the precipitation occurs between October and April. In the study area, the annual average temperature is approximately 62 degrees. The summer maximum average temperature is approximately 97 degrees, with a summer minimum of approximately 58 degrees. The winter maximum average temperature is approximately 57 degrees, with a winter minimum of approximately 37 degrees. Rainfall averages approximately 10.77 inches per year.

Wind patterns are created by marine air flowing in from the San Joaquin River Delta north of the Valley. These winds are generally prevented from leaving the Valley by the mountain ranges on the east, west, and south. The mountain ranges, 4,500 to 14,492 feet in elevation, are also generally higher than the normal height of summer inversion layers, which occur between 1,500 to 3,000 feet. These topographic features result in weak air flow that becomes restricted vertically by high barometric pressure over the Valley. This weak air flow makes the Valley highly susceptible to pollutant accumulation over time.

Wind speed and direction change throughout the day. During the day, northwesterly winds prevail, while in the late evening through early morning, wind flow reverses direction. This is due to cooler drainage wind from the surrounding mountains. This adds to the complexity of regional wind flow and pollutant transport within the Valley.

During winter, wind occasionally originates from the southern end of the Valley and flows in a northerly direction. Generally, winds occurring during the winter months are light and variable with speeds of less than 10 mph. Low wind speeds, combined with low inversion layers, create a climate conducive to high pollutant concentrations during the winter months. Merced County also experiences foggy conditions during the winter.

(6) Status of Air Basin

Monitoring data from throughout the air basin is used to determine whether the air quality within the basin complies with the applicable federal and state standards. Basin-wide data for O₃ are summarized in Table IVA-1.

The SJVAPCD limits emissions of, and public exposure to, HAPs through several programs and regulations. Stationary sources within the South Merced ~~Specific-Community~~ Plan will comply with all of the SJVAPCD regulations to limit HAP emissions. Some of the programs and regulations are briefly described hereafter.

Regulations II, Rule 2201: Rule 2201 establishes requirements for new or modified sources. These requirements include the use of best available control technology (BACT) on sources that have the potential to emit 2 or more pounds of any criteria pollutant. Rule 2201 also requires that new or modified sources obtain a permit to operate from the SJVAPCD. As part of the permitting process, the SJVAPCD performs a hot spot analysis. This analysis evaluates whether the proposed source should be classified as a high-risk facility. High-risk facilities have emission sources that cause a cancer risk greater than or equal to 10 in a million, or a total HI greater than or equal to 1.0, at a sensitive receptor. High-risk facilities are required to install Toxic Best Available Control Technology (TBACT) to reduce risks to below significance. If a significant impact remains after TBACT is implemented, the permit may not be issued unless it meets the discretionary approval criteria of the SJVAPCD Risk Management Policy for Permitting New and Modified Sources.

Regulation VII: This regulation was developed to limit the emissions of several different HAPs from several processes.

Projects within the South Merced ~~Specific-Community~~ Plan that involve the construction of potential sensitive receptors will also have to consult with the SJVAPCD. These projects will be required to determine whether there are any high-risk facilities within the project vicinity that could expose the sensitive receptor to a significant cancer risk (greater than or equal to 10 in a million) or a significant HI (greater than or equal to 1.0). In addition, the ~~Specific-Community~~ Plan Policy T-1.2 implements road patterns that keep local truck travel from industrially zoned lands out of residential neighborhoods. This should reduce exposure of diesel particulate matter from heavy-duty trucks at potentially sensitive receptor locations.

In summary, stationary sources are subject to District Rule 2201 (New and Modified Stationary Source Review) and may be subject to District Regulation VII (Toxic Air Pollutants) requirements. The District's permitting process requires a risk management review (RMR) to determine the health risk generated by stationary sources. However, the RMR is not a full-scale health risk assessment (HRA). An HRA is an analysis of the health risk from all project related sources, including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicle), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).

By complying with the SJVAPCD rules and regulations, stationary sources generated as part of the South Merced ~~Specific-Community~~ Plan will not be considered to pose a significant risk. Similarly, working with the SJVAPCD AB-2588 ("Hot Spot") program and implementation of South Merced ~~Specific-Community~~ Plan Policy T-1.2 should prevent sensitive receptors from being exposed to significant cancer risks or HI values. However, emissions from non-permitted sources are not regulated under these programs, and additional review and actions would be

necessary to reduce impacts from these sources. Therefore, the South Merced ~~Specific~~ Community Plan is not likely to expose sensitive receptors to substantial pollutant concentrations from stationary sources. Mitigation of non-permitted sources will be needed to reduce impacts from non-permitted sources. The HAP emissions from the South Merced ~~Specific-Community~~ Plan are considered to have a *less than significant* impact with mitigation on air quality.

Although compliance with the Air Pollution Control District's permitting process will reduce the health risk from permitted stationary sources to a level of insignificance, the risk from the projects non-permitted sources cannot be calculated until an HRA has been performed. Further analysis will be required on a project-by-project basis. Mitigation measure AQ-5 requires such analysis.

f. Significant Cumulative Impacts

Build out of the South Merced ~~Specific-Community~~ Plan will convert agricultural lands into lands for non-agricultural use. As a result, the ~~Specific-Community~~ Plan will increase the number of area and mobile pollutant sources in the San Joaquin Valley Air Basin. Therefore, the impact from the South Merced ~~Specific-Community~~ Plan is considered to be significant.

The EPA has designated the SJVAB as being in nonattainment of the federal O₃ and PM₁₀ standards. Therefore, the cumulative impacts are considered to be significant and unavoidable. This is consistent with the findings of the General Plan EIR, which indicated that regional cumulative growth impacts would result in significant impacts on air quality.

3. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the CEQA Guidelines.

a. Measures that Mitigate Direct Impacts

(1) Mitigation Measure AQ-1

Fugitive dust emissions will be reduced at large sites or projects that may adversely impact the air quality at sensitive receptors by requiring enhanced and additional fugitive dust control measures recommended and enforced by the SJVAPCD.

In those cases, the developer of subsequent projects shall provide written construction specifications to the grading contractors and shall ensure that the following techniques where recommended are applied to grading operations. Enhanced or additional control measures may include, but are not limited to the following:

- i. Limit traffic speeds on unpaved roads to 15 mph;

- ii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent;
- iii. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- iv. Install wind breaks at windward side(s) of construction areas;
- v. Suspend excavation and grading activity when winds exceed 20 mph; and
- vi. Limit area subject to excavation, grading, and other construction activity at any one time.

(2) Mitigation Measure AQ-2

NO_x and ROG construction equipment emissions from construction sites will be reduced by complying with construction vehicle air pollutant control strategies developed, recommended and enforced by the SJVAPCD. Contractors will be required to list the recommended emission reducing strategies on construction contracts or other forms acceptable to the SJVAPCD. Such strategies may include the following requirements or measures shown to be equally effective:

- i. Use of alternative fueled or catalyst-equipped diesel construction equipment;
- ii. Minimize idling time (e.g., 10 minute maximum);
- iii. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;
- iv. Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set);
- v. Curtail construction during periods of high ambient pollutant concentrations (this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways); ~~and~~
- vi. Require all diesel engines to be shut off when not in use;
- vii. If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off;
- viii. Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines; and
- ~~vi~~.ix. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).

(3) Mitigation Measure AQ-3

- xiii. Require that landscape maintenance companies use battery-powered or electric equipment.

(4) Mitigation Measure AQ-5:

A Health Risk Assessment (HRA) will be performed, in conjunction with the District's requirement for a risk management review (RMR) to analyze the health risk for all commercial and industrial project related sources including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicles), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).

b. Measures that Mitigate Cumulative Impacts

All of the measures that mitigate direct impacts also reduce the cumulative impacts. There are no additional mitigation measures that would only address regional emissions from sources that are not within the South Merced ~~Specific~~-Community Plan. Offset requirements from Stationary Source Rule 2201 and Indirect Source Rule 9510 will reduce cumulative impacts but are not considered mitigation measures, as they are a requirement set by the SJVAPCD.

3. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the CEQA Guidelines. It is required that the Applicant comply with the “Adopted Policies and Regulations Which Avoid Biological Resources Impacts” and the substantive provisions of the applicable and relevant regulatory requirements under which biological resources are managed at the federal, state, and local level, as identified within this document. In addition, incorporation of the following measures will assure no significant adverse effect on biological resources identified in any local, state, federal, or regional plans, policies, or regulations.

a. Measures that Mitigate Project Impacts

In order to adequately assess any potential impacts to biological resources, additional focused biological surveys may need to be conducted on specific future specific development project areas within the boundaries of the Community Plan. Survey will be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether or not any special status species may be present within the specific development project area. This information is necessary to identify any project specific mitigation, minimization, and avoidance measures. Properly conducted biological surveys, and the information assembled from them, are essential to adequately identify any Project-related impacts under the California Endangered Species Act (CESA).

When site-specific development proposals are submitted to the City for review and action, including but not limited to annexations and rezones, detailed site-specific biotic assessments and wetland delineations (where necessary) by qualified biologists shall be required to: (a) determine impacts to biological resources; and (b) recommend site-appropriate mitigation measures to avoid, minimize, and compensate for any identified potentially significant impacts. Depending upon the particular biotic resource and level of impact, the following measures, but not limited to, may be determined to be appropriate and applicable to subsequent development projects:

(1) Mitigation BIO-1

Sensitive Biological Lands. Focused surveys, including floristic surveys, targeted wildlife surveys, and CWA 401, 404, and California Fish and Game Code 1600 (*et seq.*) jurisdictional delineations where appropriate shall be required prior to initiating any development or other site-disturbance activity to avoid and minimize adverse impacts to sensitive biological lands (e.g., vernal pools, riparian areas, and wildlife corridors) to the maximum extent practicable pursuant to Merced Vision 2015 General Plan Policy OS-1.1.

- i. If present and practicable, impacts to sensitive biological lands will be avoided with the use of a minimum setback to maintain the biological and hydrological (when applicable) integrity of sensitive biological lands.

- ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS)~~through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, USFWS, and USACE) to secure all obligatory discretionary permits and development authorization.~~
- iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.
- iv. At a minimum, development activities that result in loss of sensitive biological lands will be compensated for on a one-to-one (1:1) impact to mitigation ratio to ensure a no-net-loss standard within Merced County.

(2) Mitigation BIO-2

Special-Status Species. Subsequent projects will be required to include the following measures to assure no substantial adverse effect on local, state, or federally-protected plant or wildlife species result from the Project. Applicants will also be required to include focused surveys for the presence or absence of state and federal ESA-protected species and the habitats upon which they depend.

- i. If present and practicable, impacts to state and federal ESA protected species, and their habitats will be avoided by implementing environmental awareness programs for project staff, the designation of environmental inspectors/monitors who will have the authority to redirect non-emergency activities that might harm state and federally-protected species, limiting development activities to prescribed areas, and avoiding introduction of non-native species.
- ii. If avoidance of ESA or other special-status species is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts through consultation with the appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) ~~to secure all obligatory discretionary permits and obtain all relevant development authorizations.~~
- iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.
- iii.iv. Specific mitigation measures are suggested below for burrowing owl, giant garter snake, vernal pool branchiopods, and special-status plants:

Burrowing Owl and Swainson's Hawk

1. Surveys by a qualified biologist for lands and species shall include an impact assessment of burrowing owl and Swainson's hawk foraging and nesting habitat. The biological assessment report will contain recommend mitigation measures, such as those listed below, to reduce potential significant impacts to nests and habitat to less-than-significant.
- ~~1.2.~~Projects will conduct pre-development surveys to following CDFG guidelines. If no active avian nests are identified on or within 250 feet of the development site, no further mitigation would be required.
- ~~2.3.~~If active nests are located, development would be delayed within the buffer zone until the young have fledged or appropriate mitigation measures have been developed in consultation with appropriate resource agencies.
- ~~3.4.~~In the case of burrowing owls, burrows would be avoided or passive exclusion and relocation techniques would be implemented following CDFG guidance to the maximum extent practicable.
- ~~4.5.~~In the case of Swainson's hawks, informal consultations with CDFG will be initiated to determine appropriate actions necessary to protect the nest site until the young have fledged and begin foraging independently.

Giant Garter Snake

Focused surveys by a qualified biologist for lands and species shall include an assessment of habitat for the Giant Garter Snake. Such surveys and associated biological assessment reports will contain recommend mitigation measures to reduce significant impacts to less-than-significant. Such measures will include the following:

All construction activities within snake habitat shall be conducted between May 1 and October 1 to fall within the activity period of the snake. The *United States Fish and Wildlife Service's Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat* shall be followed and surveys shall be conducted by qualified biologist(s) 24-hours prior to the start of construction.

Vernal Pool Branchiopods

1. Field surveys for vernal pool branchiopods will be conducted following USFWS "Interim Survey Guidelines for Recovery Permits for Vernal Pool Branchiopods" to the maximum extent practicable in consultation with all applicable agencies (e.g., USFWS and CDFG).
2. If present and practicable, impacts to vernal pool species and habitats will be avoided with the use of a minimum setback.

3. If avoidance is not practicable, developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS)~~through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, USFWS) to secure all obligatory discretionary permits and development authorization.~~ Developers shall submit to the City Building Division notification of the determination from the USACE regarding fill of the site and CDFG / USFWS for take of listed species prior to issuance of grading permits.
4. Activities that result in loss of vernal pool habitats will at a minimum be compensated for on a 1.1:1 impact to mitigation ratio to ensure a no-net-loss standard within Merced County.

Special-Status Plant Species

1. Pre-development surveys will be performed to detect the presence of special-status plant species within the project areas.
2. If present and practicable, impacts to special-status plant species and habitats will be avoided with the use of a minimum setback.
 - ~~3.~~ If avoidance is not practicable, applicants will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS)~~through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, and USFWS).~~
 - ~~4.~~ In areas subject to development, special status perennial plants will be salvaged for transplantation following established protocols.
 - ~~5.~~ For special status annual plants, seeds will be collected from populations prior to the loss of the populations due to development.
 - ~~6.~~ Salvage plants and collected seeds will be planted and dispersed within suitable habitat not currently occupied by the affected plant species, to avoid impacts on the genetic composition of existing populations.

(3) Mitigation BIO-3

Migratory Bird Treaty Act and California Fish and Game Code 3500 (et seq.) Protected Species. Projects will be required to include the following measures to assure no substantial adverse effect on any nesting habitats or foraging areas for residential and migratory species.

- i. A qualified biologist will conduct a nesting bird and raptor survey prior to any vegetation-clearing activities. Surveys will occur within 72 hours prior to initiation of physical ground disturbance activities to document that no occupied passerines and/or raptor nests would be impacted.
- ii. Vegetation clearing activities will be completed prior to the onset of the avian breeding season beginning in March, to the maximum extent practicable, in order to greatly reduce or avoid adverse impacts to avian species. Clearing of vegetation prior to development activities would deter the majority of individuals from selecting nesting or breeding sites within the development areas.
- iii. Upon detection of an active nest within the project site or on immediately adjacent lands, a buffer zone from occupied nests will be maintained during physical ground disturbing activities. Once nesting has been determined to cease, the buffer may be removed.

(4) Mitigation BIO-4

Biologically Sensitive Creeks, Ditches, and Drainages. Projects will be required to avoid, minimize, and/or compensate for adverse impacts to biological resources that exist in the areas ditches and drainages.

- i. If present and practicable, impacts to Merced's important natural urban creek system will be avoided.
 - ~~ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, and USACE) to secure all obligatory discretionary permits and development authorization.~~
 - ii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.

Local development authorization will obligate subsequent projects to: (1) avoid fencing and piping creeks to the maximum extent practicable, (2) conserve major creeks, riparian habitat, substantial woodlands or stands of trees and knolls as open space amenities when practicable, (3) engineer naturalized channelization improvements and pursue alternatives to concrete channeling of existing creeks and streams as part of any flood control project to support more natural flood control methods, and (4) provide a minimum 50-foot dedication from the centerline (or 25 feet from the crown, whichever is greater) of all affected creeks.

b. Measures that Mitigate Cumulative Impacts

Implementation of the aforementioned mitigation measures and standards will reduce potential cumulative impacts to biological resources. ~~Therefore, potential cumulative impacts from the implementation of the Specific Plan are expected to be fully mitigated.~~ Through fully mitigating individual projects to a less than significant level, each individual project will not result in impacts that are cumulatively considerable, thereby mitigating cumulative impacts from the full development of the Community Plan.

Mitigation CUL-2

In the event the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find will halt immediately and the area of the find will be protected. The developer shall immediately notify the Merced County Coroner of the find and comply with the provisions of PRC §5097 with respect to Native American involvement, burial treatment, and re-interment. (Applicability—project level).

(3) Mitigation CUL-3

To mitigate potential significant impacts associated with project construction, mitigation measures CUL-3 would be implemented.

With the implementation of this mitigation measure, the impact to paleontological resources would be *less than significant*.

Mitigation CUL-3

Prior to any construction in the South Merced planning area, the project applicant will be required to inform construction personnel of the potential for encountering significant paleontological resources. All construction personnel will be informed of the need to stop work in the vicinity of a potential discovery until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel also will be informed of the requirement that unauthorized collection of fossil resources is prohibited (Applicability—project level).

(4) Mitigation CUL-~~4~~5

To mitigate potential significant impacts associated with historic buildings, structures and objects, mitigation measures CUL-~~4a-5a~~ through ~~4b-5b~~ would be implemented. With the implementation of these mitigation measures, the impact to these resources would be *less than significant*.

(a) Mitigation CUL-~~4a~~5a

Before awarding construction or grading permits for individual projects within the South Merced planning area, the project Applicant will be required to retain a qualified architectural historian to conduct an architectural survey of historic sites to determine eligibility, and level of integrity of the built environment resources. The architectural historian will also reassess the integrity and eligibility for listing in the CRHR of any built environment cultural resources that have been identified previously in the project area. Built environment cultural resources that appear to be 45-years old or older will be recorded through the appropriate Department of Parks and Recreation (DPR) 523 series form and submitted to appropriate agencies and information repositories.

(b) Mitigation CUL-4~~5~~b

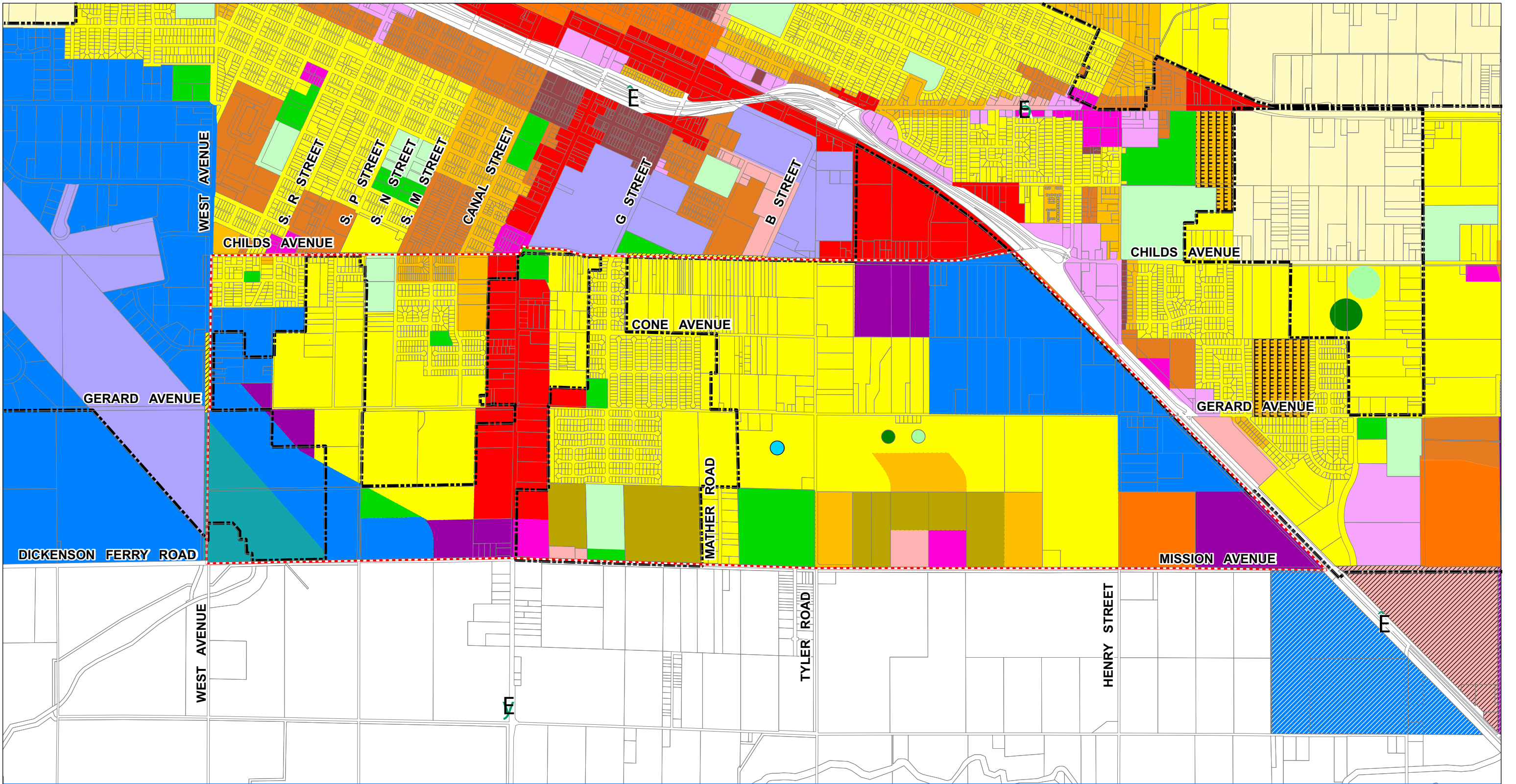
Before any construction in the South Merced planning area, the project Applicant shall retain a qualified architectural historian and other appropriate personnel to develop mitigation measures for any impact to a significant built environment resource affected by the project. This includes:

- Avoiding or minimizing the impact to a historic resource through project redesign or not taking certain actions of the proposed project;
- Following the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings);
- Preparation of HABS/HAER/Historic American Landscape Survey (HALS) Level 1-3 documentation;
- Preparation and execution of an Historic Structures Report (as described in the National Parks Service *Preservation Brief 43: The Preparation and Use of Historic Structures Report* [National Park Service, 2004]);
- Preparation and execution of a Built Environment Treatment and Construction Monitoring Plan (if applicable) for Direct and Indirect Impacts;
- Public notice of availability of significant buildings and structures for relocation to alternate sites;
- Development of a Historic Context for the Project Area, which would be a planning tool for understanding the larger trends and patterns in history in which the historic resources are understood;
- Preparation of oral histories and statements of individuals and groups associated with the historic resources; and
- Development of a local history unit for City of Merced elementary schools, which would discuss significant historic themes and patterns associated with the area.

Implementation of these mitigation measures will reduce the level of impact to built environment resources to *less than significant*.

b. Measures that Mitigate Cumulative Impacts**(1) Mitigation CUL-6**

Three 3 historic sites have been identified: a concrete ditch, a road and a cemetery. Other than the cemetery, the historic value of the road and the ditch are quite low given the City's established standards. Given the scarcity of known historic resources and low probability of finding others no additional mitigation is required. Through successful implementation of the mitigation measures for the direct impacts, it is anticipated that the level of cumulative impact to cultural resources would be *less than significant*.



SOUTH MERCED COMMUNITY PLAN - LAND USE DIAGRAM

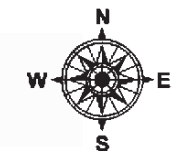
Figure IV-E-1

Prepared map by permission of the City of Merced, 2005.



LEGEND

- | | | | | |
|-----------------------------|-------------------------|---------------------------|------------------------------------|-------------------------------|
| SOUTH MERCED COMMUNITY PLAN | AGRICULTURAL | GENERAL COMMERCIAL | HIGH TO MEDIUM DENSITY RESIDENTIAL | REGIONAL COMMUNITY COMMERCIAL |
| MERCED CITY LIMITS | BUSINESS PARK | HIGH DENSITY RESIDENTIAL | NEIGHBORHOOD COMMERCIAL | RURAL RESIDENTIAL |
| PARCELS | BUSINESS PARK RESERVE | INDUSTRIAL RESERVE | OPEN SPACE - PARK RECREATION | SCHOOL |
| | COMMERCIAL OFFICE | LOW DENSITY RESIDENTIAL | PUBLIC/GENERAL USE | VILLAGE RESIDENTIAL |
| | COMMERCIAL RESERVE | LOW TO MEDIUM RESIDENTIAL | MOBILE HOME PARK RESIDENTIAL | FLOATING HIGH SCHOOL |
| | THOROUGHFARE COMMERCIAL | MANUFACTURING INDUSTRIAL | RESIDENTIAL RESERVE | FLOATING SCHOOL |



0 800 1,600 Feet

1 inch equals 800 feet

DISCUSSION OF ENVIRONMENTAL IMPACTS

of SR 99 and to account for the specific land uses and circulation system components planned in the ~~Specific-Community~~ Plan.

TABLE IV-G-1

Existing Intersection Levels of Service

Location	Control	AM Peak Hour		PM Peak Hour	
		Average Delay (seconds)	Level of Service	Average Delay (seconds)	Level of Service
1. SR 59 / NB SR 99 ramps (overall) NB left turn WB left+right turn	WB Stop	(3.5 sec) 8.9 sec 27.7 sec	(A) A D	(2.8 sec) 10.3 sec 21.8 sec	(A) B C
2. SR 59 / SB SR 99 ramps (overall) SB left turn EB left+right turn	EB Stop	(6.1 sec) 8.9 sec 21.9 sec	(A) A C	(5.7 sec) 9.3 sec 25.7 sec	(A) A C
3. SR 59 / Childs Avenue (overall) NB left turn SB left turn EB approach WB approach	EB and WB Stop	(71.9 sec) 8.7 sec 8.6 sec >100 sec >100 sec	(F) A A F F	(>100 sec) 8.9 sec 9.0 sec >100 sec >100 sec	(F) A A F F
<u>4. SR 59 / Mission Ave</u> (overall) <u>NB left turn</u> <u>SB left turn</u> <u>EB approach</u> <u>WB approach</u>	<u>EB and WB Stop</u>	<u>(2.1 sec)</u> <u>8.0 sec</u> <u>8.0 sec</u> <u>17.2 sec</u> <u>13.3 sec</u>	<u>(A)</u> <u>A</u> <u>A</u> <u>C</u> <u>B</u>	<u>(2.8 sec)</u> <u>8.1 sec</u> <u>8.1 sec</u> <u>22.4 sec</u> <u>13.1 sec</u>	<u>(A)</u> <u>A</u> <u>A</u> <u>C</u> <u>B</u>
<u>45.</u> Childs Avenue / G Street (overall) NB approach SB approach EB left turn WB left turn	All Way Stop	(10.2 sec) 10.2 sec 9.5 sec 10.8 sec 10.1 sec	(B) B A B B	(12.5 sec) 11.2 sec 12.8 sec 13.7sec 11.1 sec	(B) B B B B
6. SR 59 / Gerard Avenue (overall) NB left turn SB left turn EB approach WB approach	EB and WB Stop	(3.4 sec) – 8.5 sec 24.4 sec 19.8 sec	(A) – A C C	(2.8) sec 8.1 sec 9.0 sec 25.8 sec 18.8 sec	(A) A A D C
7. Childs Avenue / SR 99 SB Ramp (overall) SB left turn WB left turn lane	SB Stop	(6.8 sec) 29.0 sec 8.1 sec	(A) D A	(26.1 sec) 65.3 sec 8.2 sec	C F A
8. Childs Avenue / SR 99 NB Ramp	All-Way Stop	23.0 sec	C	31.8 sec	D

EB = eastbound
 NB = northbound
 SB = southbound
 WB = westbound

(d) G Street

G Street is a north-south collector road that extends from central Merced southerly to Cone Avenue and south through the recently approved La Bella Vista subdivision. The existing ADT on G Street between Childs Avenue and Cone Avenue is 3,600.

(e) Tyler Road

Tyler Road is a north-south collector road that extends south from an intersection on Childs Avenue to Reilly Road in rural Merced County. The existing daily traffic volume on Tyler Road is approximately 2,800 ADT.

(f) Campus Parkway

East of SR 99, Mission Avenue becomes Campus Parkway. Campus Parkway has been planned to accommodate 6-lanes in the long term. The initial construction of Campus Parkway includes the construction of 4 lanes from Coffee Street to Childs Avenue.

(2) Current and “Existing Plus Approved” Levels of Service

Previous traffic studies identified peak hour levels of service (LOSs) at existing intersections in the study area. As noted in Table IVG-1, these intersections, other than Childs Avenue and State Highway 59, operate at LOS D or better during the a.m. and p.m. peak hours.

It should be noted that the configuration of the SR 59/SR 99 interchange, and its proximity to the SR 59/13th Avenue intersection, makes calculation of ramp intersection LOS problematic. Because 13th Avenue is very close to the southbound off ramps, the queue of southbound traffic approaching 13th Avenue regularly extends beyond the off ramp. However, the intersection is marked “Keep Clear,” and off ramp traffic is often able to turn left onto northbound SR 59 through the queue. Calculation of average delays under these conditions is not feasible, and the LOS reported in this report represents conditions for isolated intersections. Such analysis does not account for the aforementioned potential queue interaction between closely spaced intersections. The subsequent LOS results (which was determined to be LOS “E”, see Table IVG-4) underestimate traffic impacts. Note that any LOS less than “D” is considered by the City to be significant. Future analysis of the intersection will be needed using traffic analysis software based on micro simulation to account for the interaction of adjacent intersections.

The *Mission Avenue Annexation* traffic study also identified peak hour levels of service (LOSs) assuming approved development project ADT at existing intersections in the study area. That study found that several intersections would operate below acceptable LOS, including: “G” Street and Childs; Childs and SR 59; SR 59 and Gerard Avenue; and SR 59 and Mission Avenue. The applicants of the projects within the Mission

There are needed improvement projects that require additional funding to be implemented. These “Tier Two” projects or unconstrained needs are:

- Highway 59 Southern realignment: from Highway 59 and Mission Ave. to Highway 140. This would complete the “loop” system around the City of Merced. Estimated total cost of \$60 million, regional (RIP) cost \$40 million.
- Santa Fe Ave. from Highway 59 to Winton Way - widen from 4 to 6 lanes. Estimated total cost of \$30 million, regional (RIP) cost \$13 million.

e. Significant Direct Impacts

The following impacts are projected to occur with full development of the ~~Specific~~ Community Plan. A fair-share cost analysis will be developed to provide an assessment fee for individual development projects within the project area based on their projected trip generation. Individual projects will be required to submit a Traffic Impact Report that projects the trip generation for that project.

(1) Impact TR-1

Conditions near the SR 99/Childs Avenue interchange will exceed the LOS D minimum. Projected daily traffic volumes on Childs Avenue near the SR 99 freeway exceed the capacity of the planned four-lane arterial. These volumes are indicative of the need to modify the interchange to provide additional capacity, as noted in the ~~Specific~~ Community Plan goals and policies.

(2) Impact TR-2

Traffic conditions on East 15th Street between D Street and B Street will exceed the LOS D minimum. 15th Street links the project area with the downtown G Street corridor. Under the ~~Specific-Community~~ Plan, the year 2030 volume on the portion of East 15th Street between the D Street railroad crossing and B Street will exceed the LOS D threshold for two-lane urban collector streets (i.e., two lanes plus center turn lane). Recent development of parking lots and buildings in this area make it difficult to widen the roadway to the four-lanes that are needed. This is considered a significant and unavoidable impact. Mitigation measures are provided to help lessen the impact.

(3) Impact TR-3

Traffic conditions on East 13th Street between G Street and SR 59 will exceed the LOS D minimum. 13th Street links the project area with the SR 99 ramps at SR 59 and at G Street. Under the proposed project, the year 2030 volume on the portion of East ~~15th-13th~~ Street between the “G” Street and SR 59 will exceed the LOS D threshold for a two-lane urban collector street (i.e., two lanes plus center turn lane). This section of roadway passes ~~beneath an adjacent to SR 99 overcrossing~~ and the 13th Street right of way occupies the lower embankment of SR 99. These features are likely to preclude widening of the roadway to

Avenue Annexation are working toward implementation of mitigation measures to lessen those impacts.

Caltrans District 10 has programmed use of “safety” money for the installation of a signal at the off-set intersection of Childs Avenue and SR 59. Caltrans views the signalization of the offset

3. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the CEQA Guidelines:

a. Measures that Mitigate Direct Impacts

(1) Mitigation TR-1

Development in the ~~Specific-Community~~ Plan area will contribute its fair share cost of modifying the SR 99/Childs Avenue interchange. The fair-share amount will be determined through specific traffic studies required at the annexation stage of entitlement. This contribution will be collected by the City and placed in a fund to be used specifically for said improvement. As part of the next update to the City’s Public Facility Financing Plan (PFFP), the need for a PSR for the Childs Avenue Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).

(2) Mitigation TR-2

Modify 15th Street to include an “urban collector” between “B” Street and SR 59, and seek to restrict access to this roadway between “B” Street and “D” Street. Development in the ~~Specific-Community~~ Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.

(3) Mitigation TR-3

Modify 13th Street to include an “urban collector” between “B” Street and SR 59, and seek to restrict access to this roadway between “G” Street and SR 59. Development in the ~~Specific-Community~~ Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development

proposals, and make or require the improvement of said roadway when conditions are warranted.

(4) Mitigation TR-4

Childs Avenue between Brantley Street and the SR 99 interchange will have to be widened to a six-lane arterial standard. With this level of improvement, the roadway will operate at LOS C. ~~Alternatively, development of the Henry Street extension across SR 99 to Parsons Avenue or the Gerard Street crossing over SR 99 could reduce the volume of traffic on Childs Avenue to the point that a 6-lane section is not needed.~~

(5) Mitigation TR-5

Development in the plan area will contribute its fair share to the cost of improving Mission Avenue east of SR 99 to six lanes through the City's Public Facility Finance Fee program.

(6) Mitigation TR-6

Development in the ~~Specific-Community~~ Plan area will contribute its fair share to the cost of modifying the SR 99/SR 59 interchange to meet minimum level of service standards. As part of the next update to the City's Public Facility Financing Plan (PFFP), the need for a PSR for the SR59/SR99 Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).

(7) Mitigation TR-7

Work with Caltrans and Merced County Association of Governments to prepare a "Project Study Report" (PSR) to determine the feasibility of widening SR 59 to six lanes from SR 99 to Gerard Avenue. Projects within the planning area will be require to contribute a fair share to the cost of modifying the this highway. Given the existing development alongside this roadway, including a cemetery, widening to six-lanes may be infeasible. For purposes of this environmental review, and absent additional information from the PSR, the impact is likely to be significant and unavoidable. Nevertheless, implementation of the above measure will reduce some of the impact.

(8) Mitigation TR-8

G Street north of 13th Street needs to be widened to a 6-lane arterial to improve the LOS. However, it is unlikely that this level of improvement can be accommodated, given right-of-way constraints, especially in the area of the SR 99 ramps. Thus, this impact is considered to be significant and unavoidable.

(9) Mitigation TR-9

Widening to four lanes or use of an “urban collector” with access permitted no closer than every 1/8 mile will be needed to achieve LOS D under the ~~Specific~~Community Plan. Development in the ~~Specific~~Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.

(10) Mitigation TR-10

The City will submit a request to the Public Utilities Commission seeking safety related improvements for the “D” Street roadway crossing of the Southern Pacific Railroad tracks, east of “G” Street and west of the 16th Street southbound on-ramps to SR 99, and will present the findings of the City concerning the need to increase capacity at said roadway to determine the options available to the City. Widening the existing crossing on D Street across the UPRR may not be likely to be approved by the railroad or the Public Utilities commission (PUC). Thus, this impact is considered significant and unavoidable.

(11) Mitigation TR-11

Widen this segment to four lanes using a special cross-section to fit the improvements within the 80-foot right of way that exists. Development in the ~~Specific~~Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.

(12) Mitigation TR-12

Development in the plan area will contribute its fair share to the cost of traffic signals at the locations identified in the circulation plan and at the following intersections:

1. Childs Avenue / M Street
3. East 13th Street / G Street
4. East 13th Street / B Street
5. East 15th Street / S Street
6. East 15th Street / B Street

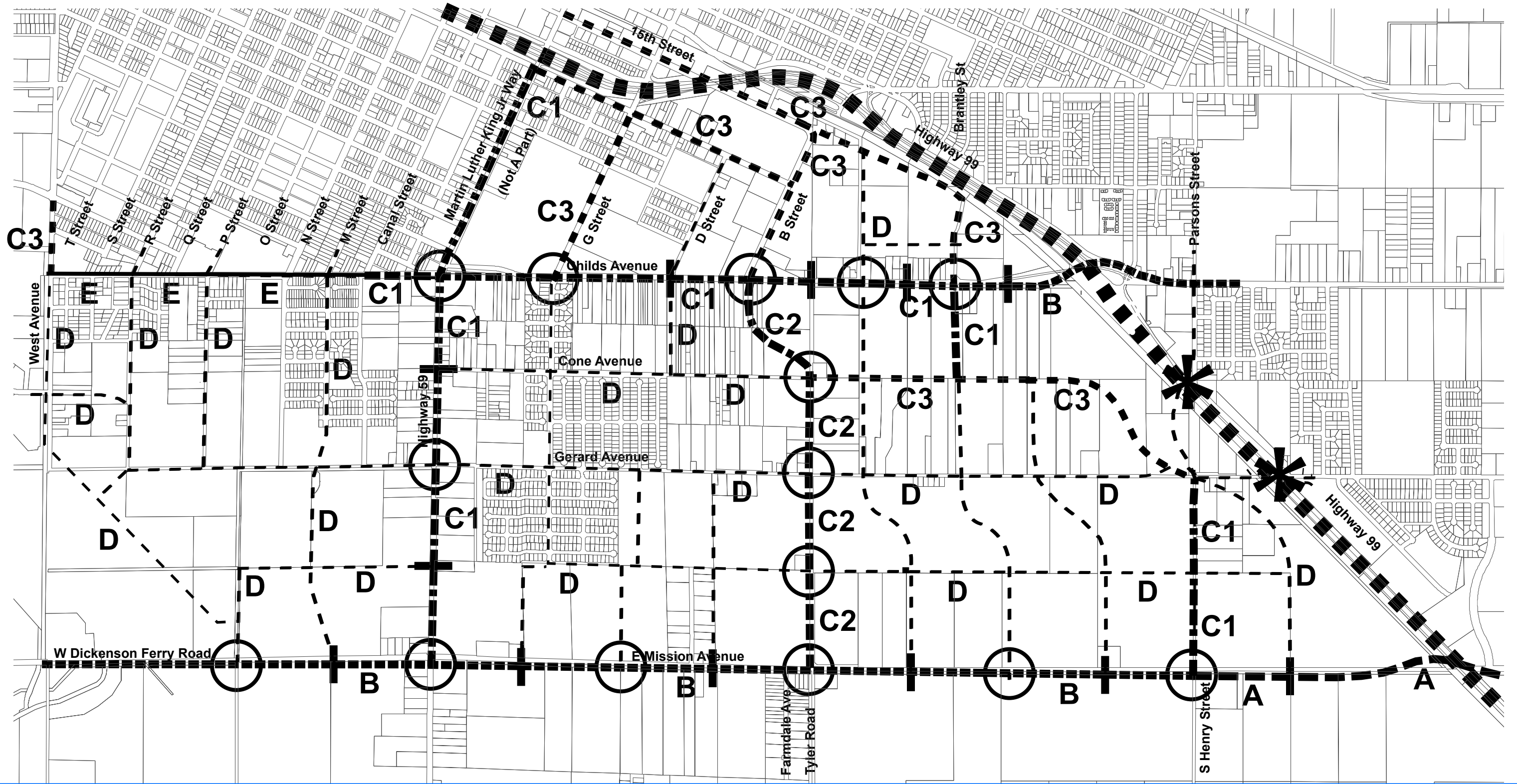
b. Measures that Mitigate Cumulative Impacts

The traffic impacts listed in this section under *e. Significant Direct Impacts* are based on the growth anticipated in both the City of Merced General Plan and the County General Plan, and the development of this project, as calculated in the MCAG traffic model. Therefore, the cumulative impacts of the project are those listed under Direct Impacts.

The mitigation required to reduce impacts to a less than significant impact, or where mitigation is not feasible and the impact has been determined significant, are described for each impact. Additionally, many of the road improvements listed are not currently identified in the City's Public Facility Finance Plan. Thus in order to further implement and reduce identified impacts, the following mitigation measure is applicable.

(13) Mitigation Measure TR-13

The City will update the Public Facility Finance Plan to include all listed improvement needs of the South Merced Community Plan and associated Environmental Impact Report. Until such time as this is accomplished, the City will require contribution of traffic impact fees from new development in the planning area. The impacts and fees will be determined through traffic studies required of project applicants. In most cases, this will occur at the annexation phase of development or through subsequent reviews if the site is already annexed.



SOUTH MERCED COMMUNITY PLAN - CIRCULATION CONCEPT

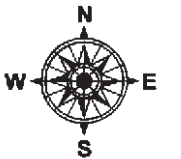
Figure IV-G-1

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LEGEND

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> Highway 99 "A" - Major Arterial - 128 ft ROW; 6 lanes plus landscaped median "B" - Divided Arterial - 118 ft ROW; 4 lanes plus landscaped median "C1" - Minor Arterial - 94 ft ROW; 5 lanes (4 with center-turn lane) | <ul style="list-style-type: none"> "C2" - Minor Arterial - 94 ft ROW; 4 lanes with landscaped median "C3" - Urban Collector - 74 ft ROW; 3 lanes (2 plus center-turn lane) "D" - Collector - 74 ft ROW; 2 lanes (collector) "E" - Childs Avenue Special Section - 604 ft ROW; 2 lanes | <ul style="list-style-type: none"> Potential Freeway Overpass Signalized Intersection Right-in / Right-out only |
|--|---|---|



Not to Scale

General Plan Policies discussed in 1G above were designed to address concerns regarding the loss and preservation of agricultural land within the City of Merced.

e. Significant Project Impacts

The Merced Vision 2015 GP EIR contains an analysis of agricultural resources impacts for the General Plan area, which includes the ~~Specific-Community~~ Plan area. The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated. A Statement of Overriding Considerations was adopted, together with the adoption of the *Merced Vision 2015 General Plan*, which found that, though "significant" adverse impacts are likely to result from the implementation of the *Merced Vision 2015 General Plan*, there are social, environmental, and economic merits of the project that will more than balance the adverse environmental effects. Therefore, agricultural impacts associated with the loss of agricultural land are adequately addressed in the General Plan EIR. No further evaluation is necessary.

(1) Impact AG-1

Implementation of the ~~Specific-Community~~ Plan will not result in the conversion of additional prime agricultural land to non-agricultural uses that were not previously identified in the *Merced Vision 2015 General Plan*. The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated. That General Plan identified the prime agricultural land of the ~~Specific-Community~~ Plan and addressed the potential impact of the loss of these lands. This impact is considered significant and unavoidable~~less than significant~~.

(2) Impact AG-2

Implementation of the ~~Specific-Community~~ Plan will impair the productivity of prime agricultural land; ~~however, this was identified in the Merced Vision 2015 GP EIR, and a Statement of Overriding Considerations was adopted for this impact.~~ The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated. ~~Although~~ the proposed ~~Specific-Community~~ Plan will not impact any additional prime agricultural lands that were identified in the GP EIR; ~~therefore,~~ impacts to agricultural resources are considered significant and unavoidable~~less than significant~~.

(3) Impact AG-3

Implementation of the ~~Specific-Community~~ Plan will comply with adopted City policies, which include the promotion of compact urban development and the preservation of agricultural resources in identified areas. Specifically, incorporation of GP Policy OS-2.1.c, which "minimize[s] conflict between agricultural and urban uses by requiring buffers, such as landscape areas, roadways or creeks to separate these uses," will be

implemented through the use of Mission Avenue, a 128-foot right of way for a future arterial street, as a buffer between residential development in the planning area and agricultural uses to the south. With the incorporation of adopted policies, impacts to agricultural resources are considered *less than significant*.

f. Significant Cumulative Impacts

Individual development projects in South Merced and within nearby unincorporated areas will have the potential to create compatibility conflicts. Such conflicts are expected to be addressed on a case-by-case basis and can be resolved through appropriate design and implementation of adopted policies. However, the development of parcels currently used for agricultural purposes in the planning area of the community plan, in the long-term, will result in a significant cumulative impact. ~~Cumulative impacts will be less than significant.~~

3. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

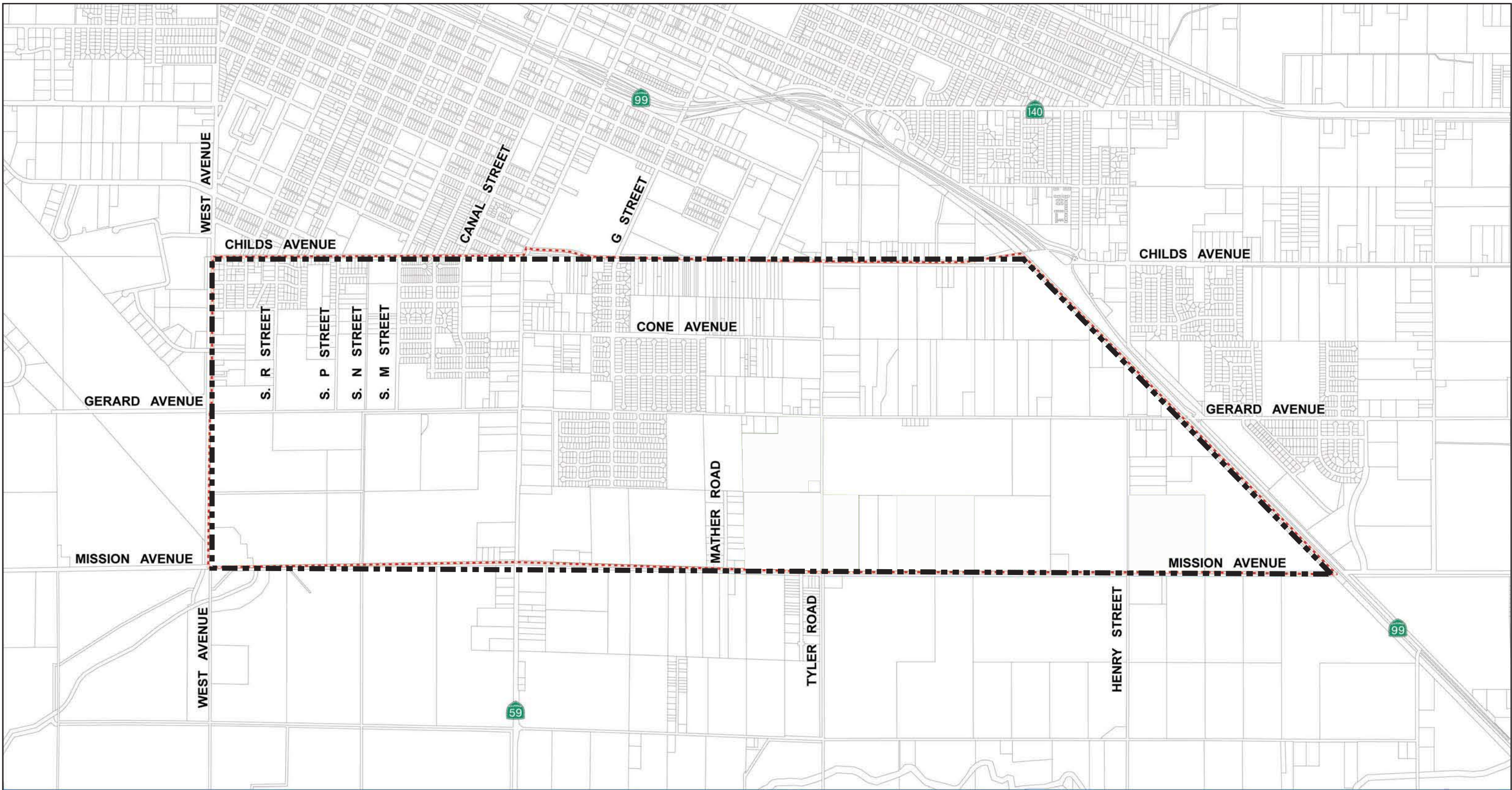
The following information is provided in accordance with Section 15126.4 of the CEQA Guidelines.

a. Measures that Mitigate Direct Impacts

Several goals and policies identified in the *Merced Vision 2015 General Plan*, as discussed in 1G above, will be incorporated into the ~~Specific-Community~~ Plan to further minimize impacts on agricultural resources. With the incorporation of these policies and the Statement of Overriding Considerations adopted in conjunction with the approval of the Merced Vision 2015 GP EIR, no additional mitigation measures are required.

b. Measures that Mitigate Cumulative Impacts

On the basis of the analysis performed in the Merced Vision 2015 GP EIR, it has been determined that the cumulative impact of converting “prime” agricultural soils to non-productive agricultural uses is a “significant” adverse impact under CEQA. No mitigation is available to address this impact.



SOUTH MERCED COMMUNITY PLAN - WILLIAMSON ACT

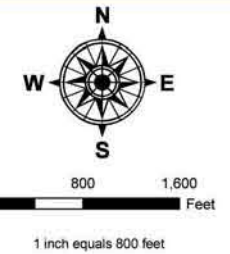
Figure IV-1-1

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LEGEND

- SOUTH MERCED COMMUNITY PLAN
- PARCELS
- WILLIAMSON ACT CONTRACTS



CHAPTER 3:
Public Agency Comments and Lead Agency Responses

Comment Letter A

06-07-07

10:43

FROM-DFG

550 2439004

T-876

P.002/008

F-845



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4014



June 6, 2007

Bill King
Principal Planner
City of Merced
Planning Division
678 West 18th Street
Merced, California 95340

Dear Mr. King:

**Draft Environmental Impact Report (DEIR)
South Merced Specific Plan
SCH #2006041164**

The Department of Fish and Game (Department) has reviewed the DEIR submitted by the City of Merced regarding the South Merced Specific Plan (Project). The DEIR will serve as the fundamental policy for future land use and guides the development of a 2,052-acre area in the southern area of the City of Merced. The Project area is defined by State Route 99 to the east, Childs Avenue to the north, Mission Avenue/Dickensen Ferry Road to the south, and West Avenue and the Merced Airport to the west. The proposed Project area has been determined by the City of Merced as an area which would benefit from improved neighborhood conditions, economic development, more defined land uses, coordinated infrastructure improvements, and expanded services.

On May 23, 2006, the Department commented on a Notice of Preparation (NOP) for the DEIR. In that correspondence, we identified the resource impacts and issues of concern with regard to the special status biological resources present in the Project area, and that the Project could result in substantive impacts to the adjacent Hartley Lateral, Zentner Lateral, and Hartley Slough.

In order to adequately assess any potential impacts to biological resources, additional focused biological surveys may need to be conducted on specific future project sites within the boundaries of the Project area. These survey(s) should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether or not any special status species may be present within the future planned project areas. This information is necessary to identify any project specific mitigation, minimization, and avoidance measures. Properly conducted biological surveys, and the information assembled from them, are essential to adequately identify any Project-related impacts under the California Endangered Species Act (CESA).

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Conserving California's Wildlife Since 1870

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Our more detailed comments pertaining to the DEIR are primarily focused on compliance with CESA and Section 1600 (Streambed Alteration) of the Fish and Game Code and follow below.

Trustee Agency Authority: The Department is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities as those terms are used under CEQA.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, the Department may need to issue an Incidental Take Permit for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Stream Alteration Notification: The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource. As currently proposed, projects included in the Specific Plan could result in activities occurring within Hartley Lateral, Zentner Lateral, and Hartley Slough. Generally, the Department requires minimization of impacts to waterways under the jurisdiction of Fish and Game Code Section 1600 et seq. Mitigation measure BIO-4 of the DEIR requires Project proponents to consult with the Department in the event waterways within the Specific Plan boundary could be impacted. We recommend contacting Brian Erlandsen, Environmental Scientist, at (559) 243-4014 extension 231, to discuss the feasibility of waterway fill and rerouting and riparian vegetation removal, as well as for further information regarding notification requirements.

General Comments

Special Status Plant Species: Impacts to special status plant species, and a series of actions intended to minimize or rectify the disturbance or loss of habitat within the Project area, are discussed under Mitigation Measure BIO-2 of the DEIR. This mitigation measure includes the salvage of perennial plants and the collection of seeds for planting and dispersing elsewhere. The Department is concerned that this proposed method would not

A-2

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likely be successful and would negatively impact the plants to be transplanted, as well as the existing plant populations at the recipient site. The existing seed bank at the recipient site could be buried under new soil. Further, if the elevation, soil type, slope, aspect ratio or moisture regime is not the same between the host site and recipient site, the chances of successful germination of transplant seed is low. In addition, there could be genes introduced to the recipient population that would not normally be available. This can impact the future vigor of successive generations of plant populations. The Department should be consulted before any mitigation and monitoring plan is developed for any State listed species. There are concerns that the transplantation effort would also negatively impact other listed plant species that occur in the same soil type(s). It is important to note that plants species listed under CESA may not be moved or otherwise disturbed without the applicant first acquiring an Incidental Take Permit pursuant to Fish and Game Code Section 2081. Additional mitigation beyond that described in the DEIR would be necessary to meet the Department's Incidental Take Permit issuance criteria.

A-3
cont.

Swainson's Hawk: Regarding Swainson's hawk, Mitigation Measure BIO-2 states that "no further mitigation would be required" if no active nests are identified on or within 250 feet of a development site. Swainson's hawks are known to nest within 10 miles of the Project area and could nest within the Project area. Due to the loss of suitable foraging and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included in the DEIR.

The Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson's hawk foraging habitat impacted; for projects that occur within 5 miles of an active nest tree that 0.75 acres of habitat be protected in perpetuity for every acre foraging habitat impacted; and for projects that occur within 10 miles of an active nest tree, that 0.5 acres of habitat be protected in perpetuity for every acre of foraging habitat impacted. In addition to providing foraging habitat for Swainson's hawks, set aside land will also benefit other raptors in the area that use the same habitat. Funding of a sufficient long term endowment for the management of the protected properties should be paid by individual project sponsors.

A-4

In addition, the removal of mature trees is a potentially significant impact to nesting raptors that should be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and in the case of Swainson's hawk could also result in take under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat.

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FROM:DFG

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Burrowing Owls: Burrowing owls are known to use the Project area during the nesting season. In addition to measures stated in the DEIR to avoid or relocate owls according to Department guidance (Mitigation Measure BIO-2), the Department's Staff Report on Burrowing Owl Mitigation (CDFG 1995) recommends that a minimum of 6.5 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.

A-5

Giant Garter Snake: Though not mentioned in the mitigation measures, there is potential for the species to occur in canals and wetlands within the Project area. Potential impacts to this species should be presented in the DEIR, along with mitigation measures. Construction activity within 200 feet of giant garter snake habitat could result in "take" of snakes and a State Incidental Take Permit may be required. All construction activities within snake habitat should be conducted between May 1 and October 1 to fall within the activity period of the snake. The United States Fish and Wildlife Service's Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat should be followed and surveys should be conducted by qualified biologist(s) 24-hours prior to the start of construction.

A-6

San Joaquin kit fox (SJKF): SJKF populations are known to fluctuate over years and absence during any one survey does not necessarily indicate the potential for SJKF to occur on a site at a future time. It is important to note that SJKF may be attracted to the construction areas of the all of the planned project sites due to the type and level of activity (trenching, pipes, intensive grading and excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. The Department recommends that the United States Fish and Wildlife Service's (USFWS) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance," (1999) be followed prior to any ground disturbing activities occurring within the non-irrigated agriculture portion of the Specific Plan Project area. These surveys should also be conducted a maximum of 30 days prior to ground disturbing activities. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid take. The Department recommends the DEIR be amended to include the above avoidance, minimization, and mitigation measures for this species.

A-7

Take under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with USFWS in order to comply with FESA is advised well in advance of Project implementation.

Cumulative Impacts: The DEIR states that through mitigation to reduce impacts by individual projects within the Project area, cumulative impacts "are expected to be fully mitigated." According to CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, and Section 15355), the definition of cumulative impacts includes the incrementa

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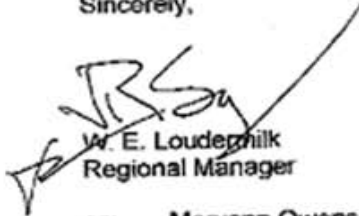
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impacts from multiple projects, including individually minor projects. The Department does not agree that mitigation on an individual project-by-project basis can adequately mitigate for cumulative losses to habitat and species within the 2,052-acre Project area. Additional measures addressing cumulative impacts should be included in the DEIR.

Depending upon the results of the previously mentioned biological surveys, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to habitat and special status species. If you have any questions on these issues, please contact Linda Connolly, Environmental Scientist, at the address or telephone number (extension 217) provided on this letterhead.

Sincerely,



W. E. Loudermilk
Regional Manager

cc: Maryann Owens
United States Fish and
Wildlife Service
2800 Cottage Way, W-2605
Sacramento, California 95825

Response to Comment Letter A

- A-1 The Biological Resources section of the DEIR has been modified to incorporate the following text. Mitigation Measures BIO-1 and BIO-2 already include provisions that require focused surveys.

In order to adequately assess any potential impacts to biological resources, additional focused biological surveys may need to be conducted on specific future project sites within the boundaries of the Project area. This will be determined when project specific applications are submitted to the City. These survey(s) should be conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) in order to determine whether or not any special status species may be present within the future planned project areas. This information is necessary to identify any project specific mitigation, minimization, and avoidance measures. Properly conducted biological surveys, and the information assembled from them, are essential to adequately identify any Project-related impacts under the California Endangered Species Act (CESA).

- A-2 We concur with the CDFG's status as a Trustee and Responsible Agency and as well with the Department's regulatory authority with regard to streams and/or lakes. As a point of clarification, the Hartley Slough does not traverse through any part of the South Merced Community Plan area. Additionally, both Owens Creek and Miles Creek are located approximately ½ mile to the south of the planning area.
- A-3 As recommended by CDFG, Mitigation Measures BIO-1, BIO-2 and BIO-4 are amended to ensure that CDFG is part of the Project review process of developing appropriate mitigation. Mitigation Measure BIO-2 is amended to not include salvaging of perennial plants and the collection of seeds for planting and dispersing elsewhere as worded (see amendments below).
- A-4 In order to address potential impacts to Swainson's hawk, changes are proposed to Mitigation Measure BIO-2 (see amendments below).
- A-5 Mitigation Measure BIO-2 has been modified to incorporate further mitigation for Burrowing owls (see amendments below).
- A-6 Although low, there is potential for the Giant Garter Snake to occur in canals and wetlands of the Project area. Construction activity within 200 feet of Giant Garter Snake habitat could result in a "take" of snakes and a State Incidental Take permit may be required. Therefore, Mitigation Measure BIO-2 has been modified to account for this issue (See amendments below):

Amended Mitigation Measure BIO-1

Mitigation Measure BIO-1: *Sensitive Biological Lands.* Focused surveys, including floristic surveys, targeted wildlife surveys, and CWA 401, 404, and California Fish and Game Code 1600 (*et seq.*) jurisdictional delineations shall be required prior to initiating any development or other site-disturbance activity to avoid and minimize adverse impacts to sensitive biological lands (e.g., vernal pools, riparian areas, and wildlife corridors) to

Response to Comment Letter A

the maximum extent practicable pursuant to Merced Vision 2015 General Plan Policy OS-1.1.

- i. If present and practicable, impacts to sensitive biological lands will be avoided with the use of a minimum setback to maintain the biological and hydrological (when applicable) integrity of sensitive biological lands.
- ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtain all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) ~~through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, USFWS, and USACE) to secure all obligatory discretionary permits and development authorization.~~
- iii. Through the normal review processes of CEQA, the all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.

At a minimum, development activities that result in loss of sensitive biological lands will be compensated for on a one-to-one (1:1) impact to mitigation ratio to ensure a no-net-loss standard within Merced County.

Amended Mitigation Measure BIO-2

Mitigation Measure BIO-2: *Special-Status Species*. Projects will be required to include the following measures to assure no substantial adverse effect on local, state, or federally-protected plant or wildlife species result from the Project. Developers will also be required to include focused surveys for the presence or absence of state and federal ESA-protected species and the habitats upon which they depend.

- i. If present and practicable, impacts to state and federal ESA protected species, and their habitats will be avoided by implementing environmental awareness programs for project staff, the designation of environmental inspectors/monitors who will have the authority to redirect non-emergency activities that might harm state and federally-protected species, limiting development activities to prescribed areas, and avoiding introduction of non-native species.
- ii. If avoidance of ESA or other special-status species is not practicable, the developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtain all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) ~~to secure.~~
- iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.
- iv. Specific mitigation measures are suggested below for burrowing owl, giant garter snake, vernal pool branchiopods, and special-status plants:

Response to Comment Letter A

Burrowing Owl and Swainson's Hawk

- i. Surveys by a qualified biologist for lands and species shall include an impact assessment of burrowing owl and Swainson's hawk foraging and nesting habitat. The biological assessment report will contain recommended mitigation measures, such as those listed below, to reduce potential significant impacts to nests and habitat to less-than-significant.
- ii. Projects will conduct pre-development surveys to following CDFG guidelines. If no active avian nests are identified on or within 250 feet of the development site, no further mitigation would be required.
- iii. If active nests are located, development would be delayed within the buffer zone until the young have fledged or appropriate mitigation measures have been developed in consultation with appropriate resource agencies.
- iv. In the case of burrowing owls, burrows would be avoided or passive exclusion and relocation techniques would be implemented following CDFG guidance to the maximum extent practicable.
- v. In the case of Swainson's hawks, informal consultations with CDFG will be initiated to determine appropriate actions necessary to protect the nest site until the young have fledged and begin foraging independently.

Giant Garter Snake

Focused surveys by a qualified biologist for lands and species shall include an assessment of habitat for the Giant Garter Snake. Such surveys and associated biological assessment reports will contain recommend mitigation measures to reduce significant impacts to less-than-significant. Such measures will include the following:

All construction activities within snake habitat shall be conducted between May 1 and October 1 to fall within the activity period of the snake. The United States Fish and Wildlife Service's Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat shall be followed and surveys shall be conducted by qualified biologist(s) 24-hours prior to the start of construction.

Vernal Pool Branchiopods

- i. Field surveys for vernal pool branchiopods will be conducted following USFWS "Interim Survey Guidelines for Recovery Permits for Vernal Pool Branchiopods" to the maximum extent practicable in consultation with all applicable agencies (e.g., USFWS and CDFG).
- ii. If present and practicable, impacts to vernal pool species and habitats will be avoided with the use of a minimum setback.
- iii. If avoidance is not practicable, developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits

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~~and obtaining all relevant development authorizations through appropriate CEQA responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, USFWS) to secure all obligatory discretionary permits and development authorization.~~ Developers shall submit to the City Building Division notification of the determination from the USACE regarding fill of the site and CDFG/USFWS for take of listed species prior to issuance of grading permits.

- iv. Activities that result in loss of vernal pool habitats will at a minimum be compensated for on a 1.1:1 impact to mitigation ratio to ensure a no-net-loss standard within Merced County.

Special-Status Plant Species

- i. Pre-development surveys will be performed to detect the presence of special-status plant species within the project areas.
- ii. If present and practicable, impacts to special-status plant species and habitats will be avoided with the use of a minimum setback.
- ~~iii.~~ If avoidance is not practicable, applicants will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, CDFG, and USFWS).
- ~~iv.~~ ~~In areas subject to development, special-status perennial plants will be salvaged for transplantation following established protocols.~~
- ~~v.~~ ~~For special-status annual plants, seeds will be collected from populations prior to the loss of the populations due to development.~~
- ~~vi.~~ ~~Salvage plants and collected seeds will be planted and dispersed within suitable habitat not currently occupied by the affected plant species, to avoid impacts on the genetic composition of existing populations.~~

Amended Mitigation Measure BIO-4

Mitigation BIO-4: Creeks, Ditches, and Drainages. Projects will be required to avoid, minimize, and/or compensate for adverse impacts to Merced's important natural urban creek system.

- i. If present and practicable, impacts to Merced's important natural urban creek system will be avoided.
- ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or

Response to Comment Letter A

~~NMFS) through consultation with the appropriate responsible local, state, and federal agencies (e.g., City Planning Department, RWQCB, CDFG, and USACE) to secure all obligatory discretionary permits and development authorization.~~

- iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.

Local development authorization will obligate subsequent projects to: (1) avoid fencing and piping creeks to the maximum extent practicable, (2) conserve major creeks, riparian habitat, substantial woodlands or stands of trees and knolls as open space amenities when practicable, (3) engineer naturalized channelization improvements and pursue alternatives to concrete channeling of existing creeks and streams as part of any flood control project to support more natural flood control methods, and (4) provide a minimum 50-foot dedication from the centerline (or 25 feet from the crown, whichever is greater) of all affected creeks.

- A-7 The Biological Resources Report for the Project concluded that the potential for occurrence of the San Joaquin kit fox in the plan area is “low,” which is defined as “species distribution is restricted by substantive habitat requirements that are negligible within the study area, and that no further study is obligatory to determine likely presence or absence of this species within the study area.” Thus, even though populations fluctuate from year to year, the Project area does not contain the habitat characteristics attractive to this species.

- A-8 The cumulative impacts section related to Biological Resources has been modified as follows:

Implementation of the aforementioned mitigation measures and standards will reduce potential cumulative impacts to biological resources. ~~Therefore, potential cumulative impacts from the implementation of the Specific Plan are expected to be fully mitigated.~~ Through fully mitigating individual projects to a less than significant level, each individual project will not result in impacts that are cumulatively considerable, thereby mitigating cumulative impacts from full development of the Community Plan.

Response to Comment Letter B

Jun-07-2007 15:43

From-DIVISION OF LAND RESOURCE PROTECTION

19163273430

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STATE OF CALIFORNIA, RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0860 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

TO: Project Coordinator
Resources Agency

VIA FACSIMILE (209) 725-8775

Bill King
City of Merced
678 West 18th Street
Merced, CA 95340



FROM: Brian Leahy, Assistant Director
Department of Conservation
Division of Land Resource Protection

DATE: June 6, 2007

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SOUTH
MERCED SPECIFIC PLAN SCH# 2006041164

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DEIR and offers the following comments with respect to the project's potential impacts on agricultural land.

The proposed project involves development of a specific plan for a 2,052-acre area. Proposed land uses for the area are primarily residential with business/commercial, industrial, agricultural/open space, and school. The South Merced SP DEIR is tiered from the DEIR from the Merced Vision 2015 General Plan which was adopted in 1997.

The DEIR for the South Merced SP project provides a good discussion of the agricultural setting of the project area and notes that agricultural land conversion resulting from the project was discussed and acknowledged as a significant impact in the General Plan EIR. The current DEIR also notes that the General Plan project had an adopted Statement of Overriding Considerations which found that social, environmental, and economic merits of the project will more than balance the adverse environmental effects of the project. The South Merced SP project DEIR, therefore, concludes that agricultural impacts associated with loss of agricultural land are adequately addressed in the General Plan EIR and that no further evaluation is necessary.

B-1

*The Department of Conservation's mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California's farmland; and Saving energy and resources through recycling.*

Response to Comment Letter B

Jun-07-2007 15:43

From-DIVISION OF LAND RESOURCE PROTECTION

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Bill King
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The city should be aware that an appeals court ruling in Communities for Better Environment, et al. v. California Resources Agency, et al. (2002) has invalidated California Environmental Quality Act Guideline §15152(f)(3)(c). Although a prior environmental impact report's *analysis* of environmental effects may be incorporated in a later EIR for a specific project the decision makers must still make findings and go on record as to why the later project was approved despite significant unavoidable impacts.

B-1
cont.

The DEIR notes that implementation of the project will comply with adopted city policies such as promotion of compact urban development, preservation of agricultural resources in identified areas, and use of buffers. The division also recommends utilizing General Plan Policy 2.1a to explore the use of farmland trusts, exclusive agricultural zoning, and transfer of development rights to protect agricultural areas. The division recommends that the city investigate the feasibility of using purchase of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA.

B-2

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. For example, the California Farmland Conservancy Program is authorized to accept donations of funds if the Department of Conservation is the designated beneficiary and it agrees to use the funds for purposes of the program in a county specified by the donor. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the city's jurisdiction.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is:

<http://www.conservation.ca.gov/DLRP/>

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

cc: East Merced RCD
2135 Wardrobe Avenue, Suite C
Merced, CA 95340

Response to Comment Letter B

- B-1 We have noted the appeals court ruling in Communities for a Better Environment, et al. v. California Resources Agency, et al., invalidating the CEQA Guideline 15152(f)(3)(c), and will process the EIR so that the City of Merced, if approving a later project despite significant unavoidable impacts, will make findings and go on record to explain why *such project* was approved. The Agricultural Resources section of the DEIR has been modified to state that development of the South Merced Community Plan will have significant unavoidable impacts as described and identified as part of the EIR for the *Merced Vision 2015 General Plan*.

Amended Text of DEIR (Page IV-I-6, Section e):

(1) Impact AG-1

Implementation of the Community Specific Plan will not result in the conversion of additional prime agricultural land to non-agricultural uses that were not previously identified in the *Merced Vision 2015 General Plan*. The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated. That General Plan identified the prime agricultural land of the Community Specific Plan and addressed the potential impact of the loss of these lands. This impact is considered significant and unavoidable ~~less than significant~~.

(2) Impact AG-2

Implementation of the Community Specific Plan will impair the productivity of prime agricultural land; ~~however, this was identified in the Merced Vision 2015 GP EIR, and a Statement of Overriding Considerations was adopted for this impact.~~ The GP EIR concluded that the expansion of the City's urban area will result in the loss of agricultural land for the region, which is considered a significant impact that cannot be mitigated. ~~Although t~~The proposed Community Specific Plan will not impact any additional prime agricultural lands that were identified in the GP EIR; ~~therefore,~~ impacts to agricultural resources are considered significant and unavoidable. ~~less than significant~~.

f. Significant Cumulative Impacts

Individual development projects in South Merced and within nearby unincorporated areas will have the potential to create compatibility conflicts. Such conflicts are expected to be addressed on a case-by-case basis and can be resolved through appropriate design and implementation of adopted policies. However, the development of parcels currently used for agricultural purposes in the planning area of the community plan, in the long-term, will result in a significant cumulative impact. ~~Cumulative impacts will be less than significant.~~

- B-2 While the City will be exploring the use of farmland trusts, exclusive agricultural zoning, and transfer of development rights to project agricultural areas for future growth areas outside the current growth boundary, the use of other policies will be utilized inside the current growth boundary for which a statement of overriding consideration has been adopted.

Comment Letter C

DEPARTMENT OF TRANSPORTATION
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PHONE (916) 654-4959
FAX (916) 653-9531
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*Flex your power!
Be energy efficient!*

June 4, 2007

Mr. Bill King
City of Merced
678 W. 18th Street
Merced, CA 95340

Dear Mr. King:

Draft Environmental Impact Report for the South Merced Specific Plan; SCH# 2006041164

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

C-1

The proposal is for the South Merced Specific Plan. The South Merced Specific Plan encompasses 2100 acres and is located adjacent to the eastern boundary of the Merced Municipal Airport.

In accordance with CEQA, Public Resources Code Section 21096, the Caltrans Airport Land Use Planning Handbook (Handbook) available on-line at www.dot.ca.gov/hq/planning/aeronaut/htmlfile/landuse.php. must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public-use airports.

C-2

Portions of the project site appear to be within the runway protection zone (RPZ), the inner approach/departure zone, the inner turning zone, and the traffic pattern zone for Merced Municipal Airport as defined in the Caltrans Handbook. The RPZ is the most critical of the airport safety zones, considered to be at "very high risk" due its proximity to the end of the runway. The Handbook generally recommends prohibiting all new structures within the RPZ. Just beyond the RPZ is the inner approach/departure zone, which is considered to be at "substantial risk". The RPZ together with the inner safety zones encompass 30 to 50 percent of the near-airport aircraft accident sites.

C-3

Due to its proximity to the airport, the project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts. Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports (with the exception of the 65 dB CNEL "worst case" threshold established in the State noise standards for the designated "noise problem" airports). For most

C-4

"Caltrans improves mobility across California"

Comment Letter C

Mr. Bill King
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Page 2

airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. For a further discussion of how to establish an appropriate noise level for a particular community, please refer to Chapter 7 of the Handbook.

C-4
cont.

Public Utilities Code Section 21659 prohibits structural hazards near airports. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available on-line at <http://forms.faa.gov/forms/faa7460-1.pdf>.

Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. This should be a consideration prior to designating residential uses in the vicinity of an airport. The Division's school site evaluation criteria is available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/regulations.php>.

C-5

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer land for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The FAA recommends that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. FAA Advisory Circular (AC) 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" and AC 150/5200-34 entitled "Construction or Establishment of Landfills Near Public Airports" address these issues. For further information, please refer to the FAA website http://wildlife-mitigation.tc.faa.gov/public_html/index.html.

C-6

Government Code Section 65302.3 (a) requires general plans, specific plans, and amendments shall be consistent with the adopted airport land use plans adopted or amended pursuant to Section 21675 of the Public Utilities Code. In accordance with Public Utilities Code (PUC) Section 21676, General Plan Amendments must be consistent with the adopted airport land use compatibility plans developed by the Merced County Airport Land Use Commission. This requirement is necessary to ensure that land uses and land use densities are appropriate, given the nature of airport operations. In addition to submitting the proposal to the Airport Land Use Commission, it should also be coordinated with Merced Municipal Airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

C-7

"Caltrans improves mobility across California"

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Page 3

Aviation plays a significant role in California's transportation system. This role includes the movement of people and goods within and beyond our State's network of over 250 airports. Aviation contributes nearly 9 percent of both total State employment (1.7 million jobs) and total State output (\$110.7 billion) annually. These benefits were identified in a study entitled, "Aviation in California: Benefits to Our Economy and Way of Life," and available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/>. Aviation improves mobility, generates tax revenue, saves lives through emergency response, medical and fire fighting services, annually transports air cargo valued at over \$170 billion and generates over \$14 billion in tourist dollars, which in turn improves our economy and quality of life.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Merced Municipal Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 10 office in Stockton at (209) 948-7543 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-7075.

Sincerely,



RON BOLYARD
Aviation Environmental Planner

c: State Clearinghouse, Merced Municipal Airport, Merced County ALUC

Responses to Comment Letter C

- C-1 We concur with the California Department of Transportation (Caltrans), Division of Aeronautics' role as a funding agency for airport projects with permit authority for public-use and special-use airports and heliports.
- C-2 We have utilized the Caltrans Airport Land Use Planning Handbook in preparing this environmental document for airport land use compatibility.
- C-3 The location of portions of the proposed project site within or near the runway protection zone (RPZ), the inner approach/departure zone, the inner turning zone, and the traffic pattern zone for Merced Municipal Airport is outlined in Section 2.d.(3)(a) of the Hazards/Hazardous Wastes section on page IV-D-8 of the Draft EIR.
- C-4 Noise impacts related to airport proximity have been evaluated in the EIR by the criteria adopted in the Merced Noise Element (City of Merced, 1997a, 10-19) described on pages IV-F-5 and IV-F-6, as follows:
- A maximum Ldn of 60 dB for exterior noise levels, especially when outdoor activities are important components of a project;
 - A maximum Ldn of 65 dB when all best available noise-reduction techniques cannot achieve a 60 dB level;
 - A normally acceptable Ldn of 65 dBA for most commercial and office uses; and
 - A conditionally acceptable Ldn of 77 dBA for most commercial and office uses.

These compatibility standards identified in the Noise Element are derived from guidelines recommended by the State of California and the federal Department of Housing and Urban Development, which are reviewed in the Noise Element of the *Merced Vision 2015 General Plan* (City of Merced, 1997a, 10-17 through 10-20).

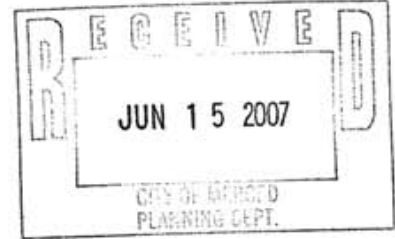
- C-5 We have reviewed the requirements of the Public Utilities Code Section 21659, Education Code Section 17215, the Business and Professions Code Section 11010, and the Civil Code Sections 1102.6, 1103.4 and 1353. The Public Utilities Code and Education Code are directly referenced in Section 2.d.(2)(f) of the Hazards/Hazardous Wastes section on page IV-D-7.
- C-6 We have recognized the FAA recommendation that landfills, wastewater treatment facilities, surface mining, wetlands and other uses that have the potential to attract wildlife, be restricted in the vicinity of an airport. The *South Merced Community Plan* does not propose to construct any of these uses.
- C-7 The Merced County Airport Land Use Compatibility Plan was utilized in evaluating proposed land uses in accordance with the requirements of

Responses to Comment Letter C

Government Code Section 65302.3 (a) and Public Utilities Code (PUC) Section 21675 pertaining to plan consistency with adopted airport land use plans to ensure appropriate land uses and land uses densities. We understand the importance of protecting the Merced Municipal Airport from incompatible land use encroachment and have crafted the Community Plan to be consistent with the Merced County Airport Land Use Compatibility Plan. Plan Policy OS-1.4 is dedicated to protection of the Merced Municipal Airport. It reads, “*Require new development within airport influence areas to be designed and operated to enable the continued operation and growth of the Merced Municipal Airport,*” and contains several implementing actions dealing with (1) land uses and population density; (2) FAA review requirements, including those pertaining to heights; and (3) disclosure statements, easements and deed notices.

Comment Letter D

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June 14, 2007

City of Merced
678 West 18th Street
Merced, CA 95340

RE: Draft Environmental Impact Report
"South Merced Specific Plan"
(SCH#2006041164)

TO WHOM IT MAY CONCERN:

The following comments are made as a representative of the Joseph and Laura Machado Family Trust, property owners within the Specific Plan study area (APN: 259-160-010 & 018, and 259-180-006, 007, 008, 010, 011, 012 & 013).

As a member of the South Merced Specific Plan Citizens Advisory Committee, I attended nearly all of the scheduled meetings and support the proposed plan as represented with two exceptions and the DEIR with one correction.

First, with regards to the two land use designations for the property on the north side of Mission Avenue from Henry Street to the Mission/99 interchange, I recommend that these two land use designations be switched in order to provide more freeway visibility for regional retailers. While I believe that both parcels will eventually be developed as commercial, regional retailers (or big-box) much prefer the maximum amount of freeway exposure possible.

D-1

Second, the last land use concept plan that I received as a CAC member did not include a linear open space/pathway (bikeway) connection from Henry Street to the Mission Avenue-Freeway 99 interchange; the proposed land use concept plan does. While I support the goal of connecting those two points, I firmly believe that the designated pathway alignment needs to be relocated.

D-2

The unstated goal of this pathway segment is to provide a connection from the west side of Freeway 99 to the east side. Because a pathway crossing of Freeway 99 "at grade" is intuitively not an option and tunneling beneath the Freeway too costly, the plan anticipates the pathway crossing of Freeway 99 by way of the Mission Avenue over-

Comment Letter D


Letter to City of Merced
June 14, 2007
Page 2

crossing. Due to Caltrans' interchange design and associated grade (elevation) changes for Mission Avenue, the pathway must join with the Mission Avenue alignment much further west than where it is currently proposed in order follow up the incline over Freeway 99. } D-2 cont.

Finally, Figure IV I-1 is labeled "...Merced Agricultural Preserve" yet identifies properties as being under "Williamson Act Contracts". This figure directly contradicts that last sentence in Paragraph I 2d (1). } D-3

Thank you.

Yours very truly,



RICK TELEGAN

cc: Joe and Laura Machado

Responses to Comment Letter D

D-1 The suggested arrangement was considered during the development of the *South Merced Community Plan*, and City Staff concluded that land area for “Business Park” is needed along and adjacent to SH 99, and that the regional commercial site needs adjacency to a signalized intersection at Henry Road. Switching these land uses would be contrary to these objectives.

D-2 While the trail will need to be designed to connect with the bike lane on Mission Avenue at an appropriate location, which probably means further west, the actual route through the “Business Park” and “Regional Commercial” designations should be in areas with the least amount of road crossings. The plan placed the trail toward the rear where intuitively there would be less traffic. The final placement, however, has not yet been determined.

The Community Plan has been modified to clarify that the alignment shown on the diagram is broad, and that the actual specific alignment will be made at the Project level, with the main goal of limiting interfaces with vehicles, for example at road crossings. Applicable diagrams have been modified in the Final Specific Plan and DEIR so that the connection of this pathway is closer to Henry Street.

D-3 We have verified the Williamson Act Contract information with Merced County Planner Robert King and have found that Figure IV-I-1 is incorrect in showing 6 parcels under Williamson Act Contract. There are no parcels under Williamson Act Contract within the specific plan area as is stated in the last sentence of this section.

The title of Figure IV-I-1 as referenced in the table of contents is shown as “Merced Agricultural Preserve” and has been modified to show the correct title of the figure as “Williamson Act.” Figure IV-I-1 has been modified to show that no parcels under Williamson Act Contract are within the community plan area.

Comment Letter E

June 20, 2007

Bill King, Principal Planner
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340

Project: South Merced Specific Plan (SMSP), EIR #05-45, SCH #2006041164

Subject: CEQA comments regarding the Draft Environmental Impact Report (DEIR) for the project area bounded by Childs Avenue to the north, State Route 99 to the east, Mission Avenue to the south and West Avenue to the west

District Reference No: 200700790

Dear Mr. King:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above. Chapter IV, Section A. Air Quality adequately describes the regulatory environment and existing air quality conditions, addresses short-term, long-term and cumulative effects on air quality, discusses applicable District regulations, and identifies mitigation measures to reduce air emissions.

The District concurs that construction related fugitive dust will be mitigated to a level of insignificance through compliance with the District's Regulation VIII (Fugitive PM10 Prohibitions) requirements. The District also concurs that the buildout of the SMSP will generate operational ROG and NOx emissions that exceed the District's Thresholds of Significance of 10 tons per year and, therefore, will have a significant impact on air quality.

However, the District cannot validate the conclusion in the discussion of Impact AQ-5 that hazardous air pollutant (HAPs) emissions will have a less-than-significant impact on air quality and human health risk. As discussed in the DEIR, HAPs are a concern when new stationary sources are to be located in close proximity to existing or planned sensitive receptors. Likewise, HAPs are a concern for developments in which sensitive receptors will be placed near existing or planned stationary sources. The DEIR states that, because project developers will have to consult with the District to identify significant HAPs sources in the project vicinity and that road patterns will keep truck travel from industrially zoned lands out of residential neighborhoods, there will be a less-than significant impact to sensitive receptors. While these two (2) measures are effective in reducing the risk to human health, the District offers the following comments:

Comment Letter E

- As stated in the DEIR, stationary sources are subject to District Rule 2201 (New and Modified Stationary Source Review) and may be subject to District Regulation VII (Toxic Air Pollutants) requirements. The District's permitting process requires a risk management review (RMR) to determine the health risk generated by stationary sources. However, the RMR is not a full-scale health risk assessment (HRA). An HRA is an analysis of the health risk from all project related sources including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicle), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).

E-1

- Sensitive receptors are identified as locations where human populations, especially children, seniors, and sick persons, are found and there is a reasonable expectation of continuous human exposure. Receptors typically include residences, schools and hospitals. However, in commercial and industrial zones, employees in neighboring facilities are also considered sensitive receptors.

E-2

- Health risks cannot be accurately characterized at this time. A project's impacts on human health are dependent upon many factors including: proximity to sensitive receptors and/or stationary sources, the mobile emissions associated with the project, and all operational emissions (from both permitted and non-permitted sources). It can be assumed that compliance with District's permitting process will reduce a project's health risk from permitted stationary sources to a level of insignificance. However, the risk from a project's non-permitted sources cannot be calculated until an HRA has been performed. Because commercial and industrial developments have not been identified in the DEIR, the impact on health risk cannot be fully determined at this time. Further analysis will be required on a project-by-project basis.

E-3

The District encourages innovation in measures to reduce air quality impacts. Idle reduction technologies save fuel and reduce diesel emissions from idling trucks and construction equipment. If applicable, project proponents should incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies into the project. Examples of such technologies can be found on the U.S. Environmental Protection Agency's website www.epa.gov/otaq/smartway/idlingtechnologies.htm. Idle reduction mitigation measures include:

- Requiring all diesel engines to be shut off when not in use.
- If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off.
- Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines.

E-4

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions

Comment Letter E

or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services

Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

Responses to Comment Letter E

- E-1 Discussion of Impact AQ-5 has been amended and includes the addition of a mitigation measure:

Amended DEIR Text (page IV-A-30):

In summary, stationary sources are subject to District Rule 2201 (New and Modified Stationary Source Review) and may be subject to District Regulation VII (Toxic Air Pollutants) requirements. The District's permitting process requires a risk management review (RMR) to determine the health risk generated by stationary sources. However, the RMR is not a full-scale health risk assessment (HRA). An HRA is an analysis of the health risk from all project related sources, including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicle), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).

By complying with the SJVAPCD rules and regulations, stationary sources generated as part of the South Merced Specific Plan will not be considered to pose a significant risk. Similarly, working with the SJVAPCD AB-2588 ("Hot Spot") program and implementation of South Merced Specific Plan Policy T-1.2 should prevent sensitive receptors from being exposed to significant cancer risks or HI values. However, emissions from non-permitted sources are not regulated under these programs, and additional review and actions would be necessary to reduce impacts from these sources. Therefore, the South Merced Community Specific Plan is not likely to expose sensitive receptors to substantial pollutant concentrations from stationary sources. Mitigation of non-permitted sources will be needed to reduce impacts from non-permitted sources. The HAP emissions from the South Merced Community Specific Plan are considered to have a *less than significant* impact with mitigation on air quality.

New Mitigation Measure AQ-5:

A Health Risk Assessment (HRA) will be performed, in conjunction with the District's requirement for a risk management review (RMR) to analyze the health risk for all commercial and industrial project related sources including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicles), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).

- E-2 The discussion of sensitive receptors in section 1e (4) (Page IV-A-12) of the Air Quality section has been modified as follows:

Amended DEIR Text (Page IV-A-12, Section 1e (4)):

Some locations are considered more sensitive to adverse effects from air pollution than others. These locations are termed sensitive receptors. For CEQA purposes, a sensitive receptor is generically defined as a location where human populations, especially children, seniors, and sick persons, are found, and there is a reasonable expectation of continuous human exposure according to the averaging period for the AAQS (e.g., 24-hour, 8-hour, and 1-hour). These typically include residences, hospitals, and schools and may also include employees in neighboring facilities within commercial and industrial zones. The South Merced Community Specific Plan area is located near several

Responses to Comment Letter E

residences that would qualify as sensitive receptors. In addition, the plan also would create new sensitive receptors, such as schools and residences.

- E-3 Impact AQ-5 has been changed to a significance level of “potentially significant” and has been modified with the addition of the following text:

Additional DEIR Text (Page IV-A-30):

Although compliance with the Air Pollution Control District’s permitting process will reduce the health risk from permitted stationary sources to a level of insignificance, the risk from the projects non-permitted sources cannot be calculated until an HRA has been performed. Further analysis will be required on a project-by-project basis. Mitigation measure AQ-5 requires such analysis.

- E-4 The City concurs with adding the suggested mitigation measures:

Items added to Mitigation Measure AQ-2:

Mitigation Measure AQ-2: NO_x and ROG construction equipment emissions from construction sites will be reduced by complying with construction vehicle air pollutant control strategies developed, recommended and enforced by the SJVAPCD. Contractors will be required to list the recommended emission reducing strategies on construction contracts or other forms acceptable to the SJVAPCD. Such strategies may include the following requirements or measures shown to be equally effective:

- i. Use of alternative fueled or catalyst-equipped diesel construction equipment;
- ii. Minimize idling time (e.g., 10 minute maximum);
- iii. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;
- iv. Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set);
- v. Curtail construction during periods of high ambient pollutant concentrations (this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways); ~~and~~
- vi. Require all diesel engines to be shut off when not in use;
- vii. If Truck Refrigeration Units (TRU’s) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off;
- viii. Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines; and.
- ix. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).

Comment Letter F



DEPARTMENT OF PUBLIC WORKS
Road Division

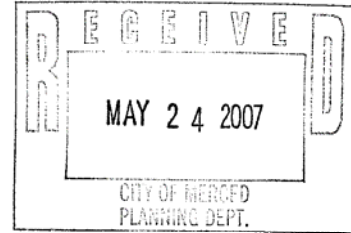
Paul A. Fillebrown
Director

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Equal Opportunity Employer

May 22, 2007

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



SUBJECT: SOUTH MERCED SPECIFIC PLAN DRAFT EIR

Dear Bill:

We have briefly reviewed the Draft EIR for the South Merced Specific Plan focusing primarily on impacts of the project to Transportation/Traffic. In general, the methodology used to determine and assess the impact of the project is inadequate. The methodology used may be appropriate for a General Plan level document, but lack sufficient detail for the analysis of a specific plan. For instance, for a specific plan, it is inappropriate to defer detailed analysis to the annexation stage of entitlement as has been proposed in Mitigation TR-1. Additional comments follow:

F-1

1. Page ES-6. Technical Advisory Participation. With the exception of receipt of a Notice of Preparation, we have no knowledge of any attempt being made by City staff or URS to meet on this project to discuss and provide guidance.

F-2

2. Page ES-19 and following.

a. Mitigation TR-1. The Childs Avenue Interchange is a critical access point to SR99 for the South Merced Specific Plan area. It is inappropriate to defer the specific traffic studies to the annexation stage of entitlement. A PSR level document done in conjunction with MCAG and Caltrans needs to be done as part of the approval process of this Specific Plan for the Childs Avenue Interchange.

F-3

b. Mitigation TR-4. Two optional improvements are suggested in this mitigation measure. Is the development of a Henry Street overcrossing over SR 99 feasible as suggested? If not, it should not be suggested. If not sure, than additional analysis is necessary. It is very important that an implementation plan be developed for the improvement. The improvements suggested in this mitigation measure really need to be included in the PSR recommended in our previous comment.

F-4

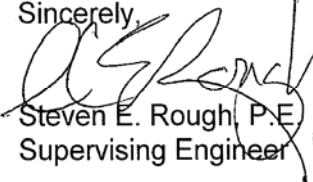
STRIVING FOR EXCELLENCE

Comment Letter F

- c. Mitigation TR-5. East of SR 99, Mission Avenue becomes Campus Parkway. Campus Parkway has been planned to accommodate 6-lanes. The initial construction of Campus Parkway includes the construction of 4-lanes from Coffee Street to Childs Avenue. } F-5
- d. Mitigation TR-6. The SR99/SR59 interchange is a critical access point serving the South Merced Specific Plan area. No modification to this interchange has been designed or studied. A PSR level document done in conjunction with MCAG and Caltrans needs to be done as part of the approval process of this Specific Plan for this Interchange. } F-6
- 3. Page IV-G-1 and following, "Traffic/Transportation"
 - a. Paragraph G.1.d. Additional information needs to be provided that describes the methodology used for the traffic analysis. We need to receive a copy of the complete traffic analysis report including trip generation, trip distribution, traffic counts relationship to MCAG modeling results, etc. } F-7
 - b. Table IVG-1. A number of significant intersections have not been included in this table including:
 - i. SR59 @ 13th Street
 - ii. SR59 @ Mission Ave/Dickenson Ferry Rd
 - iii. G Street @ 13th Street} F-8
- 4. Page IV-G-20. The last sentence on this page refers to "following mitigation measure;" but none has been included. } F-9
- 5. Page V-2. Insufficient studies have been prepared to conclude that mitigation measures are unfeasible. A PSR needs to be done for SR 99 which includes an analysis of the Childs Avenue interchange and the Martin Luther King Interchange. Perhaps the project needs to be reduced in scale to reduce impacts; How will Alternative 2 mentioned on Page VIII-3 reduce impacts? } F-10
- 6. Appendix E. Some of the cross sections included in this section do not apply (mountain major?). } F-12

If you have any questions, please call or e-mail me at srough@co.merced.ca.us.

Sincerely,



Steven E. Rough, P.E.
Supervising Engineer

SER:jlr

Responses to Comment Letter F

- F-1 The *South Merced Community Plan* and associated Program Level DEIR was drafted as a general planning document, and was not meant to be treated or implemented as a “Specific Plan” as set forth in the California Government Code. As such, the planning effort and influence of the Community Plan is broad and programmatic. With this understanding, we believe that the “Programmatic” methodology used was appropriate for this type of planning level document. As such, there are instances where detailed analysis could only occur at a later date through subsequent environmental review. For example, annexation projects within the boundary of the *South Merced Community Plan* will be subject to CEQA, and an initial study will be used to determine the appropriate tiered level of review, for example, a negative declaration or mitigated negative declaration.

Amendment to Text of Plan and EIR (Page ES-1 of DEIR):

The City of Merced proposes to adopt a **Specific Community Plan (SPCP)** to revitalize and guide the future development of a 2,052-acre area in the southern portion of the City. The planning effort, content and future implementation of the planning document created for South Merced is one of a broad and general view. The *South Merced Community Plan* and associated Program Level DEIR was drafted as a general planning document; It is not meant to be treated or implemented as a “Specific Plan” as set forth in the California Government Code. The South Merced **Specific Community Plan (Specific Community Plan or SMSP SMCP)** involves planning for the development of specific land uses in the South Merced area. The project was defined in the adopted South Merced Strategic Plan (Strategic Plan) (City of Merced, 2003). The **Specific Community Plan** area is located in the southern portion of Merced. The **Specific Community Plan** study area is bounded on the north by Childs Avenue, by State Route (SR) 99 on the east, by Mission Avenue/Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the west. See Figure II-1, Land-Use Concept, and Figure II-2, Topographic Map.

- F-2 A representative of the Merced County Public Works Department also attended a focused CEQA scoping meeting concerning transportation in May 2006. City Staff, the traffic engineer, input from MCAG and representatives from the Caltrans District 10 Office also attended the meeting.
- F-3 The City has successfully obtained funds from prior projects in South Merced for future improvements to State facilities, including the interchange at Childs Avenue and SH 99. These included the “Coffee Street Annexation;” the “Mission Avenue Annexation;” the “Ranchwood “N” Street Annexation;” and the “Merced Grove Apartments.” Full development of these projects is also restricted until certain State Highway improvements are completed. Thus, with the collection of funds and requirements for improvements to be installed, the City has employed a method to mitigate cumulative impacts.

The City concurs that the Childs Avenue Interchange is a critical access point to SR99 for a large portion of the southern part of Merced. In an effort to move the planning forward for an upgrade to this interchange, the following mitigation measure is added to Mitigation TR-1:

Responses to Comment Letter F

Mitigation Measure TR-1 amended as follows:

Development in the Specific Plan area will contribute its fair share cost of modifying the SR 99/Childs Avenue interchange. The fair-share amount will be determined through specific traffic studies required at the annexation stage of entitlement. This contribution will be collected by the City and placed in a fund to be used specifically for said improvement. As part of the next update to the City's Public Facility Financing Plan (PFFP), the need for a PSR for the Childs Avenue Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).

- F-4 Extending Henry Street across SR 99 has not been the subject of any extensive feasibility analysis. The options of extending Parsons or Henry over SR99 was generally assessed in the traffic study to determine whether either overpass would have an appreciable impact on traffic volumes and Levels of Service. There seems to be some benefit, but the improvement costs are likely to be high. Circulation and Transportation Policy T-1.1.a of the *South Merced Community Plan* establishes direction as to the appropriate time for more detailed analysis before a final decision is made to construct an overpass. As such, the language pertaining to these overpass options is already a part of the Community Plan and may be removed from Mitigation Measure TR-4.

Amended Mitigation Measure TR-4

Childs Avenue between Brantley Street and the SR 99 interchange will have to be widened to a six-lane arterial standard. With this level of improvement, the roadway will operate at LOS C. ~~Alternatively, development of the Henry Street extension across SR 99 to Parsons Avenue or the Gerard Street crossing over SR 99 could reduce the volume of traffic on Childs Avenue to the point that a 6 lane section is not needed.~~

- F-5 Comment noted. The DEIR has been modified to address future roads and a brief discussion of the Campus Parkway has been added. The discussion includes the following statement:

Added Text to DEIR (Page IV-G-3):

East of SR 99, Mission Avenue becomes Campus Parkway. Campus Parkway has been planned to accommodate 6-lanes in the long term. The initial construction of Campus Parkway includes the construction of 4 lanes from Coffee Street to Childs Avenue.

- F-6 Please see the response to comment F-2, above.

Mitigation Measure TR-6 has been modified as follows:

Development in the Specific Plan area will contribute its fair share to the cost of modifying the SR 99/SR 59 interchange to meet minimum level of service standards. As part of the next update to the City's Public Facility Financing Plan (PFFP), the need for a PSR for the SR59/SR99 Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong

Responses to Comment Letter F

[advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments \(MCAG\).](#)

- F-7 Per the request from the Merced County Public Works, Road Division, a copy of the complete traffic analysis report and backup materials from the modeling exercise was provided. There is no separate traffic analysis report.
- F-8 TABLE IVG-1, *Existing Intersection Levels of Service*, has been modified to include the following intersection:
- i. SR59 at Mission Ave/Dickenson Ferry Rd

Location	Control	A.M. Peak Hour		P.M. Peak Hour	
		Average Delay (sec)	LOS	Average Delay (sec)	LOS
4. SR 59 / Mission Ave (overall)	EB and WB Stop	(2.1 sec)	(A)	(2.8 sec)	(A)
NB left turn		8.0 sec	A	8.1 sec	A
SB left turn		8.0 sec	A	8.1 sec	A
EB approach		17.2 sec	C	22.4 sec	C
WB approach		13.3 sec	B	13.1 sec	B

The other two intersections: SR59 at 13th Street and G Street at 13th Street, were not part of the traffic analysis for the South Merced Community Plan. However, they will be considered as part of subsequent traffic studies for annexation projects within the plan area.

- F-9 This section of the EIR has been revised to include applicable mitigation measures to address cumulative impacts.

New Mitigation Measure TR-13

[The City will update the Public Facility Finance Plan to include all listed improvement needs of the South Merced Community Plan and associated Environmental Impact Report. Until such time as this is accomplished, the City will require contribution of traffic impact fees from new development in the planning area. The impacts and fees will be determined through traffic studies required of project applicants. In most cases, this will occur at the annexation phase of development or through subsequent reviews if the site is already annexed.](#)

- F-10 See comments F-2 and F-5 above.

- F-11 As described on page V-1 and V-2 of the Draft EIR:

Alternative 2 would reduce the amount of acreage designated for Commercial Office (from 13 to 3 acres), Residential Medium Density (from 89 to 28 acres), Regional Commercial (from 41 to none) High Density Residential (from 117 to none), and Industrial (from 351 to 273). At the same time, it would increase acreage available for Neighborhood Commercial (from 20 to 45 acres) and Residential Low Density designations (from 989 to 1,266 acres). These changes

Responses to Comment Letter F

would result in lower employment opportunities within the South Merced area, which might increase the distance traveled by local residents to their place of employment. Traffic congestion would be reduced at major intersections. The visual character of undeveloped land might remain consistent with existing conditions. Little medium-density and no high-density housing developments would take place. Impacts on schools, public services and facilities, and utilities would be less than for the South Merced Community Plan land-use concept.

The reduced density project alternative would reduce the density of development, thereby reducing the population, reducing the traffic and air quality impacts through reduced motor vehicle trips being generated by the project.

This alternative was rejected because, although trip reductions would occur within the Community Plan area, additional development and impacts would occur outside of the project area to accommodate the same population growth.

- F-12 The street cross-sections planned for the community plan area are those presented in the Circulation Chapter of the *Merced Vision 2015 General Plan*.

Comment Letter G



Merced SWAT
The Merced Stop Wal-Mart Action Team

Attn: Bill King
City of Merced Planning Division
678 W. 18th St.
Merced, CA 95340

The Merced Stop Wal-Mart Action Team (SWAT) is writing to comment on South Merced Specific Plan Draft EIR. We are a grassroots organization of over 2,000 Merced teachers, health professionals, business owners, parents, students, community leaders and residents working to protect the quality of life in Merced. Many of our leadership live in or near South Merced, and would be directly affected by this Plan.

Over the past year, SWAT has conducted research into air quality issues and its effect on community health. What we have found has concerned us and has raised our awareness to the impact that planning decisions can have on air quality in our community.

It is with this heightened attention and concern for proper air quality control measures that we submit the following comments on the South Merced EIR:

1) AIR QUALITY MANAGEMENT STANDARDS

We would suggest that the South Merced Specific Plan include more mitigation and air pollution reduction measures that go above and beyond the basic requirements set forth by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Merced is the 6th most ozone polluted area in the United States according to the American Lung Association's 2007 "State of the Air" report. We should be setting the bar for air pollution reduction efforts, not meeting the minimum requirements set out by one of the State's least effective air districts. On April 30, the San Joaquin Valley Air Pollution Control District approved an 8-hour ozone state implementation plan that moves the Valley into "extreme non-attainment," putting us on par with Los Angeles as having the worst air quality in the U.S. and delays clean air attainment in the Valley until 2024. As our air quality public health crisis worsens, it is incumbent on local elected representatives to make responsible land use decisions that protect the health of vulnerable populations, especially children, the elderly, and low-income residents with little or no access to health insurance.

G-1

We request that you include some analysis of the potential impact of using stricter air quality standards such as those set forward by the South Coast Air Quality Management District, which has been very effective at moving communities towards cleaner air planning.

G-2

Additionally, the SJVAPCD has entered into a number of agreements with developers in the Bakersfield area in the South Valley, where concentrations of ozone and PM pollutants are even higher. These agreements would mitigate emissions to zero, meaning that through a combination of

Comment Letter G

onsite measures and offsite pollution reduction projects, emissions associated with each development are effectively offset.

We are concerned that the proximity of new industrial development and construction projects to schools and residential areas as proposed in the South Merced Specific Plan will lead to increased respiratory illness, absenteeism from school and work, and a deterioration of family and social life. Through proactive leadership beginning at these earliest stages of planning, we can craft a vision of South Merced that creates jobs and fosters community without sacrificing the health of our children.

2) LAND USE AND SENSITIVE RECEPTORS

An ongoing concern of ours is the proximity of “sensitive receptors” as defined on page IV-A-12 of the Draft EIR to high pollution sources, both mobile and static. The South Merced will include residential areas and schools (both considered sensitive receptors) along with industrial and commercial uses. Since the Specific Plan document will be used to guide healthy planning decisions, we request that the EIR include additional information about safe and recommended distances that should be maintained between various types and sizes of land uses (including major roads) and sensitive receptors.

G-3

Additionally, we applaud SP Policies T-1.1 and T-1.2 (pg IV-A-15) for their attempt to develop alternative routes for heavy-duty vehicles to reduce localized concentrations of criteria pollutants (particularly diesel) around sensitive receptors. We hope, however, that the additional information and recommendations requested above can help decision makers approve healthier projects and adequately balance SP Policy CE-1.1 that aims to reduce the distance residents need to travel for retail and employment opportunities. In some circumstances these two policies may be at odds and require additional guidance from these planning documents.

Additionally, we find it confusing that the South Merced Specific Plan has been drafted concurrent to the Citywide General Plan Update process and without apparent coordination.

G-4

Thank you for your attention to these issues.

Sincerely,

The Merced Stop Wal-Mart Action Team

Responses to Comment Letter G

- G-1 The *South Merced Community Plan* will be incorporated as part of the *Merced Vision 2015 General Plan*. As such, the Air Quality Goals of the general plan apply to development projects in the community plan area. In many cases, the “air quality-related” goals, policies and implementing actions (pages 8-21 to 8-27 of the *Merced Vision 2015 General Plan*) of the *Merced Vision 2015 General Plan* are in addition to the requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Also, please review the additional mitigation measures that will apply to projects in the plan area (presented in the response to comment from the SJVAPCD).
- G-2 Please refer to comment G-1 above. The City utilizes additional means to reduce air impacts as found in the goals, policies and implementing actions of the *Merced Vision 2015 General Plan*. The SJVAPCD provides development project-related comments to the City based on their standards, not those of the South Coast Air Quality Management District. The District has recently implemented RULE 9510 (Indirect Source Review), applicable to several subsequent development projects in the community plan area, which will reduce on-site impacts and collects funds for use in projects that reduce off-site pollution.
- G-3 Proximity to sensitive receptors to air pollution impacts is an important consideration in land use planning and design. This is addressed through several means and is fully addressed in the DEIR. Many environmental factors affect what may be considered a “safe” distance for sensitive receptors including air temperature, wind direction, building configuration, and location of parking and loading zones relative to the location of sensitive receptors. The Community Plan includes the siting of a 76-foot wide or 94-foot wide road to separate industrial uses from residential uses. On-site building setbacks and site planning for parking areas will increase the separation. On-site regulation of the operation and emissions of industrial sites will further reduce impacts from emissions. The industrial lands are also sited adjacent to SH 99 in order to minimize truck traffic in the residential neighborhoods. Such placement also shifts the residential uses away from noise and air quality impacts from SH 99 and the Union Pacific Railroad. Many development projects will go through either an administrative or Planning Commission level review process in which the site design and layout will be reviewed for proximity of sensitive receptors to air pollutant sources. Such projects are evaluated against the air quality-related policies of the *Merced Vision 2015 General Plan* as well as comments from the SJVAPCD.
- G-4 The *South Merced Community Plan* process is distinguished from the General Plan Update process as being within the current Specific Urban Development Plan (SUDP) boundary of the City, and being a specific task directed by the current *Merced Vision 2015 General Plan* and boundary. Most of the work on the Community Plan predated the work currently underway with the general plan update. Nevertheless, coordination is taking place to ensure consistency between the two planning documents.

Comment Letter H

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



May 1, 2007

Bill King
City of Merced
678 West 18th Street
Merced, California 95340

South Merced Specific Plan
State Clearinghouse (SCH) Number: 2006041164

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

H-1

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Comment Letter H

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

Comment Letter H

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

Comment Letter H

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

Responses to Comment Letter H

- H-1 The proposed *South Merced Community Plan* does not appear to be located in an area that encroaches upon the State Adopted Plan of Flood Control and will not require an encroachment permit from the Reclamation Board.

Comment Letter I

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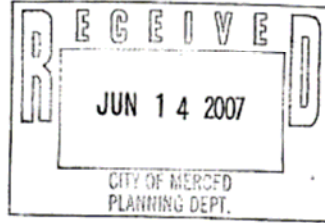
CALTRANS

PAGE 02/03

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



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June 7, 2007

10-MER-99-PM 13
Draft Environmental Impact Report
for the South Merced Specific Plan
State Clearinghouse No. 2006041048

Mr. Bill King, Principal Planner
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340

Dear Mr. King:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the South Merced Specific Plan. This applies to the development of specific land uses (12) to occur in the South Merced area as a result of the preparation of a Specific Plan. The study area is bounded by Childs Avenue on the north; Dickenson Ferry Road / Mission Avenue to the south, State Route (SR) 99 to the east, and West Avenue and the Merced City Airport to the west. Caltrans has the following comments:

TRAFFIC OPERATIONS

- 1. Please note that page IV – G-1 is missing. } I-1
- 2. Please refer to Section (2) Current and “Existing Plus Approved” Levels of Service (LOS), Chapter IV, page IV–G-4, fourth paragraph: Due to the closely spaced intersections and the queue blocking, the report states, “Calculation of average delays under these conditions is not feasible, and the LOS reported in this report represents conditions for isolated intersections”. Calculating and reporting LOS levels based on an isolated intersection analysis does not account for the aforementioned potential queue interaction between closely spaced intersections. The subsequent LOS results will provide false numbers which will underestimate traffic impacts. The analysis of the intersections should be done using traffic analysis software based on micro simulation to account for the interaction of adjacent intersections. To not do so will result in underestimating the potential significant impacts discussed in TR-6 for the SR 99 / SR 59 interchange. } I-2
- 3. Please refer to Table ES-3. Impact TR-7 regarding the segment of SR 59, between SR 99 to Gerard Avenue, states that traffic conditions will exceed LOS D; however, this table is titled, “Summary of Potential Impacts are the Responsibility of Another Agency”. Please explain how the subsequent responsibility of mitigation is not the responsibility of the proposed development? } I-3

“Caltrans improves mobility across California”

Comment Letter I

Mr. Bill King
June 7, 2007
Page 2

- 4. Please refer to Table ES-3. The first line in this table is the SR 99 / Childs Ave Interchange; however, "Not Applicable" is listed in the column for mitigation and the column for significance after mitigation. Additionally, Section IV evaluating transportation impacts appears to essentially ignore this interchange and the subsequent potential impacts of the generated traffic. Since a substantial portion of the generated traffic would potentially access SR 99 using this interchange, it does not seem reasonable that this interchange was minimally addressed } I-4

ENVIRONMENTAL

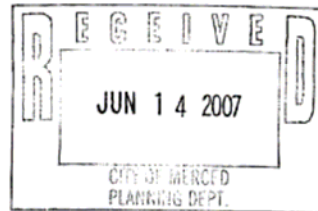
- 1. The DEIR identifies potential environmental impacts within the proposed project. The impacts are Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and water Quality; Noise; and Transportation (SR 99 and SR 59). However, the DEIR states that with mitigation measures in place, some of the potential environmental impacts would be reduced. } I-5
- 2. Caltrans has the responsibility for the maintenance and operation of State and Interstate highways within California. Any proposal that would affect that, or environmental resources within the existing highway right-of-way, is of concern to the department. The DEIR states that the proposed Specific Plan would impact SR 99 and SR 59. The DEIR also proposes mitigation measures to lessen the impacts to SR 99 and SR 59. These proposed future improvements to SR 99 and SR 59 would need to be directed to Caltrans Traffic Operations. If such improvements are made, then an application for an Encroachment Permit will need to be submitted to Caltrans, accompanied by adequate studies of potential impacts to environmental resources within existing highway right-of-way (biological and cultural, as well as hazardous waste). In addition, each project would need to have an Environmental Document addressing the specific impacts. } I-6

If you have any questions, please contact Janet P. Jaramillo at (209) 942-6022 (email: jjaramil@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,

TOM DUMAS, Chief
Office of Metropolitan Planning

for



c: Scott Morgan, State Clearinghouse

Responses to Comment Letter I

- I-1 IV-G-1 was unintentionally missing from the copy of the *South Merced Community Plan* EIR document received by Caltrans, likely due to a production error. The page exists in the master copy.
- I-2 The following sentence has been added to the EIR following the statement “*Calculation of average delays under these conditions is not feasible, and the LOS reported in this report represents conditions for isolated intersections.*”
- Amended EIR Text (Page IV-G-4):**
- Such analysis does not account for the aforementioned potential queue interaction between closely spaced intersections. The subsequent LOS results (which was determined to be LOS “E”, see Table IVG-4) underestimate traffic impacts. Note that any LOS less than “D” is considered by the City to be significant. Future analysis of the intersection will be needed using traffic analysis software based on micro simulation to account for the interaction of adjacent intersections.
- I-3 Impact and Mitigation Measure TR-7 has been removed from Table ES-3 “Summary of Potential Impacts that are the Responsibility of Another Agency – Category 2” in the Executive Summary chapter and placed within Table ES-4 “Summary of Potential Impacts that Cannot Be Fully Mitigated – Category 3.”
- I-4 Table ES-3 “Summary of Potential Impacts that are the Responsibility of Another Agency – Category 2” has been updated to remove the reference to the SR99/Childs Ave Interchange. The impact, mitigation measure, and associated level of significance for the SR99/Childs Ave Interchange are addressed under Impact TR-1 of the Transportation/Traffic section of the EIR which is included under Table ES-2 “Summary of Potential Impacts that Can Be Mitigated – Category 1.”
- I-5 The DEIR identified areas that have potentially significant impacts. Mitigation has been developed, where appropriate, to reduce some potential impacts to a less than significant level, or where not possible, lessened to the extent feasibly possible.
- I-6 We concur with the responsibility of Caltrans for the maintenance and operation of State and Interstate highways within California. The proposed future improvements to SR 99 and SR 59 will be directed to Caltrans Traffic Operations and an application for an Encroachment Permit will be submitted to Caltrans when these improvements are to be made, accompanied by adequate studies of potential impacts to environmental resources within existing highway right-of way. In addition, each project will have an associated Environmental Document addressing specific impacts.

Comment Letter J

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



May 3, 2007

Bill King
City of Merced
678 W. 18th Street
Merced, CA 95340



RE: SCH# 2006041164, South Merced Specific Plan; Merced County.

Dear Mr. King;

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated**
 - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Comment Letter J

Native American Contacts Merced County May 3, 2007

Southern Sierra Miwuk Nation
Jay Johnson, Spiritual Leader
5235 Allred Road
Mariposa, CA 95338-9357
209-966-6038

Miwok
Pauite
Northern Valley Yokut

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200
Mariposa, CA 95338
tony_brochini@nps.gov
209-379-1120
209-628-0085 cell

Miwok
Pauite
Northern Valley Yokut

Katherine Erolinda Perez
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(209) 474-2602

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Southern Sierra Miwuk Nation
Les James, Spiritual Leader
PO Box 1200
Mariposa, CA 95338
209-966-3690

Miwok
Pauite
Northern Valley Yokut

North Valley Yokuts Tribe
Katherine Erolinda Perez
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Linden, CA 95236
canutes@verizon.net
(209) 474-2602

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Amah Mutsun Tribal Band
Edward Ketchum
35867 Yosemite Ave
Davis, CA 95616
aerieways@aol.com

Ohlone/Costanoan
Northern Valley Yokuts

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed South Merced Specific Plan: Merced County. *SC# 2006041164*

Responses to Comment Letter J

- J-1 An archaeological inventory survey was not required for this Program Level EIR. To obtain baseline cultural resource information and data, URS conducted a records search, including a review of previous cultural resource surveys within the one-half mile study area beyond the Specific Plan planning area.
- J-2 The City of Merced contacted the California Native American Heritage Commission (NAHC) to obtain a list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. All affected tribes were contacted. Katherine Erolinda Perez of the North Valley Yokuts Tribe requested information about the project to help make a decision as to whether or not Native American consultations with said Tribe would be necessary. The information available to the City was shared; no further requests were made. The other tribes have yet to respond to the City's formal request for consultation (under the guidelines set forth in SB 18, tribes have a 90-day response period). (see page IV-C-12 of the Draft EIR).
- J-3 Mitigation Measures CUL-1 CUL-2 and CUL-3 address inadvertent-discovery measures pertaining to archaeological resources, paleontological resources, artifacts, human remains, and related consultation with culturally affiliated Native Americans.

Comment Letter K



Castle Airport, 3430 A Street, Atwater, California 95301
 Mailing Address: P.O. Box 2147 Merced, CA 95344
 www.muhsd.k12.ca.us 209/385-6558 (Fax 209/385-6442)

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 Sylvia Smith

May 3, 2007

Bill King, Principal Planner
 City of Merced
 678 W 18th Street
 Merced, CA 95340

REF: EIR #05-48 (SCH #2006041164) S Merced Specific Plan

Dear Bill,

The Merced Union High School District appreciates this opportunity to comment on the South Merced Specific Plan. The District's initial comment is that the scope of the project in regards to high school sites is unclear and potentially conflicting, and so the District urges that the scope be revised to clarify the following:

On February 12, 2007 in reply to the District's letter of February 1, 2007 asking that a high school site be designated you wrote: "Thank you for your letter dated February 1, 2007 concerning the land use designation of the property located at the southwest corner of Tyler Road and Gerard Avenue. In order to denote the Merced Union High School District's interest for a **future high school** in South Merced, and to reflect the city's commitment to creating workable long-range land use plans, the use of a "floating school site" symbol and accompanying policy will be added to the draft *South Merced Specific Plan*. The "floating school site" symbol and accompanying policy will alert the City and area property owners of the need to identify a **high school site**, ideally no later than the annexation stage of planning (emphasis added)." The state standard for a high school site for 2,000 students is 50 acres net of public right of way etc. A "floating school site" symbol is shown on the specific plan at the southwest corner of Tyler Road and Gerard Avenue which is the District's preferred location. On page II-7 under "Goal Area I: Improve Infrastructure & Public Services" section 1.3.b states,

1.3.b Work with the Merced Union High School District to designate an appropriately sited high school in the planning area. Said facility should not be located in or adjacent to industrially zoned lands, the airport, and State Highway 99, and should be consistent with the siting criteria of the City specified in the *Merced Vision 2015 General Plan*. If located next to the planned regional park, then the City and MUHSD will explore opportunities for joint use.

This statement is the first and only statement that a **high school** site is needed in the EIR which supports the District's goal. This statement clearly indicates that the District should work with the city to find an appropriate high school site, when the District has already designated a preferred school site.

K-1

Comment Letter K

The floating school site designation in the Districts desired location seems to advance the Districts plan but the “floating school” site is not designated a floating “high school” site which confuses things.

The EIR project description section 12 on page II-3 and Executive Summary section 12 on page ES-4 contain the following statement:

12. SCHOOL

“The school land-use designation comprises 29 gross acres (22 net acres) of the Specific Plan area. School sites have specific requirements for their location, and the most common and non-conflicting neighboring land use is Residential. The existing school site is at the intersection of O Street and Childs Avenue. The recently approved school site is located at the intersection of G Street and Mission Avenue.”

As mentioned above, the state standard for a high school for 2,000 students as is proposed in the South Merced Specific Plan is 50 acres net of public right of way etc. Table II – 1 restates the 29 acre and 22 acre net size for land area for school use in the specific plan. This is unclear and incomplete information. The EIR as a document providing information to the public regarding the proposed land use in the plan needs to state clearly that one of the floating school sites is a high school site which will require 50 acres net of right of ways etc. One exception that is possible, as stated in section 1.3b, is that a smaller school site would be required if some portion of the school and regional park were jointly used by the District and the city. For example the District could develop 40 acres and joint use 10 acres of the park while the city could acquire 40 acres for the park and joint use 10 acres of the school site giving both agencies a 50 acres facility at a 40 acres price.

K-2

In regard to this potential joint use the District notes that the specific plan proposes an east-west collector between the city 40 acre park and the floating school site to the north on another approximately 40 acre site. This will make joint use more difficult or impractical with students and the general public having to cross a collector street that is over three miles long with associated traffic volumes to get to playfields. If other traffic flow solutions can be planned then it seems prudent to consider deleting this collector street between the high school site and the city park.

K-3

Thank you for this opportunity to comment. The District looks forward to working with the city to plan for the successful development of the South Merced Specific Plan Area. Please forward the Districts comment to the Planning Commission and City Council and respond to them in the final EIR.

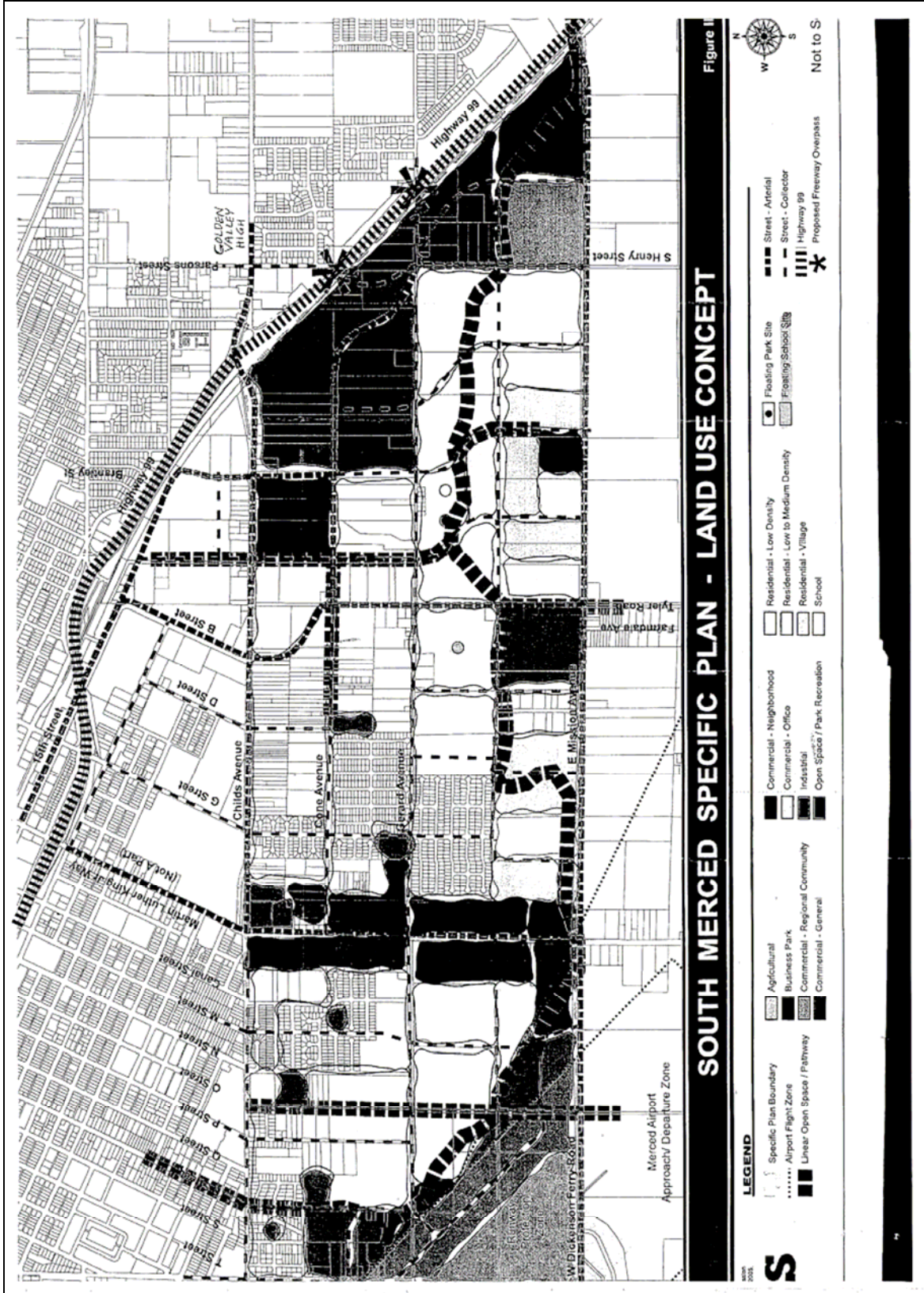
Sincere regards,



Michael Belluomini
Director of Facilities Planning

MB:nt

CC: Dr. Bob Fore
Dr. Diane Hockersmith



Responses to Comment Letter K

- K-1 Goal Area I (Improve Infrastructure & Public Services) has been modified in the South Merced Community Plan document as follows:

Amended Community Plan Policy

Policy 1.3.b. Work with the Merced Union High School District to designate an appropriately sited high school in the planning area. Said facility should not be located in or adjacent to industrially zoned lands, the airport, and State Highway 99, and should be consistent with the siting criteria of the City specified in the *Merced Vision 2015 General Plan*. [MUHSD recommends 50 net acres for the future high school site.](#) If located next to the planned regional park, the City and MUHSD will explore opportunities for joint use [which may allow reduced acreage requirements for the school site, and would remove the requirement for the planned east-west oriented collector road in said area.](#)

- K-2 The Land Use Concept figure of the South Merced Community Plan document as well as Figure IV-E-1 of the South Merced Specific Plan EIR document have been modified to show a symbol to represent the “Floating High School Site” in addition to the current symbol representing “Floating School Site.”
- K-3 The placement and future use of an east-west oriented collector road one-quarter mile north of Mission Avenue along the northern boundary of the regional park is consistent with the City’s circulation concept and will need to be constructed if the high school is not located on the parcel located north of the park. However, if the high school is located at such location, then the use of a collector street would be contrary to the idea of placing joint use facilities between the park and the high school. Instead of a collector road dividing these uses, an access road or driveway at Tyler Road could be utilized. The applicable policy language in the South Merced Community Plan has been modified to satisfy this concern. See K-1 above.

Comment Letter L

STATE OF CALIFORNIA

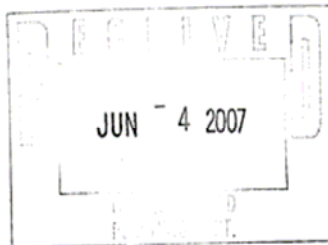
Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 31, 2007



Bill King
City of Merced
678 W 18th Street
Merced, CA 95340

RE: South Merced Specific Plan, SCH# 2006041164

Dear Mr. King:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way (ROW).

} L-1

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an existing crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

} L-2

Of specific concern is the potential impact from increased traffic on the existing at-grade highway-rail crossing on East Gerard Avenue. A nexus-based fair-share impact fee from many projects could be used to perform preliminary engineering for a new grade-separation to facilitate the acquisition of State funds. Also, the installation of continuous vandal-resistant fencing should be a requirement of approval for any development project adjacent to the Union Pacific Railroad ROW to deter trespassing.

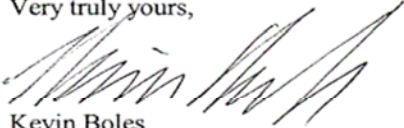
} L-3
} L-4

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City.

Comment Letter L

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles", written in a cursive style.

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Jim Smith, Union Pacific Railroad

Responses to Comment Letter L

- L-1** We recognize the need to consider safety factors related to the nearby rail corridor in evaluating the impacts of the proposed *South Merced Community Plan* including, but not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes, and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. The Community Plan has been modified (see “L-4” below) to require projects to address safety and compatibility issues related to rail crossings. Specific design details will be addressed during project specific reviews.
- L-2** We concur with the legal requirement to obtain authority to construct from the Public Utilities Commission for any project that includes a modification to an existing crossing or proposes a new crossing. If a new crossing is proposed, the Commission will be a responsible party under CEQA and the impacts of the crossing will be discussed within the environmental document.
- L-3** In conjunction with the Mission Avenue Interchange Project at State Highway 99, the at-grade highway-rail crossing on East Gerard Avenue has been significantly modified. It used to connect with State Highway 99. The connection to SH 99 has been removed. Gerard Avenue east of the railroad crossing is now routed along the southwest edge of SH 99, traverses underneath Mission Avenue without connecting to it, and continues along SH 99 to Healy Road. The removal of the connection to SH 99 reduced the traffic on Gerard Avenue in this area. As noted above, this change was part of the Caltrans Mission Avenue Interchange Project and studied at that time. Nevertheless, traffic generated from the *South Merced Community Plan* will contribute traffic to this and other nearby railroad crossings. The City’s Public Facility Impact Fee Program includes the need to improve railroad crossings impacted by growth, and established a fair-shared based fee that is collected by the City and used to seek necessary state permits and the construction of necessary railroad crossing improvements.
- L-4** Two rail corridors extend through the City of Merced (Union Pacific and Santa Fe). It is common practice for the City to require fencing to deter trespassing. Fencing placed along the railroad corridors are also designed to deter “graffiti.” In some cases, walls are installed to reduce noise impacts, but they also serve to deter trespassing. In order to ensure that this practice is continued and the concerns of the Public Utilities Commission are addressed in the South Merced Community Plan area, a policy has been added to the plan.

Amended Community Plan Language:

Policy 1.1.f: Require high quality architectural, site (signs, lights, walls, etc.), and landscape designs for developments that abut SR 99. [Require the installation of continuous vandal-resistant and attractive fencing adjacent to the Union Pacific Railroad ROW to deter trespassing.](#)

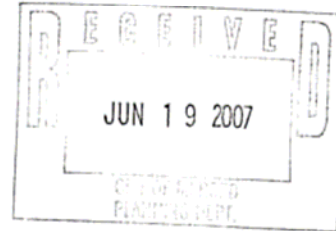
Comment Letter M



Local Agency Formation Commission
2222 M Street
Merced, CA 95340
Phone (209) 385-7671 / Fax (209) 726-1710
www.lafcomerced.org

June 15, 2007

Bill King, Principal Planner
City of Merced Planning Division
678 West 18th Street
Merced, CA 95340



RE: South Merced Specific Plan Draft Environmental Impact Report

Dear Mr. King:

I am in receipt of the Draft Environmental Impact Report (DEIR) for the South Merced Specific Plan. The project involves planning for the development of specific land uses to occur in the South Merced Area as a result of the preparation of a Specific Plan, which comprises 2, 052 acres and is bounded on the north by Childs Avenue, by State Route 99 on the east, by Mission Avenue / Dickenson Ferry Road on the south, and by West Avenue and the Merced Airport on the West. Future land use actions will include annexations within this area into the City of Merced, and as a responsible agency, LAFCo will be acting as a responsible agency in the future actions regarding changes in organization in accordance with Government Code Section 56650.

} M-1

With regard to review of the DEIR, the Cortese/Knox/Hertzberg Reorganization Act of 2000 (Act) requires an assessment of a number of factors involving future government organization proposals within the Specific Plan Area. Those factors include:

Open Space and Agricultural Considerations:

The project will convert approximately 173 acres of farmland within the County of Merced's Agricultural Preserve to urban uses; the South Merced Specific Plan DEIR described the loss of farmland as a significant and unavoidable environmental impact and will rely on the Merced Vision 2015 General Plans adoption of a "statement of overriding considerations" in certifying the General Plan's EIR – the subject specific plan area was included in the General Plan EIR. LAFCo will have the authority to consider this and other findings outlined in the EIR, but also has to review agricultural resources as part of future annexation proposals under the Cortese-Knox-Hertzberg Act of 2000.

} M-2

Comment Letter M

Appropriateness of Future Annexation Boundaries within the Specific Plan Area and Avoidance of the Creation of Islands or Peninsulas of Unincorporated Land:

The proposed Specific Plan area is contiguous with City boundaries to the north, west and east. Any subsequent annexations within the Specific Plan area will be assessed based on their propensity to avoid the creation of islands or peninsulas of unincorporated land. Per Section 56375 of the Act, LAFCo has the authority to deny an annexation or require additional properties to be included in the annexation if the territory to be annexed causes unincorporated territory to be partially or fully surrounded by incorporated lands. Hopefully, the City will be guided by this Specific Plan in preparation of future annexation applications to propose orderly boundaries and avoid creating islands.

M-3

Conformance with Merced General Plan/Zoning:

Portions of the Specific Plan area currently do not conform to the existing Merced County General Plan designations or County zoning for the site. A pre-zone designation must be assigned to future annexations within the Specific Plan area that corresponds with the City of Merced General Plan with regard to land use and density standards.

M-4

Availability of Public Services/Utilities/Service Systems:

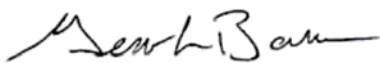
Proof of adequate water and sewer distribution and storm drainage infrastructure must be provided with future annexation applications within the Specific Plan area. Provision of adequate implementation measures for the Specific Plan to ensure utilities are available is desirable and would be part of future LAFCo analysis during application review.

M-5

Finally, in LAFCo's role as "Responsible Agency," for future annexations within the Specific Plan area, the LAFCo Commission will be required to review the above mentioned issues and approve mitigation measures under their authority. This concludes my comments and thank you for giving LAFCo the opportunity to comment on the Draft Environmental Impact Report for the South Merced Specific Plan.

M-6

Sincerely,



Gene Barrera
LAFCO Planner

Responses to Comment Letter M

- M-1** The City concurs with the role of LAFCo as the responsible agency in the future actions regarding changes in organization in accordance with Government Code Section 56650.
- M-2** We understand that LAFCo will have the authority to consider the findings regarding the loss of farmland outlined in the EIR and will also review agricultural resources as part of future annexation proposals under the Cortese-Knox-Herberg Act of 2000.
- M-3** The City understands that any subsequent annexations within the Community Plan area will be assessed based on their propensity to avoid the creation of islands or peninsulas of unincorporated land. Community Plan Policy I-1.2.b specifically addresses this issue.
- M-4** Pre-zone designations will be assigned to future annexation proposals within the Community Plan area that corresponds with the *Merced Vision 2015 General Plan* land use designations. As identified on page II-17 of the EIR, the City of Merced will be the responsible agency for the rezoning of future annexation lands.
- M-5** The City understands that proof of adequate water and sewer distribution and storm drainage infrastructure will need to be provided to LAFCo with future annexation applications within the Community Plan area.
- M-6** The City concurs with LAFCo's role as the responsible agency in reviewing the above mentioned "annexation-related" issues, and to approve mitigation measures for said annexation projects.

Comment Letter N

From: Mary_Hammer@fws.gov [mailto:Mary_Hammer@fws.gov]

Sent: Wednesday, July 11, 2007 2:45 PM

To: King, Bill

Subject: DEIR for the South Merced Specific Plan Project

Dear Mr. King,

The Service has reviewed the DEIR for the South Merced Specific Plan Project and we have no serious concerns about the proposed project. Please do ensure that a biological evaluation is prepared for each site proposed for development under the specific plan and that the appropriate consultation with state and federal agencies take place if there are sensitive resources present. Please also note that sometimes project consultants propose conservation (mitigation) measures for federally-listed species that may not be considered adequate by the Service, so please do consult with our agency before adopting conservation measures and avoidance measures. Thank you for sending the document to our agency for review. I am sorry we have been unable to respond until now, but we have a very heavy workload at this time and are somewhat understaffed.

N-1

N-2

Sincerely,

Mary Hammer
U.S. Fish and Wildlife Service
Endangered Species Program
2800 Cottage Way, Rm. W-2605
Sacramento, California 95825
(916) 414-6600
fax: (916) 414-6713

Responses to Comment Letter N

- N-1** Mitigation Measures BIO-1 and BIO-2 of the EIR for the *South Merced Community Plan* require a biological evaluation to be prepared for parcels proposed for development, and that the appropriate consultation with state and federal agencies take place if there are sensitive resources present. Refer to Response to Comment (A) above to see changes made to Mitigation Measures BIO-1, BIO-2 and BIO-4.
- N-2** Mitigation Measures BIO-1 and BIO-2 of the EIR for the *South Merced Community Plan* provide opportunity for the *U.S. Fish and Wildlife Service* to review and comment on Project specific mitigation measures before adoption of said Mitigation Measures concerning federally-listed species. Refer to Response to Comment (A) above to see changes made to Mitigation Measures BIO-1, BIO-2 and BIO-4.

O. Index of Comments Received

Received	Comment
5-3-07	Department of Water Resources
5-4-07	Merced Union High School District
5-8-07	Native American Heritage Commission
5-24-07	Merced County Department of Public Works
6-4-07	Public Utilities Commission
6-7-07	Department of Transportation, Division of Aeronautics
6-8-07	Department of Conservation
6-11-07	Merced SWAT
6-11-07	Department of Fish and Game
6-14-07	Department of Transportation – Office of Metropolitan Planning
6-15-07	Riesling LLC
6-19-07	LAFCo
6-20-07	San Joaquin Valley Air Pollution Control District
7-11-07	U.S. Fish and Wildlife Service

CHAPTER 4:
Mitigation Monitoring Program

South Merced Community Plan

Mitigation Monitoring Program

The California Environmental Quality Act (CEQA) Guidelines requires that a lead agency (City of Merced) adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects (14 California Code of Regulations 15097).

The following pages present this program for the South Merced Community Plan project, and list each mitigation measure identified in the Final EIR, along with an assignment of responsibility for implementation. Parties responsible for reviewing and inspecting the plans and implementation for each measure are also identified. The relative timing—placing the mitigation measure in the context of a particular project component—for each mitigation is also shown.

Abbreviations for agencies identified in the program are as follows:

Applicant	City of Merced
CDFG	California Department of Fish and Game
City	City of Merced
County	Merced County
NAHC	Native American Heritage Commission
USFWS	U.S. Fish and Wildlife Service

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation Measure AQ-1: Fugitive dust emissions will be reduced at large sites or projects that may adversely impact the air quality at sensitive receptors by requiring enhanced and additional fugitive dust control measures recommended and enforced by the SJVAPCD.</p> <p>In those cases, the developer of subsequent projects shall provide written construction specifications to the grading contractors and shall ensure that the following techniques where recommended are applied to grading operations. Enhanced or additional control measures may include, but are not limited to the following:</p> <ul style="list-style-type: none"> i. Limit traffic speeds on unpaved roads to 15 mph; ii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent; iii. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site iv. Install wind breaks at windward side(s) of construction areas v. Suspend excavation and grading activity when winds exceed 20 mph; and vi. Limit area subject to excavation, grading, and other construction activity at any one time. 	<p>Project Applicants and Designated Construction Manager</p>	<p>City</p>	<p>Prior to/During Construction</p>
<p>Mitigation Measure AQ-2: NO_x and ROG construction equipment emissions from construction sites will be reduced by complying with</p>	<p>Project Applicants and</p>	<p>City</p>	<p>Prior to/During Construction/ Once</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>construction vehicle air pollutant control strategies developed, recommended and enforced by the SJVAPCD. Contractors will be required to list the recommended emission reducing strategies on construction contracts or other forms acceptable to the SJVAPCD. Such strategies may include the following requirements or measures shown to be equally effective:</p> <ul style="list-style-type: none"> i. Use of alternative fueled or catalyist-equipped diesel construction equipment; ii. Minimize idling time (e.g., 10 minute maximum); iii. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use; iv. Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set); v. Curtail construction during periods of high ambient pollutant concentrations (this may include ceasing construction activity during the peak-hour of vehicular traffic on adjacent roadways); vi. Require all diesel engines to be shut off when not in use; vii. If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off; and viii. Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines. 	<p>Designated Construction Manager</p>		<p>construction is completed</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>ix. Implement activity management (e.g., rescheduling activities to reduce short-term impacts).</p>			
<p>Mitigation Measure AQ-5: A Health Risk Assessment (HRA) will be performed, in conjunction with the District’s requirement for a risk management review (RMR) to analyze the health risk for all commercial and industrial project related sources including both permitted and non-permitted sources. Project related non-permitted emissions include, but are not limited to: operational equipment (such as forklifts and on-site vehicles), truck idling time, truck refrigeration units (TRUs), and non-permitted stationary sources (such as backup generators less than 50 hp).</p>	<p>Project Applicants</p>	<p>San Joaquin Air Pollution Control District</p>	<p>Prior to Construction</p>
<p>Mitigation Measure BIO-1: Sensitive Biological Lands. Focused surveys, including floristic surveys, targeted wildlife surveys, and CWA 401, 404, and California Fish and Game Code 1600 (<i>et seq.</i>) jurisdictional delineations shall be required prior to initiating any development or other site-disturbance activity to avoid and minimize adverse impacts to sensitive biological lands (e.g., vernal pools, riparian areas, and wildlife corridors) to the maximum extent practicable pursuant to Merced Vision 2015 General Plan Policy OS-1.1.</p> <p>i. If present and practicable, impacts to sensitive biological lands will be avoided with the use of a minimum setback to maintain the biological and hydrological (when applicable) integrity of sensitive biological lands.</p>	<p>Project Applicants</p>	<p>City/CDFG/ USFWS</p>	<p>Project Approval and prior to issuance of building permits</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>ii. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS)</p> <p>iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.</p> <p>At a minimum, development activities that result in loss of sensitive biological lands will be compensated for on a one-to-one (1:1) impact to mitigation ratio to ensure a no-net-loss standard within Merced County.</p>			
<p>Mitigation Measure BIO-2: <i>Special-Status Species</i>. Projects will be required to include the following measures to assure no substantial adverse effect on local, state, or federally-protected plant or wildlife species result form the Project. Developers will also be required to include focused surveys for the presence or absence of state and federal ESA-protected species and the habitats upon which they depend.</p> <p>i. If present and practicable, impacts to state and federal ESA protected species, and their habitats will be avoided</p>	<p>Project Applicants</p>	<p>City/CDFG/ USFWS</p>	<p>Project Approval and prior to issuance of building permits</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>by implementing environmental awareness programs for project staff, the designation of environmental inspectors/monitors who will have the authority to redirect non-emergency activities that might harm state and federally-protected species, limiting development activities to prescribed areas, and avoiding introduction of non-native species.</p> <p>ii. If avoidance of ESA or other special-status species is not practicable, the developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS).</p> <p>iii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan.</p> <p>iv. Specific mitigation measures are suggested below for burrowing owl, giant garter snake, vernal pool branchiopods, and special-status plants:</p> <p><i>Burrowing Owl and Swainson’s Hawk</i></p> <p>i. Surveys by a qualified biologist for lands and species shall</p>			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>include an impact assessment of burrowing owl and Swainson’s hawk foraging and nesting habitat. The biological assessment report will contain recommend mitigation measures, such as those listed below, to reduce potential significant impacts to nests and habitat to less-than-significant.</p> <ul style="list-style-type: none"> ii. Projects will conduct pre-development surveys to following CDFG guidelines. If no active avian nests are identified on or within 250 feet of the development site, no further mitigation would be required. iii. If active nests are located, development would be delayed within the buffer zone until the young have fledged or appropriate mitigation measures have been developed in consultation with appropriate resource agencies. iv. In the case of burrowing owls, burrows would be avoided or passive exclusion and relocation techniques would be implemented following CDFG guidance to the maximum extent practicable. v. In the case of Swainson’s hawks, informal consultations with CDFG will be initiated to determine appropriate actions necessary to protect the nest site until the young have fledged and begin foraging independently. <p><i>Giant Garter Snake</i></p> <p>Focused surveys by a qualified biologist for lands and</p>			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>species shall include an assessment of habitat for the Giant Garter Snake. Such surveys and associated biological assessment reports will contain recommend mitigation measures to reduce significant impacts to less-than-significant. Such measures will include the following:</p> <p>All construction activities within snake habitat shall be conducted between May 1 and October 1 to fall within the activity period of the snake. The <i>United States Fish and Wildlife Service’s Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat</i> shall be followed and surveys shall be conducted by qualified biologist(s) 24-hours prior to the start of construction.</p> <p><i>Vernal Pool Branchiopods</i></p> <ul style="list-style-type: none"> i. Field surveys for vernal pool branchiopods will be conducted following USFWS “Interim Survey Guidelines for Recovery Permits for Vernal Pool Branchiopods” to the maximum extent practicable in consultation with all applicable agencies (e.g., USFWS and CDFG). ii. If present and practicable, impacts to vernal pool species and habitats will be avoided with the use of a minimum setback. iii. If avoidance is not practicable, developer will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining 			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) Developers shall submit to the City Building Division notification of the determination from the USACE regarding fill of the site and CDFG / USFWS for take of listed species prior to issuance of grading permits.</p> <p>iv. Activities that result in loss of vernal pool habitats will at a minimum be compensated for on a 1.1:1 impact to mitigation ratio to ensure a no-net-loss standard within Merced County.</p> <p><i>Special-Status Plant Species</i></p> <p>i. Pre-development surveys will be performed to detect the presence of special-status plant species within the project areas.</p> <p>ii. If present and practicable, impacts to special-status plant species and habitats will be avoided with the use of a minimum setback.</p> <p>iii. If avoidance is not practicable, applicants will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g.,</p>			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>CDFG, USFWS, or NMFS).</p>			
<p>Mitigation BIO-3: Migratory Bird Treaty Act and California Fish and Game Code 3500 (et seq.) Protected Species. Projects will be required to include the following measures to assure no substantial adverse effect on any nesting habitats or foraging areas for residential and migratory species.</p> <ul style="list-style-type: none"> i. A qualified biologist will conduct a nesting bird and raptor survey prior to any vegetation-clearing activities. Surveys will occur within 72 hours prior to initiation of physical ground disturbance activities to document that no occupied passerines and/or raptor nests would be impacted. ii. Vegetation clearing activities will be completed prior to the onset of the avian breeding season beginning in March, to the maximum extent practicable, in order to greatly reduce or avoid adverse impacts to avian species. Clearing of vegetation prior to development activities would deter the majority of individuals from selecting nesting or breeding sites within the development areas. 	<p>Project Applicants</p>	<p>City/CDFG/ USFWS</p>	<p>Project Approval and prior to issuance of building permits</p>
<p>Upon detection of an active nest within the project site or on immediately adjacent lands, a buffer zone from occupied nests will be maintained during physical ground disturbing activities. Once nesting has been determined to cease, the buffer may be removed.</p>			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation BIO-4: Creeks, Ditches, and Drainages. Projects will be required to avoid, minimize, and/or compensate for adverse impacts to Merced’s important natural urban creek system.</p> <ul style="list-style-type: none"> i. If present and practicable, impacts to Merced’s important natural urban creek system will be avoided. If avoidance is not practicable, subsequent projects will be obligated to minimize and compensate for adverse impacts by securing all obligatory discretionary permits and obtaining all relevant development authorizations through appropriate responsible state and federal agencies (e.g., CDFG, USFWS, or NMFS) ii. Through the normal review processes of CEQA, all applicable resource agencies (e.g., CDFG, USFWS, or NMFS) will be offered the opportunity to comment on Project impacts prior to and during the development of the Project mitigation and monitoring plan. <p>Local development authorization will obligate subsequent projects to:</p> <ul style="list-style-type: none"> (1) avoid fencing and piping creeks to the maximum extent practicable, (2) conserve major creeks, riparian habitat, substantial woodlands or stands of trees and knolls as open space amenities when practicable, (3) engineer naturalized channelization improvements and pursue alternatives to concrete channeling of existing creeks and streams as part of any flood control project to support more natural flood control methods, and (4) provide a minimum 50-foot dedication from the centerline (or 25 feet from the crown, whichever is greater) of all affected creeks. 	<p>Project Applicants</p>	<p>City/CDFG/ USFWS</p>	<p>Project Approval and prior to issuance of building permits</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation CUL-1 (Archeological) For archaeological resources valuable primarily for their data potential, implementation of mitigation measure CUL-1 will reduce potential impacts to a less-than-significant level.</p> <p>The treatment of archaeological resources are found in PRC §21083.2. If a project will cause a significant impact to an archaeological resource, the lead agency may require protection through conservation easements, capping or covering the site, planning to avoid impacts, or creating greenspace or parks. Most commonly, however, significant impacts to archaeological resources are mitigated through excavation or data recovery.</p>	<p>Project Applicants</p>	<p>City</p> <p>Qualified Archaeologist</p>	<p>At time of discovery. Construction must stop at area of discovery.</p>
<p>Mitigation CUL-2 (Human Remains) In the event the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find will halt immediately and the area of the find will be protected. The developer shall immediately notify the Merced County Coroner of the find and comply with the provisions of PRC §5097 with respect to Native American involvement, burial treatment, and re-interment. (Applicability—project level).</p>	<p>Project Applicants</p>	<p>Qualified Archaeologist</p> <p>County Coroner</p> <p>NAHC</p>	<p>At time of discovery. Construction must stop at area of discovery.</p>
<p>Mitigation CUL-3 When applicable, prior to any construction in the South Merced planning area, the project applicant will be required to inform construction personnel of the potential for encountering significant paleontological resources. All construction personnel will be informed of the need to stop work in the vicinity of a potential discovery until a</p>	<p>Project Applicants</p>	<p>Qualified Paleontologist</p>	<p>Prior to construction and at time of discovery, Construction must stop at area of discovery.</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel also will be informed of the requirement that unauthorized collection of fossil resources is prohibited.</p>			
<p>Mitigation CUL-5a Before awarding construction or grading permits for individual projects within the South Merced planning area, the project Applicant will be required to retain a qualified architectural historian to conduct an architectural survey of historic sites to determine eligibility, and level of integrity of the built environment resources. The architectural historian will also reassess the integrity and eligibility for listing in the CRHR of any built environment cultural resources that have been identified previously in the project area. Built environment cultural resources that appear to be 45-years old or older will be recorded through the appropriate Department of Parks and Recreation (DPR) 523 series form and submitted to appropriate agencies and information repositories.</p>	<p>Project Applicants</p>	<p>Qualified Architectural Historian</p>	<p>Project Approval and prior to issuance of grading/ building permits</p>
<p>Mitigation CUL-5b Before any construction in the South Merced planning area, the project Applicant shall retain a qualified architectural historian and other appropriate personnel to develop mitigation measures for any impact to a significant built environment resource affected by the project. This includes:</p> <ul style="list-style-type: none"> i. Avoiding or minimizing the impact to a historic resource through project redesign or not taking certain actions of the proposed project; 			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>ii. Following the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings);</p> <p>iii. Preparation of HABS/HAER/Historic American Landscape Survey (HALS) Level 1-3 documentation;</p> <p>iv. Preparation and execution of an Historic Structures Report (as described in the National Parks Service Preservation Brief 43: The Preparation and Use of Historic Structures Report [National Park Service, 2004]);</p> <p>v. Preparation and execution of a Built Environment Treatment and Construction Monitoring Plan (if applicable) for Direct and Indirect Impacts;</p> <p>vi. Public notice of availability of significant buildings and structures for relocation to alternate sites;</p> <p>vii. Development of a Historic Context for the Project Area, which would be a planning tool for understanding the larger trends and patterns in history in which the historic resources are understood;</p> <p>viii. Preparation of oral histories and statements of individuals and groups associated with the historic resources; and</p> <p>Development of a local history unit for City of Merced elementary schools, which would discuss significant historic themes and patterns associated with the area.</p>			

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation CUL-6 Mitigation measures for direct impacts are anticipated to mitigate cumulative impacts to cultural resources to a less <i>than significant level</i>.</p>	See CUL-1 through CUL-5	See CUL-1 through CUL -5	See CUL-1 through CUL-5
<p>Mitigation NOI-1 For residential or other sensitive land uses proximate to the arterials and major collector roads which will exceed City noise thresholds per Table IVF-2), noise mitigation may include a combination of building setbacks; the construction of noise barriers that may include a berm, wall, or combination of the two; and the siting of buildings to block traffic noise, to provide suitable outdoor living areas with Ldn values no higher than 65 dBA. Concurrent with submittal of an annexation or a tentative subdivision map for land already within the City, the applicant shall provide a project development plan based in part on a sound study that includes noise attenuation features, such as noise barriers, increased setbacks, building layout, floor-plan and architectural design, or a combination thereof. The sound study, prepared by an acoustical engineer, shall specify the features necessary to meet the City’s adopted noise level standards (Noise Implementation Action N-1.4.a), and shall be submitted together with the proposed development plan.</p>	Project Applicants	City	Project Approval
<p>Mitigation TR-1 Development in the Community Plan area will contribute its fair share cost of modifying the SR 99/Childs Avenue interchange. The fair-share amount will be determined through specific traffic studies required at the annexation stage of entitlement. This contribution will be collected by the City and placed in a fund to be used specifically for said improvement. As part of the next update to the City’s Public</p>	Project Applicants City	City Caltrans	Project approval and prior to the issuance of building permits

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Facility Financing Plan (PFFP), the need for a PSR for the Childs Avenue Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).</p>			
<p>Mitigation TR-4 Childs Avenue between Brantley Street and the SR 99 interchange will have to be widened to a six-lane arterial standard. With this level of improvement, the roadway will operate at LOS C.</p>	<p>Project Applicants</p>	<p>City</p>	<p>Prior to the issuance of building permits or certificate of occupancy, at the discretion of the City</p>
<p>Mitigation TR-5 Development in the plan area will contribute its fair share to the cost of improving Mission Avenue east of SR 99 to six lanes through the City's Public Facility Finance Fee program.</p>	<p>Project Applicants City</p>	<p>City</p>	<p>Prior to the issuance of building permits</p>
<p>Mitigation TR-6 Development in the Community Plan area will contribute its fair share to the cost of modifying the SR 99/SR 59 interchange to meet minimum level of service standards. As part of the next update to the City's Public Facility Financing Plan (PFFP), the need for a PSR for the SR59/SR99 Interchange will be identified so that Public Facilities Impact Fees can be collected for such use. Additionally, the City will take the role of a strong advocate for including this interchange as a priority project in the regional transportation planning efforts of the Merced County Association of Governments (MCAG).</p>	<p>Project Applicants City</p>	<p>City</p>	<p>Prior to the issuance of building permits</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation TR-9 Widening to four lanes or use of an “urban collector” with access permitted no closer than every 1/8 mile will be needed to achieve LOS D under the Community Plan. Development in the Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Project Applicants City</p>	<p>City</p>	<p>Fair share participation prior to the issuance of building permits</p>
<p>Mitigation TR-11 Widen this segment to four lanes using a special cross-section to fit the improvements within the 80-foot right of way that exists. Development in the Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Project Applicants City</p>	<p>City</p>	<p>Fair share participation prior to the issuance of building permits</p>
<p>Mitigation TR-12 Development in the plan area will contribute its fair share to the cost of traffic signals at the locations identified in the circulation plan and at the following intersections: i. Childs Avenue / M Street ii. East 13th Street / G Street iii. East 13th Street / B Street iv. East 15th Street / S Street v. East 15th Street / B Street</p>	<p>Project Applicants</p>	<p>City</p>	<p>Prior to the issuance of building permits</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Mitigation TR-13 The City will update the Public Facility Finance Plan to include all listed improvement needs of the South Merced Community Plan and associated Environmental Impact Report. Until such time as this is accomplished, the City will require contribution of traffic impact fees from new development in the planning area. The impacts and fees will be determined through traffic studies required of project applicants. In most cases, this will occur at the annexation phase of development or through subsequent reviews if the site is already annexed.</p>	<p>City Project Applicants</p>	<p>City</p>	<p>Project Approval, including annexation</p>
<p>Mitigation PS-2 Additional officers will be hired as required, and all development within the Community Plan area will participate in a Community Facilities District to fund a portion of these additional costs. As a condition of development, applicants pursuant to the Community Plan will be required to pay this fee at the time building permits are issued.</p>	<p>City Project Applicants</p>	<p>City</p>	<p>Prior to issuance of building permits</p>
<p>Mitigation PS-3 Implementation of General Plan Policies P-1.1, P-1.2, P-1.3, P-2.1.e, P-3.1, and P-3.2 and SP S-4.2.a will assist in accommodating the additional water demand. The City will construct wells as needed using funds provided for through developer payment of fees under the Public Facility Finance Program.</p>	<p>City Project Applicants</p>	<p>City</p>	<p>Prior to issuance of building permits</p>
<p>Mitigation PS-7 Mitigation of the need for school facilities in land-use approvals is limited by the California Legislature to the payment of mitigation fees under Government Code Sections 65995, 65995.5 or 65995.7, as applicable, and the payment of such fees is deemed <i>full and complete mitigation</i> of the impacts of any local agency action involving the</p>	<p>Project Applicants</p>	<p>City</p>	<p>Prior to issuance of certificate of occupancy</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>planning, use, or development of real property.</p> <p>Mitigation PS-11 Provisions will be made for locating and funding the construction of recreational facilities within the Community Plan area to meet the City’s goal of 5 acres per thousand residents. The City will have final approval of the design and location of proposed recreational areas. Payment of public facility fees will be required from developers to compensate the City for impacts on recreational uses. As a condition of development, applicants pursuant to the Community Plan will be required to pay this fee at the time building permits are issued.</p>	<p>City Project Applicants</p>	<p>City</p>	<p>Prior to issuance of building permits</p>
<p>Mitigation HYD-1 According to the <i>Merced Vision 2015 General Plan</i>, the <i>2001 Merced Water Supply Plan</i> (CH2M HILL, Updated 2001) has been established to prevent the decline of groundwater supplies through the year 2030 through groundwater recharge facilities. The GP EIR (City of Merced, 1997b) maintains that the water conservation policy of the City should be reviewed periodically to determine the need, appropriateness, and feasibility of implementing the conservation practices suggested in the <i>Merced Water Supply Plan</i>.</p>	<p>City</p>	<p>City</p>	<p>Every five years following approval of the Community Plan</p>
<p>Mitigation HYD-2 As part of the National Pollutant Discharge Elimination System (NPDES) permit, the development within the project area will be required to include Best Management Practices (BMPs), such as vegetated swales and filter strips, storm drain system stenciling at drain inlets, and engineered treatment facilities to prevent pollutants from degrading the quality of receiving waters.</p>	<p>Project Applicants</p>	<p>City RWQCB</p>	<p>Prior to Construction</p>

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>Most of the project area consists of very mild slopes, resulting in slow runoff, so the potential for substantial erosion or siltation on site is not significant. To decrease the volume of runoff, the specific development projects should be required to maximize infiltration of runoff and incorporate measures into the project design that will minimize the increase in runoff volume, compared to existing conditions. Possible measures include, but are not limited to:</p> <ul style="list-style-type: none"> • Site design layout to reduce and disconnect impervious surfaces; • Tree boxes to capture and infiltrate street runoff; • Vegetated swales, buffers, and strips; • Preservation of native vegetation; • Directing downspouts to rain gardens; and • Utilizing pervious paving. <p>To prevent degradation of downstream surface water, any construction associated with the realignment of canals and laterals should occur during the dry season.</p>			
<p>Mitigation HYD-4</p> <p>Specific development projects within the project area will involve construction activities, such as grading and excavation, for residential and commercial buildings, roads, driveways, and utility trenches, which may cause increases in erosion during storm events that will discharge sediment into surface waters. Other pollutants, such as fuels, paints, and cleansers, could be released accidentally at construction sites and could enter surface waters. These pollutants could adversely affect water quality and other beneficial uses of the surface drainages, as well</p>	Project Applicants	City RWQCB	Prior to/ during / and following Construction

CATEGORY 1- MITIGATION MEASURES WHICH FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Party	Inspection/ Enforcement By	Timing
<p>as downstream receiving waters.</p> <p>In compliance with NPDES Phase II regulations, during and following construction, developers will prepare and implement an SWPPP for the planned development. The SWPPP is used to identify and control potential sources of pollutants to runoff. Some typical measures that will be used to comply with the NPDES permit include, but are not limited to:</p> <ul style="list-style-type: none"> • Minimizing disturbed areas; • Implementing structural and procedural BMPs for collecting, handling, storing, and disposing of wastes generated during construction; • Implementing temporary erosion and sediment control measures during construction; and • Stabilizing cleared or graded slopes. <p>Because law requires implementation of the SWPPP, the potential for construction activities to cause erosion and other water quality impacts is low. Implementation of Mitigation HYD-3 would prevent construction during the wet season on slopes greater than 5%, unless erosion and sediment control measures are implemented.</p> <p>Implementation of Mitigation HYD-4, in combination with measures implemented as part of the SWPPP for controlling sediment from leaving the site and preventing pollution, will ensure that potentially significant impacts from construction site runoff are reduced to less than significant levels.</p>			

CATEGORY 2- MITIGATION MEASURES WHICH CANNOT FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Agency	Inspection/ Enforcement By	Timing
<p>Mitigation Measure AQ-3</p> <p>Criteria pollutant emissions will be reduced by encouraging projects within the South Merced Community Plan to include energy efficient features.</p> <p>Mitigation Measure AQ-3 applies to area sources within the Community Plan area. Project applicants must, prior to review of the Project by the City Planning Commission, select those measures from the list below that will be incorporated in their development project, and describe to the City how and when they will be implemented. The developer shall ensure implementation and full compliance of those mitigation measures.</p> <ul style="list-style-type: none"> i. Install EPA Energy Star (high reflectance) roofing materials to reduce building heat absorption and summer energy costs; ii. Position structures in a predominantly North-South face and plant low-emitting shade tree and bush species near structures in such an arrangement to shade and cool structures during warmer seasons yet allow for solar heating and wind breaks during cooler months; iii. Use reflective street, parking lot, and driveway paving materials, such as Portland concrete, or apply reflective coatings; iv. Provide grass paving or reflective surface for unshaded parking lot areas, driveways, or fire lanes that reduce standard 	<p>Project Applicants</p>	<p>City</p>	<p>Project approval, prior to construction, and prior to certificate of occupancy</p>

CATEGORY 2- MITIGATION MEASURES WHICH CANNOT FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Agency	Inspection/ Enforcement By	Timing
<p>asphalt paving by 10% or more;</p> <p>v. Landscape with native drought-resistant species (plants, trees, and bushes) to reduce the demand for gas-powered landscape maintenance equipment;</p> <p>vi. Provide heating systems powered by electricity, natural gas, or propane to serve as the primary heating source;</p> <p>vii. If wood fuel will be used to heat residential units, only USEPA-Certified Phase II wood-burning stoves will be installed;</p> <p>viii. Incorporate passive solar space heating designs and solar water heaters into residential and commercial units;</p> <p>ix. Install low NO_x, energy-efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units;</p> <p>x. Install a gas outlet for use with outdoor cooking appliances, such as a gas barbecue. Install a gas outlet in any proposed fireplaces, including outdoor recreational fireplaces or pits;</p> <p>xi. Electrical outlets should be installed on the exterior walls of all residential and commercial buildings to promote the use of electric or battery-operated yard and landscaping equipment;</p> <p>xii. Prohibit gas-powered landscape maintenance equipment within the development; and</p>			

CATEGORY 2- MITIGATION MEASURES WHICH CANNOT FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Agency	Inspection/ Enforcement By	Timing
<p>xiii. Require that landscape maintenance companies use battery-powered or electric equipment.</p>			
<p>Mitigation TR-2 Modify 15th Street to include an “urban collector” between “B” Street and SR 59, and seek to restrict access to this roadway between “B” Street and “D” Street. Development in the Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Project Applicants</p>	<p>City</p>	<p>Prior to the issuance of building permits</p>
<p>Mitigation TR-3 Modify 13th Street to include an “urban collector” between “B” Street and SR 59, and seek to restrict access to this roadway between “G” Street and SR 59. Development in the Community Plan area will contribute its fair share to the cost of these modifications and associated right-of-way acquisition needs. The City of Merced will monitor the level of service for this road through traffic studies required of development proposals, and make or require the improvement of said roadway when conditions are warranted.</p>	<p>Applicant</p>	<p>City</p>	<p>Prior to the issuance of building permits/ Improvement when conditions are warranted and funds are available</p>

CATEGORY 2- MITIGATION MEASURES WHICH CANNOT FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Agency	Inspection/ Enforcement By	Timing
<p>Mitigation TR-7</p> <p>Work with Caltrans and Merced County Association of Governments to widen SR 99 to six lanes from SR 99 to Gerard Avenue. Projects within the planning area will be required to contribute a fair share to the cost of modifying this highway.</p>	<p>City MCAG</p>	<p>Caltrans</p>	<p>When funding is available and conditions are warranted</p>
<p>Mitigation TR-8</p> <p>G Street north of 13th Street needs to be widened to a 6-lane arterial to improve the LOS. However, it is unlikely that this level of improvement can be accommodated, given right-of-way constraints, especially in the area of the SR 99 ramps. Thus, this impact is considered to be significant and unavoidable.</p>	<p>Project Applicants</p>	<p>City</p>	<p>When conditions are warranted and feasible design is developed</p>
<p>Mitigation TR-10</p> <p>The City will submit a request to the Public Utilities Commission seeking safety related improvements for the “D” Street roadway crossing of the Southern Pacific Railroad tracks, east of “G” Street and west of the 16th Street southbound on-ramps to SR 99, and will present the findings of the City concerning the need to increase capacity at said roadway to determine the options available to the City. Widening the existing crossing on D Street across the UPRR may not be likely to be approved by the railroad or the Public Utilities commission (PUC). Thus, this impact is considered significant and unavoidable.</p>	<p>City</p>	<p>City</p>	<p>City will submit a request within two years following the approval of the Community Plan</p>

CATEGORY 2- MITIGATION MEASURES WHICH CANNOT FULLY MITIGATE POTENTIAL IMPACTS

Mitigation Measures	Responsible Agency	Inspection/ Enforcement By	Timing
<p>Agricultural Resources Mitigation</p> <p>Several goals and policies identified in the <i>Merced Vision 2015 General Plan</i>, will be incorporated into the Community Plan to further minimize impacts on agricultural resources. With the incorporation of these policies and the Statement of Overriding Considerations adopted in conjunction with the approval of the Merced Vision 2015 GP EIR, no additional mitigation measures are required.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>



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