

Findings for the University Community Plan Update and Virginia Smith Trust Specific Plan Project

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 et seq.)

1 INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.) requires the County of Merced (County), when approving a project for which an environmental impact report (EIR) has been prepared to: (1) make written findings with regard to the disposition of each significant impact, and, if significant unavoidable impacts remain after mitigation, to (2) identify overriding considerations explaining why the County will continue to move ahead with the project.

The County intends to approve the proposed changes to the UCP Update and VST Specific Plan Project (the Project). This document explains the County's findings regarding the significant and potentially significant impacts identified in the Subsequent EIR (SEIR) prepared for the UCP Update and VST Specific Plan Project. Despite mitigation, certain significant environmental impacts of the project would not be mitigated to less-than-significant levels. Thus, the County is required to adopt a Statement of Overriding Considerations for the project.

As required under CEQA, the SEIR describes the project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the SEIR reflect the County's independent judgment.

The Final SEIR (which includes the Draft SEIR, comments, responses to comments, and revisions to the Draft SEIR) for the project examined several alternatives to the project; however, none of these alternatives were selected as part of the approved project because the proposed project is the environmentally superior alternative that feasibly attains project objectives. The alternatives consist of the No Project/No Development Alternative and the Project/No UCP Update, No VST Specific Plan Alternative.

The Findings are presented for adoption by the Board of Supervisors, as the County's Findings under CEQA and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.) regarding the project. The Findings provide the written analysis and conclusions of this Planning Commission regarding the project's environmental impacts, mitigation measures, and alternatives to the project, which in this Commission's view, justify approval of the project, despite its environmental effects.

2 GENERAL FINDINGS AND OVERVIEW

2.1 UCP UPDATE AND VST SPECIFIC PLAN PROJECT

2.1.1 Project Location

The UCP area is located in unincorporated Merced County, northeast of the City of Merced (City) and within the City's sphere of influence (SOI). The UCP area is bounded by Lake Road on the west, UC Merced property on the north, the Orchard Drive alignment (north of Cardella Road) and the Fairfield Canal (south of Cardella Road) on the east, and

Yosemite Avenue on the south. The UCP area would be divided by an extension of Cardella Road; the land north of Cardella Road to UC Merced (previously referred to as the "UCP North") would encompass the VST plan area, and the land south of Cardella Road to Yosemite Avenue would remain in the portion of the UCP area referred to as the "UCP South" area.

2.1.2 Project Background

The selection and development of the UC Merced campus led to a comprehensive effort to plan both the campus and a prospective community to the south. That process started with the development of the UCP in 2004 and the formation of the University of California Land Company LLC ("UCLC"), a joint venture between the VST and the UC Regents. At that time, the UCLC owned a portion of the UCP area referred to as UCP North. The proposed VST Specific Plan ("Specific Plan") facilitates the VST's final entitlement and sale of the remaining 654 acres of Virginia Smith's original 3,000 acres of property. The County adopted the UCP to be an area plan or community plan to address a specific geographic area of the county and to be a strategic plan for development of the UCP area. The VST Specific Plan implements the UCP and provides the next level of entitlements for the development of the VST portion of the UCP.

Merced County completed an extensive community planning process for the UCP, including certification of an EIR, in 2004. As previously analyzed, the UCP consisted of a community plan for a 2,133-acre area that encompassed the UC Merced campus and the UCP area. As originally conceived, the UCP was to be physically intertwined and abutting the UC Merced campus center so that there would be a seamless transition between the campus to the supporting community area. The Adopted UCP established goals and policies for development of a community to support the UC Merced campus, and included conceptual land use, circulation, parks, and public facility plans for the area. Due to the proposed modifications to the Adopted UCP, the County has prepared a subsequent EIR (SEIR) per the requirements of State CEQA Guidelines Section 15162.

New development in the northern portion of the City, as well as recent state legislative enactments have permitted the City to move forward with annexation of the UC Merced campus. Following annexation, the Specific Plan area would become eligible for the City's annexation because of its contiguity to the university.

2.1.3 Project Objectives

ADOPTED UCP OBJECTIVES

The purpose of the UCP is to provide a planning framework for how lands are to be developed and important resources are to be protected and conserved, in anticipation of the growth and development associated with UC Merced.

The established objectives of the Adopted UCP are to:

- ▶ To support the successful development of the University of California, Merced, campus by providing for a community that is physically contiguous to the campus and that includes appropriate and sufficient housing, commercial, industrial/business park, civic, and open space uses to meet the long-term needs of the campus and population;
- ▶ To provide adequate land and development opportunities to absorb the equivalent of 100 percent of the new growth demand generated by UC Merced over time;
- ▶ To provide a community that can be developed in an integrated fashion through a master developer rather than a fragmented subdivision process;
- ▶ To provide a community with patterns of land use and urban form that support principles of livable communities and environmental sustainability;

- ▶ To provide adequate circulation and utility infrastructure that supports the long-term sustainability of the UC Merced campus and University Community;
- ▶ To establish and support linkages and transitions that will integrate the University Community with greater Merced;
- ▶ To complement and support the economy on the City of Merced and the greater Merced region;
- ▶ To support the educational goals of the Virginia Smith Trust by enhancing its scholarship fund;
- ▶ To support regional programs to conserve and protect the County's important agricultural and natural resources as development of UC Merced and the University Community proceeds;
- ▶ To be configured and planned so that environmental permitting allows community development to proceed at the pace necessary to support campus development;
- ▶ To be affordable and financially feasible; and
- ▶ To support implementation of the Merced County General Plan.

UCP UPDATE OBJECTIVES

In addition, the proposed project modifications are intended to:

- ▶ amend the Adopted UCP boundaries to reflect current land ownership;
- ▶ reallocate the potential housing units attributed to land now owned exclusively by UC Merced to within the amended UCP boundaries without substantially changing the range of unit types;
- ▶ improve consistency between County, City, and UC planning documents;
- ▶ revise the Adopted UCP to conform to current development regulations;
- ▶ update the Adopted UCP land use plan to be compatible with adjacent development;
- ▶ update the Adopted UCP circulation plan to be compatible with current standards and plans for regional infrastructure, including Campus Parkway;
- ▶ update the phasing program to reflect current market conditions and changes to the UCP boundaries; and
- ▶ provide a "university community" that meets the needs of UC's staff and students, as currently projected, including providing a range of housing opportunities appropriate for the local demographics and lifestyles.

VST SPECIFIC PLAN OBJECTIVES

The objectives of the VST Specific Plan are to:

- ▶ provide a mix of uses and a financially feasible phasing and implementation plan that will maximize the contribution to the VST scholarship endowment to provide college scholarships to county residents per the provisions of the VST;
- ▶ provide a master planned community with community amenities that will attract students and retain highly skilled and educated staff;
- ▶ provide diverse town and neighborhood centers to offer local shopping and service opportunities for people of different ages, income levels, cultures, and education levels;
- ▶ provide increased housing density next to town centers and overall housing densities in conformance with Adopted UCP policies;
- ▶ provide a diversity of housing sizes, prices, and types to serve the full range of employees, instructors, staff, and students at UC Merced, consistent with the vision of the Adopted UCP;

- ▶ comply with the City of Merced’s inclusionary housing standards by providing sufficient units that would be restricted for affordability;
- ▶ provide diverse multimodal and active transportation alternatives and a network of bike paths, pedestrian paths, and transit connections;
- ▶ connect to UC Merced’s existing and planned circulation facilities to provide a seamless connection between the VST plan area and the UC Merced campus for pedestrian, bicycle, vehicle, and transit modes;
- ▶ create a continuous network of parks and open spaces; and
- ▶ prioritize livability, activity, and shared community space, with neighborhoods centered around parks and schools.

2.1.4 Project Description

The proposed update to the Adopted UCP would modify the UCP boundary to exclude land within the planning boundary of UC Merced; revise the policy plan to reflect current conditions, regulations, and best practices; and update the land use and circulation diagram to reflect the land uses proposed within the VST Specific Plan and the approved alignment of Campus Parkway.

The VST Specific Plan consists of the development of 440 acres of residential land uses, 113 acres of parks, recreation, and open space, 20 acres for a K–8 elementary school and an additional charter school, 44 acres for commercial development, and 79 acres for roads and other improvements with approximately 3,857 residential units, including 500 deed-restricted affordable units, and 862,000 square feet of commercial buildings.

2.1.5 Discretionary Approvals

Project approval requires the County, as lead agency, as well as certain responsible agencies to take discrete planning and regulatory actions to approve the overall project. In addition to adopting these findings and the associated Mitigation Monitoring and Reporting Program (MMRP) (CEQA requirements), the County will consider approving a number of related project-level entitlements, including the following:

- ▶ County of Merced General Plan Amendments for Land Use and Circulation,
- ▶ UCP Amendment,
- ▶ Zoning Map and Text Amendment,
- ▶ VST Specific Plan,
- ▶ Development Agreement between County, City, and VST, and
- ▶ Vesting Tentative Map

2.2 ENVIRONMENTAL REVIEW PROCESS

In accordance with PRC Section 21092 and 14 CCR Section 15082, the County circulated a Notice of Preparation (NOP) of an SEIR on January 14, 2022 for a minimum 30-day period of public and agency comment that ended on February 14, 2022 (total circulation period of 30 days). The NOP was submitted to the State Clearinghouse and posted on the County’s website. A copy of the NOP and comments received on the NOP are included in the SEIR (Appendix A). The County held a public scoping meeting on January 20, 2022. The purpose of the NOP and the scoping meeting was to provide notification that an SEIR for was being prepared for the project and to solicit input on the scope and content of the environmental document. The NOP and responses to the NOP are included in Appendix A of the draft SEIR.

The County published a public Notice of Availability (NOA) for the Draft SEIR on April 28, 2023, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (State Clearinghouse No. 2001021056) and the Merced County Clerk, and a notice was published in the Merced County Times, a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The 45-day public review period extended from April 28, 2023 through June 12, 2023.

A public meeting for the Project was conducted by the County Planning Commission on July 12, 2023; no public comments were provided related to the adequacy of the Draft EIR or impacts to the environment.

The County of Merced received five comment letters on the Draft SEIR during the public review period. After the public review period concluded, two additional comment letters were received. In accordance with State CEQA Guidelines Section 15088, the Final SEIR responds to the comments received during the public review period. Comments received after the public review period closed were also considered by the County of Merced in their review of the proposed project. The late comments and responses thereto are also included in the Final SEIR.

2.3 RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's findings and determinations consists of the following documents, materials and testimony, at a minimum:

- ▶ The NOP, comments received on the NOP, and all other public notices issued by the County regarding the project (e.g., NOA).
- ▶ The UCP Update and VST Specific Plan Draft Focused SEIR and Final SEIR, including comment letters, and technical materials cited in the documents.
- ▶ All official reports and memoranda prepared by the County of Merced and consultants in relation to the SEIR.
- ▶ Minutes and transcripts of the discussions regarding the project and/or project components at public meetings held by the County.
- ▶ Staff reports associated with Planning Commission and Board of Supervisors meetings on the project.
- ▶ Those categories of documents, materials, and testimony included in the record or proceedings identified in PRC Section 21167.6.

The County Community and Economic Development Department is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at: the County of Merced at 2222 M Street, 2nd Floor, Merced, California 95340.

2.4 FINDINGS REQUIRED UNDER CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Further, the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Id.) Section 21002 also provides that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof," subject to a statement of overriding considerations.

The mandate and principles adopted by the Legislature in PRC Section 21002 are implemented, in part, through the requirement in PRC Section 21081 that agencies must adopt findings before approving projects for which an EIR is required.

State CEQA Guidelines Section 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also PRC Section 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (PRC Section 21061.1; see also State CEQA Guidelines Section 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. (PRC Sections 21001, 21002.1[c], 21081[b].) As noted above, despite mitigation, certain significant environmental impacts of the project will not be mitigated to less-than-significant levels. Thus, the County is required to adopt a Statement of Overriding Considerations for the project.

2.5 MITIGATION MONITORING AND REPORTING PROGRAM

An MMRP has been prepared for the project and has been adopted concurrently with these Findings. (See PRC Section 21081.6(a)(1).) The County will use the MMRP to track compliance with project mitigation measures.

2.6 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, the Board of Supervisors, the decision-making body of the lead agency, has reviewed and considered the information in the Final SEIR prior to approving the project. By these findings, the Board of Supervisors ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final SEIR. The Board of Supervisors finds that the Final SEIR was completed in compliance with CEQA. The Final SEIR represents the independent judgment of the County.

2.7 SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the County.

3 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies those new impacts that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level and the impacts would remain significant and unavoidable.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Impact 3.4-1: Conflict with an Applicable Plan, Policy or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases (UCP Update only)

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to generate greenhouse gas (GHG) emissions and contribute to climate change is discussed on pages 3.4-19 through 3.4-22 of the Draft SEIR.

Mitigation Measure: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.4-1 "Implement the Bay Area Air Quality Management District's On-Site Project Design Features to Demonstrate the Project's Fair Share in Meeting the State's Long- Term GHG Reduction Targets (UCP South)."

Findings: The UCP North/VST Specific Plan has implemented project-design features as described in Section 3.4.3, pages 3.4-19 to 3.4-22 of the Draft SEIR. Implementation of New Mitigation Measure 3.4-1 in the UCP South portion of the Project by future specific plans or other development in that area would help ensure that the UCP Project would eliminate all on-site natural gas infrastructure, adhere to the most recent Tier 2 requirements of the Title 24 California Building Code's electric vehicle charging standards, and demonstrate consistency with regional VMT standards. If these design features cannot be incorporated into future plans and development proposals, applicants must include other relevant project design characteristics, such that additional emissions can be offset. As described in Mitigation Measure 3.4-1, these include: implementation of a solid waste program, exceedance of the most recent version of Part 6 of the Title 24 California Building Code, use of low-flow appliances, use of energy star appliances, and implementation of ZNE buildings. While it is foreseeable that application of Mitigation Measure 3.4-1 would be sufficient to reduce impacts to a less-than-significant level, the specific project design features recommended above may not be deemed feasible for all future development proposals. The impacts of the UCP Update are cumulatively considerable and are considered significant and unavoidable due to these uncertainties.

In accordance with PRC Section 21081, New Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the UCP portion of the Project by the County of Merced, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of GHG emissions, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

Impact 3.4-3: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

Potential Impact: Impacts caused by energy consumed from electricity and natural gas serving the UCP Update and VST Specific Plan is discussed on pages 3.4-25 through 3.4-26 of the Draft SEIR.

Mitigation Measure: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.4-3 “On-Site Project Design Features that that Address Building Carbonization and Energy Efficiency (UCP South)”

Findings: The UCP North/VST Specific Plan portion of the UCP has implemented this mitigation measure. Implementation of New Mitigation Measures 3.4-3 in the UCP South portion of the Project would help ensure that the UCP South portion of the project would provide the necessary infrastructure to do its fair share in assisting the state in meeting its long-term GHG reduction goal of achieving carbon neutrality by 2045. While it is foreseeable that application of Mitigation Measure 3.4-3 would be sufficient to reduce impacts to a less-than-significant level, the specific project design features identified in Mitigation Measure 3.4-3 may not be feasible for all plans and project proposed in this area in the future. The impacts of the UCP Update are cumulatively considerable and are considered significant and unavoidable due to these uncertainties.

In accordance with PRC Section 21081, New Mitigation Measure 3.4-3 is an appropriate change or alteration that has been required in, or incorporated into, the UCP portion of the Project by the County of Merced, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project’s benefits outweigh the significant and unavoidable effects of the project resulting from the generation of GHG emissions, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

NOISE AND VIBRATION

Impact 3.6-1: Short-Term Construction-Generated Noise Levels

Potential Impact: The UCP Update and VST Specific Plan would generally result in similar types of construction activities (e.g., grading, site preparation, building construction) using similar types of equipment to those discussed in the 2001/2004 UCP EIR, and thus, would generate similar levels of noise which could result in the exposure of off-site noise-sensitive receptors to excessive noise levels. This impact is discussed on pages 3.6-20 through 3.6-23 of the Draft SEIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.6-1, “Revise Policy N 2.6 for Managing Noise from Construction Activities of the Adopted UCP.”

Findings: New Mitigation Measure 3.6-1 modifies adopted UCP Policy N 2.6, in order to minimize noise generated by construction activities. Changes to this policy would require modifications to construction activities and construction equipment to minimize noise generation. Although construction-generated noise levels would not be substantially different in magnitude or type from those described in the 2001/2004 UCP EIR, and noise reduction would be achieved with implementation of these measures, reductions of the magnitude needed to ensure that substantial temporary increases in ambient noise levels does not occur at any nearby sensitive receptor is not expected to be achieved under all circumstances with implementation of Mitigation Measure 3.6-1.

In accordance with PRC Section 21081, New Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record

before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of construction noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

Impact 3.6-3: Long-Term, Operational Noise (Traffic)

Potential Impact: The UCP Update and VST Specific Plan would generally result in levels of operational noise impacts to sensitive receptors caused by traffic, similar to those discussed in the 2001/2004 UCP EIR. Therefore, this Project would generate similar levels of noise which could result in the exposure of off-site noise-sensitive receptors to excessive noise levels. This impact is discussed on pages 3.6-26 through 3.6-28 of the Draft SEIR.

Mitigation Measure: The following mitigation measure previously adopted is now determined to be legally and technically infeasible: Old Mitigation Measure 4.10-3(a), "Construction of Noise Barriers and/or Retrofitting of Noise-Affected Homes." No new feasible mitigation is available for this impact.

Findings: Old Mitigation Measure 4.10-3(a) assumes that the County would have unlimited access to private property, and that all affected parties would consent to the referenced improvements. However, the necessity for this mitigation is limited by the fact that traffic from the UCP and VST Specific Plan would be along Campus Parkway, Bellevue Road, G Street, and Yosemite Avenue. Further, the implementation of the Project and the related construction of Campus Parkway from Yosemite Avenue to Bellevue Road would reduce traffic on Lake Road (a road with residences fronting on it) from 6,500 average daily trips (ADT) to 4,000 ADT, according to Figures 2-6 and 4-5 of the VST Traffic Impact Study (2022) contained in Appendix E of the SEIR. Development along these roads is designed with appropriate noise attention or mitigation features, and these areas are primarily non-residential uses which are not considered noise sensitive land uses. Although operational traffic-generated noise levels would not be substantially different in magnitude or type from those described in the 2001/2004 UCP EIR, the previously-approved mitigation measure cannot be implemented for legal and technical reasons. Reductions of the magnitude needed to ensure that substantial temporary increases in ambient noise levels does not occur at any nearby sensitive receptor is not expected to be achieved under all circumstances.

In accordance with PRC Section 21081, revision of Old Mitigation Measure 4.10-3(a) is a necessary change or alteration that has been required in, or incorporated into, the project by the County of Merced. Specific economic, legal, social, and technological, or other considerations make infeasible this old mitigation measure, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of construction noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

Impact 3.6-4: Generate Excessive Groundborne Vibration or Groundborne Noise Levels (UCP Update only)

Potential Impact: The potential for the UCP update to generate groundborne vibration caused by pile-driving is discussed on pages 3.6-28 and 3.6-30 of the Draft SEIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.6-4, "Amend the UCP to Include Provisions for Potential Vibration-Inducing Activities."

Findings: Implementation of New Mitigation Measure 3.6-4 would be effective in reducing impacts associated with groundborne vibration or groundborne noise by limiting such impact-causing activities. However, given this programmatic level of analysis, it is not possible to conclude that vibration levels in all locations associated with all future development under the UCP Update would be reduced below the County threshold levels for human annoyance even after implementing New Mitigation Measure 3.6-4. The VST Specific Plan would generate reduced impacts. However, the VST Specific Plan covers only a portion of the UCP area and the VST Project includes measures that reduce the impact of pile-driving. However, it is not possible to ensure that pile driving elsewhere in the UCP

would not occur within 630 feet of sensitive receptors. Accordingly, this impact would remain significant and unavoidable for the UCP Update but less than significant for the VST Specific Plan .

In accordance with PRC Section 21081, New Mitigation Measure 3.6-4 is an appropriate measure that has been required in, or incorporated into, the project by the County of Merced, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible this old mitigation measure, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of construction noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

CUMULATIVE IMPACTS

Noise and Vibration (Increases in Non-Traffic Noise Levels)

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to contribute to cumulative impacts related to non-traffic noise at land uses within and near the UCP is discussed on pages 3.6-30 and 3.6-32 of the Draft SEIR.

Mitigation Measure: The following mitigation measures were adopted and will be implemented as provided by the MMRP: Old Mitigation Measures 4.10-3(a), 4.10-3(b), 4.10-4, and 4.10-5. However, Mitigation Measure 4.10-3(a) is now considered to be legally and technically infeasible.

Findings: As described in the SEIR, Mitigation Measure 4.10-3(a), assumes that the County would have unlimited access to private property, and that all affected parties would consent to the referenced improvements. However, it has since been determined that this mitigation measure is legally and technically infeasible, as noted above. Nevertheless, adopted Mitigation Measures 4.10-3(b), 4.10-4, and 4.10-5 would help to reduce project impacts. Buildout of the UCP would result in increased noise levels that would contribute to the cumulative noise in the region, however.

In accordance with PRC Section 21081, elimination of Mitigation Measure 4.10-3 and maintenance of previously-approved mitigation measures are appropriate changes or alteration that have been required in, or incorporated into, the project by the County of Merced, which lessens, though not to a less-than-significant level, the significant environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the generation of construction noise, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

Biological Resources

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to contribute to cumulative impacts related to habitat conversion within and near the UCP is discussed on pages 3.2-27 of the Draft SEIR.

Mitigation Measure: The following mitigation measures were adopted and will be implemented as provided by the MMRP: Old Mitigation Measures 4.4-2, 4.4-4(a), and 4.4-4(b) and 4.4-5. The SEIR also includes new Mitigation Measures 3.2-2a, 3.2-2b, 3.2-2c, 3.2-2d, 3.2-2e, and 3.2-2f, which would also be implemented.

Findings: As described in the SEIR, implementation of old Mitigation Measures 4.4-2, 4.4-4(a), and 4.4-4(b), as well as implementation of new Mitigation Measures 3.2-2a, 3.2-2b, 3.2-2c, 3.2-2d, 3.2-2e, and 3.2-2f would reduce project impacts to a less-than-significant level. Nonetheless, buildout of the UCP would result in the loss of grassland habitat that would contribute to the cumulative loss of this habitat in the region in the same manner described in the 2001/2004 UCP EIR.

In accordance with PRC Section 21081, maintenance of previously-approved mitigation measures are appropriate that have been incorporated into the Project by the County of Merced, which lessens, though not to a less-than-significant level, the significant cumulative environmental effect as identified in the SEIR. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effect therefore remains significant and unavoidable. The Board of Supervisors concludes, however, based upon the SEIR and the entire record before this Board of Supervisors, that the project's benefits outweigh the significant and unavoidable effects of the project resulting from the cumulative impact to the loss of habitat land, as set forth in the Statement of Overriding Considerations in **Section 7**, below.

4 FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

This section identifies those impacts that can be mitigated below a level of significance.

AIR QUALITY

Impact 3.1.1: Generation of Short-Term, Construction-Related Emissions of ROG, NO_x, PM₁₀, and PM_{2.5}

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to result in construction emissions of criteria pollutants is discussed on pages 3.1-21 through 3.1-32 of the Draft SEIR.

Mitigation Measure: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Old Modified Mitigation Measure 4.3-1 "Limit traffic speeds on unpaved roads to 15 mph," Old Mitigation Measure 4.3-2, "Implementation of Construction Measures," and New Mitigation Measure 3.1-1a "Utilization of Clean Off-Road Equipment," New Mitigation Measure 3.1-1b "Preparation of an Ambient Air Quality Analysis (UCP South only)."

Findings: Implementation of Mitigation Measures 4.3-1, 4.3-2, 3.1-1a, and 3.1-1b would reduce emissions of criteria air pollutants through the application of recognized construction emission control measures and certification of an ambient air quality analysis (AAQA). Emissions would be mitigated to below applicable San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. Therefore, there is no new significant impact and the impact is not substantially more severe than the impact identified in the 2001/2004 UCP SEIR. The UCP Update and VST Specific Plan Project would have a less-than-significant impact to air quality from construction activities, thus avoiding the potential for individuals to be exposed to unhealthy concentrations of criteria air pollutants that could result in adverse health outcomes. The VST Specific Plan would generate reduced impacts, however compared to the UCP Update because the VST Specific Plan covers a portion of the UCP area and the VST Project includes measures as part of the Project to further reduce potential impacts.

In accordance with PRC Section 21081, Mitigation Measures 4.3-1, 4.3-2, 3.1-1a, and 3.1-1b are an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to regional criteria air pollutants during construction will be mitigated to a less-than-significant level.

Impact 3.1-2: Long-Term, Operational (Regional) Emissions of Criteria Air Pollutants and Precursors

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to result in exposure of sensitive receptors to of ROG, NO_x, CO, PM₁₀, and PM_{2.5} in exceedance of SJVAPCD's operational thresholds of significance is discussed on pages 3.1-32 through 3.1-36 of the Draft SEIR.

Mitigation Measure: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Old Mitigation Measure 4.3-4 "Implementation of Building Efficiency Measures," New Mitigation Measure 3.1-2a, "Implement On-Site Project Design Features to Reduce Emissions of Criteria Air Pollutants (UCP South)," and New Mitigation Measure 3.1-2b "Engage in Regional Programs to Offset Project Emissions of ROG, NOX, CO, and PM10 (UCP South and VST Specific Plan) UCP South

Findings: Implementation of New Mitigation Measure 3.1-2a would reduce emissions in UCP South by implementing efficiency and low VOC measures in the project development. The VST Specific Plan would generate reduced impacts, however compared to the UCP Update because the VST Specific Plan covers a portion of the UCP area and the VST Project includes measures as part of the Project to further reduce potential impacts. Implementation of New Mitigation Measure 3.1-2b, by participating in SJVAPCD's VERA, would mitigate the Project's emissions impacts by providing funds for the SJVAPCD's incentives programs. These funds are disbursed by SJVAPCD in the form of grants for projects that achieve emission reductions. With implementation of these mitigation measures, this impact would be less than significant.

In accordance with PRC Section 21081, New Mitigation Measures 3.1-2a and 3.1-2b are an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to operational emissions of criteria air pollutants will be mitigated to a less-than-significant level.

BIOLOGICAL RESOURCES

Impact 3.2-1: Result in Disturbance to or Loss of Special-Status Plant Species

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to result in disturbance to or loss of special-status plants is discussed on pages 3.2-11 through 3.2-15 of the Draft SEIR.

Mitigation Measures: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Old Mitigation Measure 4.4-2 "Grassland Preservation," Old Mitigation Measure 4.4-6 "Seed Collection from Shining Navarretia," and New Mitigation Measure 3.2-1 "Implement Avoidance Measure and Mitigation for Special-Status Plant Species Not Covered by the Existing CDFW Incidental Take Permit or USFWS Biological Opinion."

Findings: Implementation of Mitigation Measures 4.4-2, 4.4-6, and 3.2-1 would avoid and minimize the loss of special-status plant species by expressly preserving native upland grassland, by dispersing seeds from shining navarretia, and by conducting pre-construction surveys of the site. Therefore, implementation of this mitigation measure would reduce the potential impact to special-status plants to a less-than-significant level, as identified in the SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2001/2004 UCP EIR.

In accordance with PRC Section 21081, Mitigation Measures 4.4-2, 4.4-6, and 3.2-1 are an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to special-status plan species will be mitigated to a less-than-significant level.

Impact 3.2-2: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to result in disturbance to or loss of special-status wildlife species and habitat is discussed on pages 3.2-15 through 3.2-23 of the Draft SEIR.

Mitigation Measures: The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP: Old Mitigation Measure 4.4-2 "Grassland Preservation," Old Mitigation Measure 4.4-4(a) "Swainson's Hawk Foraging Habitat Preservation," Old Mitigation Measure 4.4-4(b) "Pre-Construction Survey Requirement," Old Mitigation Measure 4.4-5 "Surveys for Dens/Burrows," New Mitigation Measure 3.2-2a "Conduct Preconstruction

Surveys for Western Spadefoot, Implement Avoidance Measures, and Relocate Individuals,” New Mitigation Measure 3.2-2b “Conduct Preconstruction Surveys for Western Pond Turtle, Implement Avoidance Measures, and Relocate Individuals,” New Mitigation Measure 3.2-2c “Conduct Focused American Badger Survey and Establish Protective Buffers,” New Mitigation Measure 3.2-2d “Conduct Focused Surveys for Crotch Bumble Bee and Implement Avoidance Measures If Listed under CESA,” New Mitigation Measure 3.2-2e “Conduct Focused Bat Surveys and Implement Avoidance Measures,” and New Mitigation Measure 3.2-2f “Conduct Protocol-Level Surveys for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows.”

Findings: Implementation of Mitigation Measures 4.4-2, 4.4-4(a), 4.4-4(b), 4.4-5, 3.2-2a, 3.2-2b, 3.2-2c, 3.2-2d, 3.2-2e and 3.2-2f would avoid and minimize the loss of special status species and wildlife habitat through of the implementation of preservation, preconstruction surveys, construction setbacks, transplantation, and compensation. The VST Specific Plan would generate reduced impacts, however compared to the UCP Update because the VST Specific Plan covers a portion of the UCP area and the VST Project includes measures as part of the Project to further reduce potential impacts. Therefore, implementation of this mitigation measure would reduce the potential impact to special status species and wildlife habitat to a less-than-significant level, as identified in the SEIR. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2001/2004 UCP EIR.

In accordance with PRC Section 21081, Mitigation Measures 4.4-2, 4.4-4(a), 4.4-4(b), 4.4-5, 3.2-2a, 3.2-2b, 3.2-2c, 3.2-2d, 3.2-2e and 3.2-2f are an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to special status species and wildlife habitat will be mitigated to a less-than-significant level.

HYDROLOGY AND WATER QUALITY

Impact 3.5-3: Substantially Alter the Existing Drainage Pattern of Project Area

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to result in alterations to drainage patterns is discussed on pages 3.5-20 through 3.5-22 of the Draft SEIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.5-3 “Implement Altered Channel Cross Section Subject to MID Approval (VST Specific Plan Only).”

Findings: Implementation of New Mitigation Measure 3.5-3, which requires the developer of Phase 2 of the VST Specific Plan to provide evidence that: (1) the proposed modification of the Fairfield Canal is designed such that no change would occur in the hydraulic flow rates and velocities of the canal, and (2) necessary permits have been obtained from Merced Irrigation District. The UCP Update overall would result in a less than significant impact to existing drainage patterns. After implementation of New Mitigation Measure 3.5-3, the VST Specific Plan portion of the Project would have a less-than-significant impact related to the alteration of existing drainage patterns, consistent with the impact conclusion in the 2001/2004 UCP EIR.

In accordance with PRC Section 21081, New Mitigation Measure 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to existing drainage patterns will be mitigated to a less-than-significant level.

NOISE AND VIBRATION

Impact 3.6-2: Long-Term, Operational Noise (Stationary and Area Sources)

Potential Impact: The potential for the UCP Update and VST Specific Plan Project to generate long-term operational noise that exceeds City of Merced’s noise source criteria is discussed on pages 3.6-24 through 3.6-25 of the Draft SEIR.

Mitigation Measure: The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP: New Mitigation Measure 3.6-2 “Amend the UCP to Include Provisions for Operational Stationary Source Noise Generating Activities.”

Findings: Implementation of New Mitigation Measure 3.6-2 would revise policies in the UCP Update, such that buildings and noise generating appliances and activities will be set back, such that noise-generating land uses do not cause excessive exterior or interior noise for noise-sensitive land uses on any location of nearby residential properties. Further, these policy updates will ensure that loading docks are located and designed such that noise generated by activity at the loading dock would not exceed the City’s stationary noise source criteria. There is no new significant impact and the impact is not substantially more severe than the impact identified in the 2001/2004 UCP SEIR. After implementation of New Mitigation Measure 3.6-2, the Project would have a less-than-significant impact related to long-term operational noise, consistent with the impact conclusion in the 2001/2004 UCP EIR. The VST Specific Plan would generate reduced impacts, however compared to the UCP Update because the VST Specific Plan covers a portion of the UCP area and the VST Project includes measures as part of the Project to further reduce potential impacts.

In accordance with PRC Section 21081, New Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the project by the County of Merced, which avoids or substantially lessens the significant environmental effect as identified in the SEIR. Based upon the SEIR and the entire record before this Board of Supervisors, this Board of Supervisors finds that the potential for adverse effects related to long-term operational noise will be mitigated to a less-than-significant level.

5 FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS THAT ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

This section identifies those impacts that were determined to be less than significant or less than cumulatively considerable.

Air Quality

- ▶ Impact 3.1.1: Generation of Short-Term, Construction-Related Emissions of ROG, NO_x, PM₁₀, and PM_{2.5} (VST Specific Plan only)
- ▶ Impact 3.1-3: Increases in Local Mobile Source CO Concentrations
- ▶ Impact 3.1-4: Exposure to Sensitive Receptors to TACs

Biological Resources

- ▶ Impact 3.2-3: Result in Degradation or Loss of Riparian Habitat or Other Sensitive Natural Communities
- ▶ Impact 3.2-4: Result in Degradation or Loss of State or Federally Protected Wetlands
- ▶ Impact 3.2-5: Interfere with Wildlife Movement Corridors or Impede the Use of Wildlife Nurseries

Tribal Cultural Resources

- ▶ Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- ▶ Impact 3.3-2: Cumulative Tribal Cultural Resources Impacts

Greenhouse Gas Emissions and Climate Change

- ▶ Impact 3.4-1: Conflict with an Applicable Plan, Policy or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases (VST Specific Plan only)
- ▶ Impact 3.4-2: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation
- ▶ Impact 3.4-3: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency (VST Specific Plan only)

Hydrology and Water Quality

- ▶ Impact 3.5-1: Substantially Degrade Surface Water or Groundwater Quality
- ▶ Impact 3.5-2: Substantially Decrease Groundwater Supplies or Interfere with Groundwater Recharge Such That the Project May Impede Sustainable Groundwater Management of the Basin
- ▶ Impact 3.5-3: Substantially Alter the Existing Drainage Pattern of Project Area (UCP Update only)
- ▶ Impact 3.5-4: Water Quality Control Plan Compliance
- ▶ Impact 3.5-5: Cumulative Impacts to Water Quality
- ▶ Impact 3.5-6: Cumulative Impacts to Hydrology and Flooding

Noise and Vibration

- ▶ Impact 3.6-4: Generate Excessive Groundborne Vibration or Groundborne Noise Levels (VST Specific Plan only)

Transportation

- ▶ Impact 3.7-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle and Pedestrian Facilities
- ▶ Impact 3.7-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b)
- ▶ Impact 3.7-3: Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)
- ▶ Impact 3.7-4: Result in Inadequate Emergency Access
- ▶ Impact 3.7-5: Cumulative Transportation Impacts

Utilities and Service Systems

- ▶ Impact 3.8-1: Environmental Effects due to Construction of New or Expanded Infrastructure
- ▶ Impact 3.8-2: Insufficient Water Supply in Normal, Dry, and Multiple Dry Years
- ▶ Impact 3.8-3: Wastewater Treatment Capacity
- ▶ Impact 3.8-4: Generate Solid Waste that Exceeds the Capacity of Local Infrastructure or Conflicts with Waste Reduction Regulations
- ▶ Impact 3.8-5: Cumulative Water Demand Impacts
- ▶ Impact 3.8-6: Cumulative Impacts to Wastewater and Stormwater Systems
- ▶ Impact 3.8-7: Cumulative Impacts to Electric Power, Natural Gas, and Communications Infrastructure

- ▶ Impact 3.8-8: Cumulative Impacts to Solid Waste

6 PROJECT ALTERNATIVES

6.1 BASIS FOR ALTERNATIVES FEASIBILITY ANALYSIS

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999–1000 (CNPS); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041-1043.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under the State CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the project objectives described above under **Section 2.1.3** provided the framework for defining possible project alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the State CEQA Guidelines.

Based on the requirements of State CEQA Guidelines Section 15126.6 and the project objectives, the following alternatives to the project were identified in the Draft SEIR:

- ▶ No Project—No Development Alternative, which assumes no development occurs on the project site; and
- ▶ No Project/No UCP Update, No VST Specific Plan Alternative, which assumes that the proposed UCP Update and VST Specific Plan is not approved and that development occurs consistent with the approved UCP as described in the 2001/2004 UCP EIR.

In addition, the evaluation of alternatives included in the 2001/2004 UCP EIR is incorporated by reference into the SEIR and is part of the range of reasonable alternatives included in the CEQA analysis for the project (see Draft SEIR Section 4 and the discussion of 2003 SEIR alternatives below).

The County finds that a good-faith effort was made in the SEIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the program, but that would avoid or substantially lessen any of the significant effects associated with the proposed project, even when the alternatives might impede the attainment of the project objectives and might be more costly. One of the comments received on the Draft SEIR requested that the VST provide more affordable housing units than the number of affordable units included in the Project. This requested alternative would not further lessen significant environmental impacts. As a result, the scope of alternatives

analyzed in the SEIR (and incorporated by reference from the 2001/2004 UCP EIR) is not unduly limited or narrow. (See Draft SEIR, Chapter 4.)

6.1.1 Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the proposed project and then consider the feasibility of each alternative. Under CEQA, as noted earlier, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (State CEQA Guidelines, Section 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative can meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. As such, these Findings consider the extent to which the alternatives can meet the program objectives, as described in the SEIR and in **Section 2.1.3**, above.

6.2 ALTERNATIVE ANALYSIS IN THE 2001/2004 UCP EIR

As discussed in the Draft SEIR, the 2001/2004 UCP SEIR included an analysis of project alternatives that could feasibly attain most of the basic objectives of the project while reducing or eliminating any significant environmental impacts of the proposed project. The analysis of the alternatives from the 2001/2004 UCP EIR is summarized in the Draft SEIR, and the alternatives are listed below. In accordance with Section 15150 of the State CEQA Guidelines, the Draft SEIR incorporates by reference the 2001/2004 UCP EIR. Therefore, the full alternatives analysis from the 2001/2004 UCP EIR is considered to be part of the text of the current SEIR. In addition, as indicated in Section 15162 of the State CEQA Guidelines, an SEIR is considered a revision to the original certified EIR that the SEIR is “subsequent” to. The 2001/2004 UCP EIR is part of the overall record of proceedings for the project, as evidenced by the same State Clearinghouse Number continuing to be used for each CEQA document (State Clearinghouse No. 2001021056). This SEIR is the next document in that overall CEQA record for the project. Therefore, the past CEQA documents are part of the overall CEQA analysis for the project, and the analysis of alternatives from the 2001/2004 UCP EIR is part of the “range of reasonable alternatives” to be considered per State CEQA Guidelines Section 15126.6(a).

ON-SITE ALTERNATIVES EVALUATED IN THE 2001/2004 UCP EIR

- ▶ No Loss of Prime Farmland Alternative
- ▶ No Loss of Prime Farmland/Reduced Community Size Alternative
- ▶ Limited Loss of Prime Farmland Alternative
- ▶ Reduced Residential Density Alternative
- ▶ Reduced Community Size and Population Alternative
- ▶ Increased Community Size and Population Alternative
- ▶ No Project Alternative

OFF-SITE ALTERNATIVES EVALUATED IN THE 2001/2004 UCP EIR

- ▶ Refined Concept Plan Alternative
- ▶ Two Village Alternative

- ▶ Lakefront Alternative
- ▶ Relocated Campus Alternative
- ▶ Campus Designer Preferred Southwest Alternative
- ▶ Other Off-Site Alternatives:¹
 - North Merced/Bellevue Ranch
 - Castle Airport
 - South Merced City Infill
 - North Merced Rangeland
 - Southern Highway 99
 - Delhi Area

ENVIRONMENTALLY SUPERIOR ALTERNATIVE IDENTIFIED IN THE 2001/2004 UCP EIR

Of the alternatives evaluated in the 2001/2004 UCP EIR, the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative (which are identical in configuration, acreage, and population projections) would be the environmentally superior alternatives. These alternatives would reduce impacts on important productive agricultural land and loss of Prime Farmland. They could also reduce the magnitude of impacts related to adjacency to agricultural operations and visual buffers along Yosemite Avenue. Further, because these alternatives would reduce the population and development capacity of the UCP by approximately 40 percent, impacts related to transportation, vehicular emissions and air quality, transportation noise, public services, and water supply would be substantially diminished.

Notwithstanding the determination that the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative would be the environmentally superior alternatives, these alternatives would fail to achieve most of the basic objectives of the Adopted UCP. In particular, these alternatives would (1) fail to provide adequate land and development opportunities to absorb the equivalent of 100 percent of the new growth demand generated by UC Merced and (2) fail to provide adequate circulation that supports the long-term sustainability of the UC Merced campus.

6.3 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS IN THE UCP UPDATE AND VST SPECIFIC PLAN SEIR

6.3.1 No Project/No Development Alternative

The No Project/No Development Alternative for the current UCP Update and VST Specific Plan Project is described and evaluated on page 4-8 of the Draft SEIR. The 2001/2004 UCP EIR evaluated a No Project Alternative. Although development of UC Merced has occurred since certification of the 2001/2004 UCP EIR, other conditions within and adjacent to the UCP have not changed substantially.

Under the No Project/No Development Alternative evaluated in the UCP Update and VST Specific Plan SEIR, although this alternative would eliminate the potential for several significant and unavoidable effects of development related to

¹ These sites were alternative locations in eastern Merced County that the County and UC identified as potential sites for a university community. They reflect prior agency and public discussion of proposed campus development options.

visual resources, agricultural resources, biological resources, land use conflicts, and noise, these impacts would occur based on the Adopted UCP and the UCP Update and VST Specific Plan do not result in any new or substantially greater impacts related to these resource areas than the Adopted UCP. Development of a No Project/No Development Alternative would not impede demand for housing and commercial services as a result of the development of the UC Merced campus. Thus, under the No Project/No Development Alternative, housing and commercial development would occur elsewhere in the region, further from the campus. This would result in a lack of integration with the UC Merced campus that could result in effects associated with increased traffic, air quality, noise, GHG emissions, energy and other similar impacts.

Findings: The No Project/No Development Alternative would avoid all adverse impacts resulting from construction and operation of the UCP Update and VST Specific Plan on properties in the immediate vicinity of the Specific Plan area, and would displace those impacts to areas elsewhere in the region. The development planned for in the UCP would be displaced to other areas of the community that are more remote than the project site and would result in greater environmental impacts. The UCP North/VST Specific Plan project has conserved agricultural land to the north and east of the UCP area and UC Merced, consistent with the objectives of the Adopted UCP to support regional programs to conserve and protect the county's important agricultural and natural resources. Both the City and County General Plans recognize that the development of the UCP area is necessary to support UC Merced, and to provide Campus Parkway as an essential element of the Merced-Atwater Expressway. This alternative would not meet any of the other basic objectives of the project. The No Project Alternative would not meet the objective of the UCP Update to provide a "university community" that meets the needs of UC's staff and students, as currently projected, including providing a range of housing opportunities appropriate for the local demographics and lifestyles. Further, none of the VST Specific Plan objectives related to provision of housing and circulation facilities and services that connect to UC Merced would be achieved. Accordingly, the No Project Alternative would not meet the objectives the project. When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines section 15126(d)(2) require selection of an environmentally superior alternative from among the other action alternatives evaluated.

6.3.2 No Project/No UCP Update, No VST Specific Plan Alternative

The No Project/No UCP Update, No VST Specific Plan Development Alternative is described and evaluated on page 4-8 of the Draft SEIR. This SEIR evaluates the 2001/2004 UCP EIR compared to the proposed UCP Update and VST Specific Plan. As explained throughout this SEIR, the effects of implementing the UCP Update and VST Specific Plan are anticipated to be similar to the impacts of the Adopted UCP.

Without update to the UCP boundary, as proposed in the UCP Update, the VST Specific Plan area would not extend east of the Fairfield Canal as provided in the City's SUDP and SOI. The addition of land east of the Fairfield Canal is proposed to offset loss of development capacity on lands now owned exclusively by UC Merced (refer to page 2-5 in Chapter 2, "Project Description" in the Draft SEIR). The No Project/No UCP Update, No VST Specific Plan Alternative would not meet any of the objectives established for the UCP Update, which are intended to amend the UCP to reflect current land ownership and adjacent development, as well as improve consistency between planning documents. Without the UCP Update and VST Specific Plan's boundary change, the project objective related to providing a mix of uses and a financially feasible phasing and implementation plan that will maximize the contribution to the VST scholarship endowment to provide college scholarships to county residents per the provisions of the VST would not be met.

Findings: This alternative would result in many of the same impacts as where evaluated of the Adopted UCP and would be more intense because of the greater number of housing units and commercial buildings provided for in the Adopted UCP. Implementation of the UCP Update and VST Specific Plan would result in a reduction of some impacts, compared to the Adopted UCP. However, these reductions are attributable to the reduction in the number of dwelling units and reduced commercial building area, and to changes in circumstances that would also apply to the Adopted UCP, if implemented. A notable exception is related to GHG emissions. The UCP Update and VST Specific Plan include a number of progressive requirements related to vehicle miles traveled, water conservation, and energy

efficiency that would not be applied to development under the Adopted UCP. Therefore, related impacts could be greater under the No Project/No UCP Update, No VST Specific Plan Alternative.

This alternative would not meet most of the project objectives, with respect to developing a cohesive community that complements the development of the UC Merced campus. Furthermore, the No Project/No UCP Update, No VST Specific Plan Alternative would not provide for the mix of uses and phasing of development that would maximize funding for the VST scholarship endowment. This objective of maximizing the scholarship endowment would, therefore, not be met under this alternative.

While this alternative is anticipated to result in impacts that are generally consistent with the UCP Update and VST Specific Plan, due to the potential for greater impacts related to vehicle miles traveled, water usage, and greenhouse gases, this alternative is not considered environmentally superior.

6.3.3 No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative

The 2001/2004 UCP EIR evaluated the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative as one of the environmentally superior alternatives. This alternative included the area east of Fairfield Canal that is now included in the VST Specific Plan area with the UCP Update and would eliminate the UCP South/Hunt property south of Cardella Road from the UCP. Population and development capacity would be reduced by 40 percent. The 2001/2004 UCP EIR indicates that several impacts would be reduced under these alternatives. Also of note, the 2001/2004 UCP EIR indicated that the eastern expansion of the UCP would result in the potential for greater impacts to biological and cultural resources than the Adopted UCP. Since certification of the 2001/2004 UCP EIR, however, VST obtained permits and completed mitigation actions related to loss of habitat east of Fairfield Canal and site site-specific cultural resources evaluations have indicated no increased potential to encounter cultural resources in the area. Therefore, development of this area is no longer anticipated to result in greater impacts than the impacts identified for the Adopted UCP.

The UCP Update proposes to reduce the size of the UCP area from 2,100 acres to 1,841 acres (amounting to a 22 percent reduction). Within the revised UCP boundary, the total number of dwelling units would decrease from 11,616 to 9,700 units (a 16 percent reduction), and the potential area for non-residential development would decrease from 2,022,900 square feet to 1,247,000 square feet (38 percent reduction). The UCP Update has a development capacity between that of the Adopted UCP and No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative. It is anticipated that the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative would result in impact reductions compared to the UCP Update. The alternative essentially limits the UCP to the boundaries proposed for the VST Specific Plan. With the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative development capacity in the VST Specific Plan area would be reduced. Within the VST Specific Plan area, impacts would be similar.

Findings: while under this alternative, development capacity in the VST Specific Plan would be reduced, this alternative would result in less impacts and fewer impacts compared to the UCP update. Development planned for the UCP South property would be displaced to other areas of the community. However, impacts within the VST Specific Plan area would be similar although slightly reduced given the small development footprint compared to the UCP development area for the northern portion of the UCP. Therefore, overall, the No Loss of Prime Farmland/Reduced Community Size Alternative and Reduced Community Size and Population Alternative remain environmentally superior. However, as described in the 2001/2004 UCP EIR analysis, two key project objectives would not be met related to providing adequate housing to support buildout of UC Merced and providing adequate transportation. This alternative would not achieve any of the eight objectives of the UCP Update. Accordingly, this alternative must be rejected.

7 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081 and the State CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project:

7.1 FINDINGS AND STATEMENT

The Board of Supervisors determines that the majority of the significant impacts of the modified UCP Update and VST Specific Plan Project will be reduced to acceptable levels by the mitigation measures recommended in these Findings. However, as set forth above, the County's approval of the modified UCP Update and VST Specific Plan Project as proposed will result in several significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the project, and there are no feasible project alternatives which would mitigate or avoid the significant environmental effects. The significant effects that have not been mitigated to a less-than-significant level consist of:

- ▶ **Greenhouse Gas Emissions and Climate Change:**
 - Conflict with an Applicable Plan, Policy or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases (UCP Update only)
 - Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency
- ▶ **Noise and Vibration:**
 - Short-Term Construction-Generated Noise Levels
 - Long-Term, Operational Noise (Traffic)
 - Generate Excessive Groundborne Vibration or Groundborne Noise Levels (UCP Update only)
- ▶ **Cumulative Impacts:**
 - Noise and Vibration (Increases in Non-Traffic Noise Levels)
 - Biological Resources

In light of the environmental, social, economic, and other considerations identified in the prior 2001/2004 UCP EIR findings for the Adopted UCP, and the considerations set forth below related to the UCP Update and VST Specific Plan Project, this Board of Supervisors chooses to approve the UCP Update and VST Specific Plan Project because, in its view, the economic, social, technological, and other benefits resulting from the project will render the significant effects acceptable.

The following statement identifies the reasons why, in the Board of Supervisors' judgment, the benefits of the UCP Update and VST Specific Plan Project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the 2001/2004 UCP EIR findings, which are herein incorporated by reference and summarized below; in the UCP Update and VST Specific Plan Project itself; and in the record of proceedings as defined in **Section 2.3**, above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the UCP Update and VST Specific Plan Project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The Board of Supervisors finds that the UCP Update and VST Specific Plan Project, as conditionally approved, would have economic, social, technological, and environmental benefits described in the section below.

7.2 2001/2004 STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE UCP PROJECT FINDINGS

On December 21, 2004, the County Board of Supervisors adopted CEQA Findings of Fact, Statement of Overriding Considerations, and MMRP via Resolution No. 2004-239, and certified the EIR via Resolution No. 2004-238 when it approved the UCP.

These Findings incorporate by reference the 2001/2004 Findings. Therefore, the 2001/2004 Findings are considered to be part of the text of these Findings. The 2001/2004 Findings are part of the overall record of proceedings for the project, as evidenced by the same State Clearinghouse Number continuing to be used for each CEQA document.

The 2001/2004 Findings identify the following benefits of the UCP, as summarized below.

COMMUNITY BENEFITS

The 2001/2004 Findings stated that the UCP Project would be a sustainable, comprehensively designed community where residents could live, work, and play. The UCP would further the County's General Plan policies and the goals and objectives for new residential land use by providing a variety of residential land use designations to meet the future needs of the County and the region, while ensuring compatibility with existing and planned land uses. The scale of development would allow for great variety in the type of neighborhood amenities associated with the various housing types and income levels.

The Project would contribute a variety of mixed-use/commercial land uses that could become a citywide and regional economic focal point. For example, the UCP included development of affordable housing. Sixty percent of the apartment units (850 units) are programmed for student housing and are capable of serving 3,400 students are included. It also contains adequate Above Moderate and Moderate Income housing in conformance with the salaries and wages reported for UC Merced in 2020. Over forty percent (1,596 units) of the total project units are at densities of 20 units per net acre or greater. Based on the proposed unit size and distribution of dwelling units, 1,139 units (29.5%) would be affordable to Lower Income households, and 1,495 units (38.8%) would be affordable by Moderate Income households. Five hundred units (13%) will be deed-restricted for very low, low and moderate income households.

The Project also contains 124,300 SF of commercial area, including 10,000 SF of Neighborhood Commercial space, 56,000 SF of Community Commercial space, and 5700 SF of space in the Village Commercial area. The housing and commercial that is intended to serve the University is integrated into the Village Center and are supported by the same network of trails, bike paths, parks and community facilities as the remainder of the community.

JOB CREATION

The 2001/2004 Findings stated that the UCP, through its phased implementation and ability to generate revenues for the County and the City, would play a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other county objectives. The fiscal impact report prepared for the VST Specific Plan determined that, after annexation, the development associated with the UCP North property would generate a net fiscal benefit (direct revenues in excess of service costs) to the City of Merced of \$3.8 million, and \$2.1 million to the County of Merced. On a pro rata basis (scaling up VST Specific Plan revenues to the entire UCP area), the UCP would generate \$10.6 million to the City of Merced and \$5.9 million to the County of Merced. No costs associated with the development of the UCP area or the VST Specific Plan area, specifically, would be borne by existing County residents. In addition, the development in the UCP area would contribute its fair share toward the cost of community facilities that would be constructed including parks, roadways, public works facilities, a fire and police station, and schools through either the City's Public Facilities Financing Plan impact fees, or special Specific Plan impact fees. In short, the Project would increase tax revenues to the County and the City of Merced through the

addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the County's economic base.

PUBLIC REVENUES

The 2001/2004 Findings stated that the UCP, through its phased implementation and ability to generate revenues for the County, would play a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other county objectives. No costs associated with the development of the UCP area or the VST area, specifically would be borne by existing County residents. In addition, the development in the UCP area would contribute its fair share toward the cost of Countywide community facilities that would be constructed outside of the project area, including a fire station, and various roadway improvements. In short, the Project would increase tax revenues to the County and the City of Merced through the addition of property value, the expansion of the housing market and commercial activities, and the overall enhancement of the County's economic base.

NATURAL RESOURCES

The 2001/2004 Findings described that habitat preservation and restoration were important benefits of the UCP Project because the natural Delta setting that nurtures wildlife also contributes to resident's quality of life.

7.3 STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE UCP UPDATE AND VST SPECIFIC PLAN PROJECT FINDINGS

In the Board of Supervisors' judgment, the project and its benefits outweigh its unavoidable significant effects. The following statement identifies the reasons why, in the Board of Supervisors' judgment, the benefits of the project as approved outweigh its unavoidable significant effects. The Board of Supervisors finds that the noted benefits are individually meritorious, and taken together, provide substantial public benefits that are sufficient to justify approval of the UCP Update and VST Specific Plan Project.

COMMUNITY BENEFITS

Similar to the Adopted UCP, the UCP Update and VST Specific Plan Project designate a variety of residential land use categories to meet the future needs of the City, County, and adjacent UC Merced campus, and would be compatible with existing and planned land uses in the City of Merced and County of Merced. Between 2018 and 2030, the County population is expected to increase by 54%, to 431,300 residents. (Draft SEIR, p. 1-19.) Further, the UC Merced 2020 Long Range Development Plan ("LRDP") plans for long-term enrollment projections to reach 15,000 students by 2030. An adequate supply and mix of residential units will provide housing for existing and future students, university staff, as well as for other residents the university's growth will attract. The UCP Update and VST Specific Plan Project would also provide a variety of recreational opportunities focused on outdoor use. Specifically, the project includes 113.3 acres of parks, recreation, and open space.

The UCP intends to absorb 100% of the new growth demand generated by UC Merced. (Draft SEIR, p. 2-9.) At buildout, the Specific Plan will accommodate a population of up to 12,103 persons (11,106 residents plus 2,160 employees). (VST Specific Plan, p. 112.) Accordingly, the UCP update and Specific Plan provide flexibility within the community to meet fluctuations in demand for different housing types across a varied cross-section of the community. If the UCP update and VST Specific Plan is not approved, university growth will further strain demand for badly-needed housing.

Moreover, the UCP update and VST Specific Plan provide for a wide range of housing densities and types, which will enable the community to accommodate changing households. Housing types would range from single-family detached units, to clustered units, to townhomes, flats, and apartments that can accommodate a diverse range of

residents. The UCP update and VST Specific Plan proposes to develop approximately 1,621 dwelling units that are suitable and available for Low and Very Low Income households, as defined by Section 65583.2 of the California Government Code. Five hundred (500) of the VST Specific Plan housing units are proposed to be deed-restricted affordable housing, in excess of the City's RHNA Unit Production Policy. (VST Specific Plan, Table 2, p. 339.) In addition, the variety of housing types and densities will allow for a diverse range of units that are naturally more affordable for middle-income households.

The VST Specific Plan is necessary to extend the acreage that can be developed as part of the UCP. Proceeds from this development will flow to the VST scholarship program in support of higher education, increasing the annual awards in the scholarship fund from approximately \$500,000 per year to \$8,000,000 per year. Completion of the project would allow the extension of the program from high schools located in the City of Merced to all high schools in Merced County. The Virginia Smith Trust Scholarship program currently benefits 1,399 students and the project would allow the project to be expanded to all 4,675 graduating seniors in the County. Accordingly, development of the VST Specific Plan will dramatically increase this endowment, expanding the reach of the program to even more college-bound County students. Without the project, the scholarship program would continue to be limited to students attending high schools in the City of Merced.

Similar to the Adopted UCP, the VST Specific Plan would contribute a variety of mixed-use/commercial land uses that could become an economic focal point for not only the City, but for the UC Merced campus, as well as the region. The VST Specific Plan project includes a commercial/mixed use employment center at the gateway to the UC Merced campus, which would not only complement the campus itself, but would blend residential land uses together into the adjacent public university use.

The VST Specific Plan would also include the implementation of a Community Foundation Program. VST would set up a Community Educational Enhancement Fee that would levy a percentage or fixed fee on property sales and resales (including residential and commercial property) equal to 0.25% of the sales price. The funds would be used to pay programs that are proven to enhance educational success and career training, including early childhood education and cultural enhancement, Camp Green Meadows, technical training that does not qualify under the VST Scholarship programs, enhancement of community and neighborhood facilities, STEM education, and similar programs. The 0.25% contribution fee would generate approximately \$150,000-\$200,000 per year in the early years of the buildout of the project (2025-2030), with that increasing to over \$750,000 per year after year ten (2035).

Because the UC Regents have already approved the UC Merced 2020 LRDP, UC Merced is committed to accommodating 15,500 students and the necessary university staff to support them. This development and population increase is assured, whether or not the County approves this project. Thus, students, faculty, and staff will be forced to compete for housing across the City and the County, or potentially further. Long commutes to the UC Merced campus would result in a dramatic increase in VMT, causing environmental impacts, such as to GHG emissions and air quality. The UCP update and VST Specific Plan propose to develop an extensive community of mixed housing types, directly adjacent to the campus, and which specifically meet the needs to UC's students, staff and instructors. The Specific Plan will permit higher density development and will locate land uses closer to each other, reducing VMT. Project infrastructure will encourage shared transportation methods, public transit, and commuting via bike. Those who do commute by single-occupancy vehicle will be within close proximity to the campus, ensuring VMT remains low.

Implementation of the UCP Update and VST Specific Plan Project would provide an expanded roadway network would result in increased connectivity. The UCP Update and VST Specific Plan would develop a transportation network for all modes of transportation including for pedestrians, bicycles, and transit. Policies proposed under the UCP Update and VST Specific Plan encourage the construction of a fully integrated bicycle and pedestrian system with supportive amenities and transit improvements. The Specific Plan would locate new transit bus stops throughout the plan area and design Class I bicycle paths and Class IV bicycle lanes to meet or exceed the minimum standards established by the Caltrans Highway Design Manual and City design standards.

LEGAL

The UCP update is necessary to establish consistency between the VST Specific Plan, with the City of Merced General Plan, and the UC Merced 2020 LRDP. The property subject to the UCP is located within the City's sphere of influence, and the City has expressed an intent to annex the UCP area in the future. Consistency between all of these planning documents is necessary to provide a uniform plan for development, as well as to provide consistent resources for landowners seeking to develop their properties.

The UCP was adopted on December 21, 2004 and was adopted to be consistent with then-current standards. In the nearly two decades since, the State of California has updated its planning standards and development regulations. Much of this was done to reduce environmental impacts, by locating residential uses near job centers and by encouraging multiple modes of transportation. Updates to other standards, including for circulation and for environmental regulations have likewise rendered the 2004 UCP out of date. For example, the UCP must be updated to accommodate regional infrastructure, such as Campus Parkway. This update is necessary to bring the UCP to modern planning standards and to ensure the project can be lawfully developed at modern standards.

NATURAL RESOURCES

Natural lands planned as part of the overall UCP Update and VST Specific Plan Project would provide a variety of functions, including flood control, recreation, and habitat for sensitive species. Project mitigation includes that at least 551 acres of upland annual grassland is preserved, in conjunction with, and to support at least 61.2 acres of vernal pool fairy shrimp habitat (for a total of 612 acres). Seed collection from the shining navarretia located within the UCP area will occur and distribution of those seeds will be dispersed in suitable habitats where shining navarretia does not currently occur to avoid impacts on the genetic composition of existing populations.

Mitigation further requires that Swainson's hawk foraging habitat will be preserved offsite in sufficient quality and quantity, as determined through consultation with the California Department of Fish and Game, in order to mitigate for the loss resulting from the proposed UCP.

7.4 CONCLUSION

The Board of Supervisors has balanced these benefits and considerations against the potentially significant unavoidable environmental effects of the project and has concluded that the impacts are outweighed by these benefits, among others. After balancing environmental costs against project benefits, the Planning Commission has concluded that the benefits the County will derive from the project, as compared to existing and planned future conditions, outweigh the risks. The Planning Commission believes the project benefits outlined above override the significant and unavoidable environmental costs associated with the project.

In sum, the Board of Supervisors adopts the mitigation measures in the MMRP for the project and finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations.