MERCED COUNTY

**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**
*Director*

**Steven Maxey**
*Deputy Director*

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

**NOTICE OF PREPARATION**

TO: Agencies, Organizations, and Interested Persons

FROM: Merced County
Community and Economic Development Department
2222 M Street
Merced, CA 95340

CONTACT: Tiffany Ho, Planner III, Community and Economic Development Department

SUBJECT: Notice of Preparation: Draft Environmental Impact Report for the Amendment to the University Community Plan and the Virginia Smith Trust Specific Plan Project (General Plan Amendment No. GPA21-002, Zone Change No. ZC21-003, Planned Develop No. PD21-001, Development Agreement No. DA21-001)

**PUBLIC REVIEW PERIOD: FRIDAY, JANUARY 14, 2022 – MONDAY, FEBRUARY 14, 2022**

Merced County is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) for the proposed Amendment to the University Community Plan and Virginia Smith Trust Specific Plan Project (proposed project). Merced County will prepare a subsequent environmental impact report (SEIR) for the proposed project. We need to know the views of agencies, organizations, and interested persons as to the scope and content of the environmental information to be included in the EIR. Agencies should comment only on the environmental resources that are within the agency's statutory responsibilities in connection with the proposed project. Agencies issuing a permit or other approval for the proposed project will need to use the SEIR prepared by Merced County.

A public scoping meeting will be held on January 20, 2022 at 9:00 AM, via online Zoom Meeting at https://us06web.zoom.us/webinar/register/WN_izRQoMouS36_93cX_-iqMQ and in-person at the Merced County Main Administration Building, Merced Conference Room, 2222 M Street, Basement, Merced, CA 95340.

The project description, location, and the potential environmental effects are contained in the attachment (Attachment A).

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, written comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed EIR should be directed to Merced County by 5:00 p.m. on Monday, September 13, 2021. Please send your comments to the attention of Tiffany Ho, at the address shown above. If an organization or agency, please include the name of a contact person so that we have the ability to contact you further during the EIR preparation process.

**Project Title:** Amendment to the University Community Plan and Virginia Smith Trust Specific Plan Project

**Project Location:** Merced County Nearest City: Merced

**Project Applicant:** Peck Planning and Development
Stephen J, Peck, AICP
2455 Greenwood Avenue
Morro Bay, CA 93422

FILED
2022 JAN 13 AM 11:43

Date: 01/14/2022

Signature: _____
Tiffany Ho, Planner III

**COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**
*Director*

**Steven Maxey**
*Deputy Director*

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

Equal Opportunity Employer

**NOTICE OF PREPARATION**

TO: Agencies, Organizations, and Interested Persons

FROM: Merced County
Community and Economic Development Department
2222 M Street
Merced, CA 95340

CONTACT: Tiffany Ho, Planner III, Community and Economic Development Department

SUBJECT: Notice of Preparation: Draft Environmental Impact Report for the Amendment to the University Community Plan and the Virginia Smith Trust Specific Plan Project (General Plan Amendment No. GPA21-002, Zone Change No. ZC21-003, Planned Develop No. PD21-001, Development Agreement No. DA21-001)

**PUBLIC REVIEW PERIOD: FRIDAY, JANUARY 14, 2022 – MONDAY, FEBRUARY 14, 2022**

Merced County is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) for the proposed Amendment to the University Community Plan and Virginia Smith Trust Specific Plan Project (proposed project). Merced County will prepare a subsequent environmental impact report (SEIR) for the proposed project. We need to know the views of agencies, organizations, and interested persons as to the scope and content of the environmental information to be included in the EIR. Agencies should comment only on the environmental resources that are within the agency's statutory responsibilities in connection with the proposed project. Agencies issuing a permit or other approval for the proposed project will need to use the SEIR prepared by Merced County.

A public scoping meeting will be held on January 20, 2022 at 9:00 AM, via online Zoom Meeting at https://us06web.zoom.us/webinar/register/WN_izRQoMouS36_93cX_-iqMQ and in-person at the Merced County Main Administration Building, Merced Conference Room, 2222 M Street, Basement, Merced, CA 95340.

The project description, location, and the potential environmental effects are contained in the attachment (Attachment A).

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but **not later than 30 days** after receipt of this notice.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, written comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed EIR should be directed to Merced County by 5:00 p.m. on Monday, September 13, 2021. Please send your comments to the attention of Tiffany Ho, at the address shown above. If an organization or agency, please include the name of a contact person so that we have the ability to contact you further during the EIR preparation process.

**Project Title:** Amendment to the University Community Plan and Virginia Smith Trust Specific Plan Project

**Project Location:** Merced County Nearest City: Merced

**Project Applicant:** Peck Planning and Development
Stephen J, Peck, AICP
2455 Greenwood Avenue
Morro Bay, CA 93422

Date: 01/14/2022

Signature: _____
Tiffany Ho, Planner III

# ATTACHMENT A

## COUNTY OF MERCED
## NOTICE OF PREPARATION OF
## A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
## AND PUBLIC SCOPING MEETING
## FOR AMENDMENT TO THE UNIVERSITY COMMUNITY PLAN AND THE VIRGINIA SMITH TRUST SPECIFIC PLAN PROJECT

| | |
|---|---|
| **Date:** | January 14, 2022 |
| **To:** | State Clearinghouse, Responsible and Trustee Agencies, Interested Parties, and Organizations |
| **Subject:** | Notice of Preparation of a Draft Subsequent Environmental Impact Report and Public Scoping Meeting for Amendment to the University Community Plan and the Virginia Smith Trust Specific Plan Project, Merced County, California |
| **Lead Agency:** | County of Merced<br>Community and Economic Development Department<br>2222 M Street, 2nd Floor<br>Merced, CA 95340<br>(209) 385-7654 |
| **Contact:** | Tiffany Ho, Planner III<br>Community and Economic Development Department<br>2222 M Street, 2nd Floor<br>Merced, CA 95340<br>(209) 385-7654 x4407<br>Tiffany.Ho@countyofmerced.com |
| **Comment Period:** | January 14, 2022 – February 14, 2022 |

# PURPOSE OF NOTICE

Merced County is proposing to update the 2004 University Community Plan (Adopted UCP) located in the eastern portion of Merced County, just south of the University of California (UC), Merced campus. The proposed plan update would remove a portion of the UCP area owned by UC Merced from the County's UCP, expand the UCP area east to align with current land ownership, and update the land uses proposed within the 654-acre Virginia Smith Trust (VST) Specific Plan that would comprise the northern portion of the revised UCP. As the lead agency, Merced County (hereafter the County) will prepare a focused Subsequent Environmental Impact Report (SEIR) for the UCP amendments and VST Specific Plan. The County is issuing this Notice of Preparation (NOP) per Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. The focused SEIR will tier from the certified 2004 UCP EIR (SCH # 2001021056) and will evaluate whether the proposed changes to the UCP would result in new or substantially more severe significant impacts.

The purpose of this NOP is to provide agencies, interested parties, and organizations with sufficient information describing the proposed updates to the UCP and VST Specific Plan and the potential environmental effects to enable meaningful input on the scope and content of environmental information to be included in the SEIR. The SEIR will evaluate the potential direct, indirect, and cumulative environmental impacts and identify feasible mitigation measures or alternatives that may lessen or avoid any significant impacts.

# PUBLIC REVIEW PERIOD AND SCOPING MEETING

This NOP is available for public review and comment for 30 days beginning January 14, 2022. The County will hold a public scoping meeting to inform interested parties about the proposed updates to the UCP and VST Specific Plan and provide agencies and the public with an opportunity to submit comments on the scope and content of the environmental information to be included in the SEIR. In response to COVID-19, the public scoping meeting will be conducted virtually and in-person on January 20, 2022, at 9:00 a.m.

To register for virtual attendance (computer or phone) visit:

https://us06web.zoom.us/webinar/register/WN_izRQoMouS36_93cX_-iqMQ

Physical Venue:

Merced County Main Administration Building
Merced Conference Room
2222 M Street, Basement
Merced, CA 95340

Any interested person may appear at the public hearing virtually, by either Zoom meeting or telephone, or in-person. If you have any questions regarding the scoping meeting, contact Tiffany Ho at (209) 385-7654 x4407 or Tiffany.Ho@countyofmerced.com.

# PROVIDING COMMENTS ON THIS NOTICE OF PREPARATION

Comments and suggestions as to the appropriate scope of analysis in the SEIR are invited from all interested parties. Written and/or email comments or questions concerning the SEIR should be directed to the County's project manager at the following address.

Tiffany Ho, Planner III
Community and Economic Development Department
2222 M Street, 2nd Floor
Merced, CA 95340
(209) 385-7654 x4407
Tiffany.Ho@countyofmerced.com

Comments should be provided at the earliest possible date but must be received by **5:00 p.m. on February 14, 2022**. Please include the commenter's full name and address. Copies of this NOP may be reviewed in the **Community and Economic Development Department** at the address provided above.

# Focus of Input

Comments and suggestions provided during the NOP public review process should focus on the following topics:

- **Scope of Environmental Analysis.** Guidance on the scope of analysis for this SEIR, including identification of specific issues that will require closer study due to the location, scale, and character of the UCP amendments and VST Specific Plan.
- **Mitigation Measures.** Ideas for feasible mitigation measures, including mitigation that could be imposed by the County as CEQA lead agency and that would avoid, minimize, or reduce potentially significant impacts of the UCP amendments and VST Specific Plan.
- **Alternatives.** Suggestions for alternatives to the proposed UCP amendments and VST Specific Plan that could avoid or substantially lessen potentially significant impacts.
- **Interested Parties.** Identification of public agencies, public and private groups, and individuals that the County should notice regarding the proposed UCP amendments, VST Specific Plan, and accompanying SEIR.

# PROJECT LOCATION

The UCP plan area is located in unincorporated Merced County just northeast of the City of Merced (hereafter the City) and within the City's sphere of influence (Figure 1). As amended through the proposed changes, the UCP would include the VST Specific Plan property and the UCP South. The VST plan area is bounded generally by Lake Road on the west, UC Merced property (specifically the proposed UC Merced Campus Expansion Area) to the north, Cardella Road on the south, and the Orchard Drive alignment on the east. The UCP South is bound by Lake Road to the west, Cardella Road to the north, Yosemite Avenue to the south, and the Fairfield Canal to the east.

# EXISTING SETTING

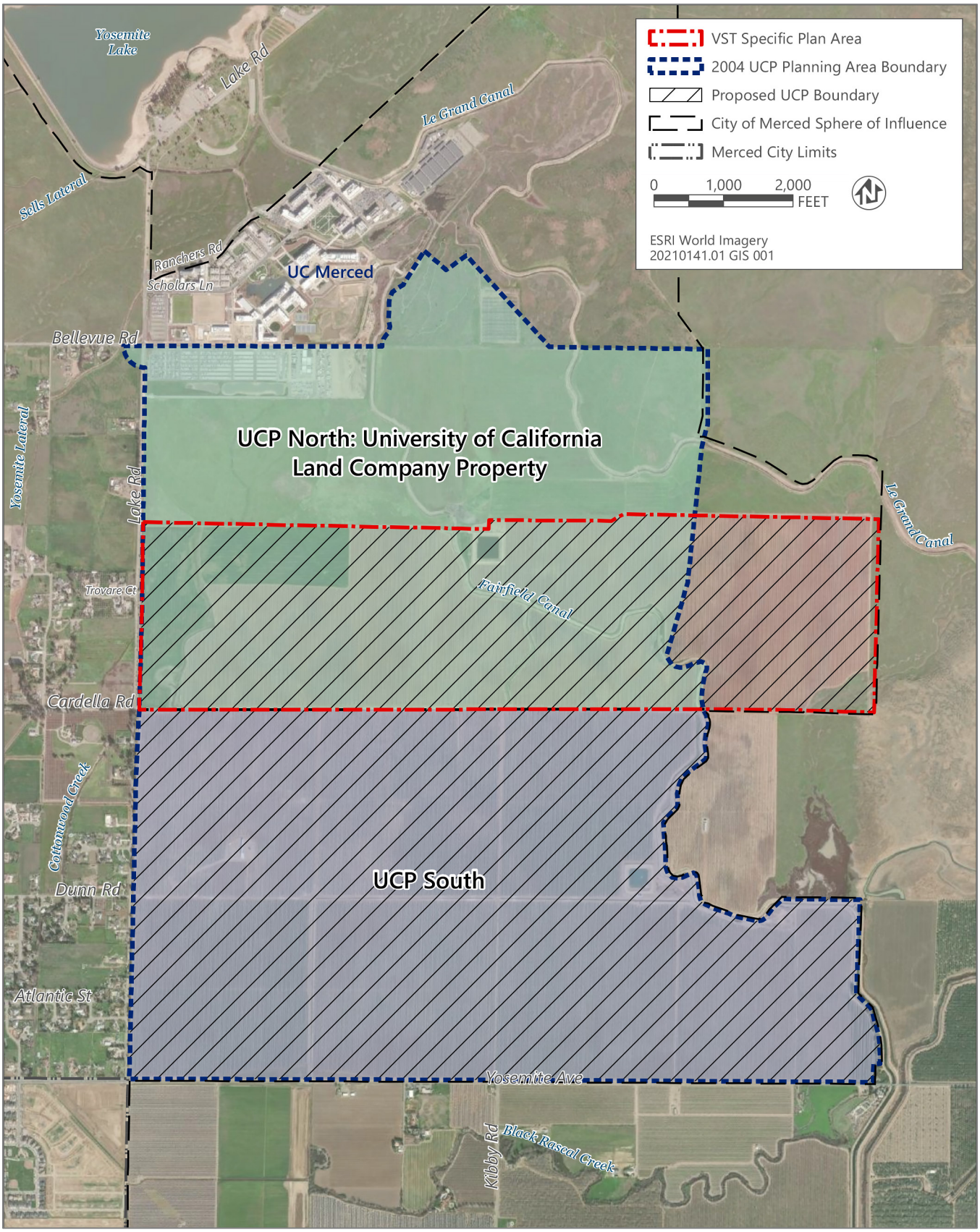
The UCP area is currently used for agriculture. In addition to the UC Merced campus to the north, existing land uses surrounding the VST plan area include a ranchette-style single-family rural residential development west of Lake Road, and grazing land to the east. Approximately 554 acres of the VST plan area are currently planted in almond orchards. An irrigation basin and associated utility/maintenance structures are located on the northern-central portion of the site just east of the Fairfield Canal. Aside from structures associated with the basin, there are no buildings within the VST plan area. The UCP South is also used for agricultural activities, including tree crops and a residence.

The Adopted UCP designates land within the UCP plan area in three categories, from north to south: the area north of Cardella Road is designated as Multiple Use Urban Development, the area between Cardella Road and Dunn Road is designated Urban Reserve, and the area south of Dunn Road to Yosemite Road is designated as Agriculture. The area has retained agricultural zoning. The UCP does not convey development entitlements but establishes the policy and programmatic framework to guide preparation of subsequent plans, including subdivision maps.

# PROJECT BACKGROUND

The Adopted UCP involved cooperation between the City, County, State and numerous local stakeholders. When the UCP was prepared in 2004, it included land owned by the University of California Land Company LLC (UCLC), a joint venture between VST and the UC Regents. The UCLC has since dissolved, with UC Merced and VST obtaining discrete land ownership.

The long-term vision for UC Merced and the adjacent, supporting property is annexation into the City. An annexation agreement, first established in 2003, has been maintained to facilitate the eventual annexation of UC Merced. However, annexation of UC Merced had not been permissible pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 because the UC Merced campus is not contiguous with the incorporated city. Assembly Bill (AB) 3312, passed in 2020, allows the City to annex the UC Merced campus along a road strip (Bellevue Road or Lake Road) without the adjoining properties between UC Merced and the city limits. In February 2021, the Merced City Council directed City staff to proceed with the annexation of the UC Merced campus to the City under the terms of AB 3312. If UC Merced is annexed into the City of Merced, the UCP would be eligible for annexation because the northern boundary is contiguous to the university.




Sources: Data downloaded from Merced County in 2020

**Figure 1 Existing and Proposed University Community Plan Boundary**

# PROJECT DESCRIPTION

## University Community Plan Update

The UCP supplements the goals, objectives, and policies of the County of Merced General Plan to reflect the unique issues, planning vision, and objectives for development of the University Community. The proposed update to the Adopted UCP would modify the UCP boundary; 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 establish the alignment of Campus Parkway through the VST plan area to its ultimate connection to Bellevue Road to complete the eastern side of the Merced-Atwater perimeter expressway. The project would also result in an update to the Circulation Element of the General Plan to include the revised alignment of Campus Parkway, both within and outside of the UCP.

The UCP would be revised to include the current boundary of the VST Specific Plan and the UCP South (468.7 acres of property owned by UC Merced would be removed and 176.76 acres would be added to the UCP to encompass the full VST Specific Plan). The land use diagram for UCP South would not change except to revise roadway alignments. Based on preliminary calculations of the anticipated amendment, the total number of dwelling units in the UCP would decrease, from 11,616 to 9,680, and the potential amount of non-residential development would decline from 2,022,900 square feet to 1,246,150 square feet due to changes proposed in the VST Specific Plan area and the revision to the UCP boundaries. In total, the UCP area would be 1,841 acres.

## VST Specific Plan

The newly proposed specific plan re-envisions the portion of the UCP owned by VST so that it would be more responsive to expected market conditions, while preserving the basic UCP plan components: commercial uses, the town center concept, and relatively high-density housing. The specific plan would revise density and intensity of these uses compared to the Adopted UCP. It would also adjust timing and phasing for installation of parks and public services to appropriately meet demand. Transportation facilities, including roads and bike paths, would be reconfigured in the specific plan to better serve the project and existing and planned surrounding land uses. Finally, with the passage of AB 3312, VST is now seeking annexation into the City.

## PROPOSED LAND USES

The VST Specific Plan builds on the urban design concepts outlined in the Adopted UCP. The plan includes a Town Center, a mixed use commercial/service area zone for approximately 275,000 square feet of building area that is adjacent to the UC Merced property; a transitional commercial/retail/office zone for approximately 100,000 square feet of building area; a retail/office/residential mixed use zone that includes approximately 200,000 square feet of building area from smaller office, restaurant, retail and commercial services and up to 108 second- and third-floor residential uses; and retail shopping centers ranging in size from two 50,000 square foot Village Commercial centers to a 170,000 square foot Community Commercial shopping center. The VST Specific Plan is broken down into 160-acre villages, each with commercial services and a full range of housing from apartments to lower density single family units. Average density for single-family residential development would be 6.2 units per gross acre, and the average density for multifamily units would be 25 units per gross acre. This conforms with land use policies in the Adopted UCP. Figure 2 shows the conceptual land use plan.

### Residential

The housing products allowed under the specific plan's various residential designations include "R-1 Low" housing units averaging 3,250 square feet on lots of 12,500 square feet or greater near the edges of the VST plan area, to smaller 775-square foot units in the Town Center over retail and service uses, as well as a wide variety of housing types and sizes in between. The specific plan includes a total of 3,917 residential units on over 400 acres.

Implementation of the VST Specific Plan is projected to generate over 10,700 new residents (nearly 6,600 in Phase 1 and over 4,100 in Phase 2).

### Commercial

The VST Specific Plan includes a mix of commercial uses to serve UC Merced students and staff, VST plan area residents, and future residents of the UCP South area. Proposed retail uses include Mixed-use, Neighborhood Commercial/Retail, and Community Commercial. Development of these uses would result in an estimated 587,000 square feet of floor area and would cover over 30 acres in the VST plan area, which accounts for over 80 percent of the land designated for commercial uses. The remaining commercial uses include Hotel/Office, which would result in an estimated 275,000 square feet of floor area and would cover over 7 acres. The amount of hotel/office uses is a substantial reduction from that assumed in the Adopted UCP, which assumed over 1.3 million square feet of such uses.

### Parks and Recreation

The Specific Plan identifies more than 74 acres for parks and recreation. As shown in Figure 2, the parks would be distributed across the VST plan area. There would be a larger number of smaller parks dispersed evenly throughout the medium-density residential uses, and a few larger parks, including a sports complex, located in the lower-density areas. Three roughly 6-acre community parks would provide for recreational uses including organized sports facilities, court games, community gardens, and dog parks. In addition, an east-west and a north-south linear park system would be created that would run along the south side of Virginia Smith Parkway (the midline of the property) and Fairfield Canal. Private parks and recreation facilities are provided in the R-3 and R-4 areas at a rate of 1.5 acres per 1,000 people, and clubhouse and recreation centers for any developments over 150 units. Parks would be spaced so that all residential units are within a 500-foot walking distance of a park space.

### Schools

Approximately 15 acres are reserved at the southeast corner of Kibby Road and Virginia Smith Parkway for a future elementary school. The VST plan area is currently split by the Weaver and Merced City School Districts for elementary schools. It is anticipated that the jurisdictions would be revised so that the entire VST plan area would be in the Weaver School District. The VST plan area would also be served by Merced Union High School District, and future students would attend El Capitan High School.

## INFRASTRUCTURE

New infrastructure that would be installed to support the development associated with the VST Specific Plan includes a backbone roadway network (including bicycle and transit facilities); a stormwater drainage system; water distribution mains; sewer trunk lines; and offsite water, sewer and transportation improvements. In addition, offsite upgrade of infrastructure would be required. Because the project anticipates annexation into the City, all utilities and services would be designed to City standards assuming city-provided services.

## CONSTRUCTION SCHEDULE

The VST Specific Plan would be implemented in two primary phases. Phase 1 includes five subphases (1A through 1E), while Phase 2 does not include subphases. Buildout is anticipated over a 15- to 20-year period, based on the projected market absorption, with construction associated with Phase 1A anticipated to begin in 2025. Construction access to the VST plan area would be primarily Lake Road to Yosemite Avenue, then east to Campus Parkway (65 percent; or Lake Road to Bellevue Road then west (35 percent). Construction would not require any pile driving, blasting with explosives, or boring.

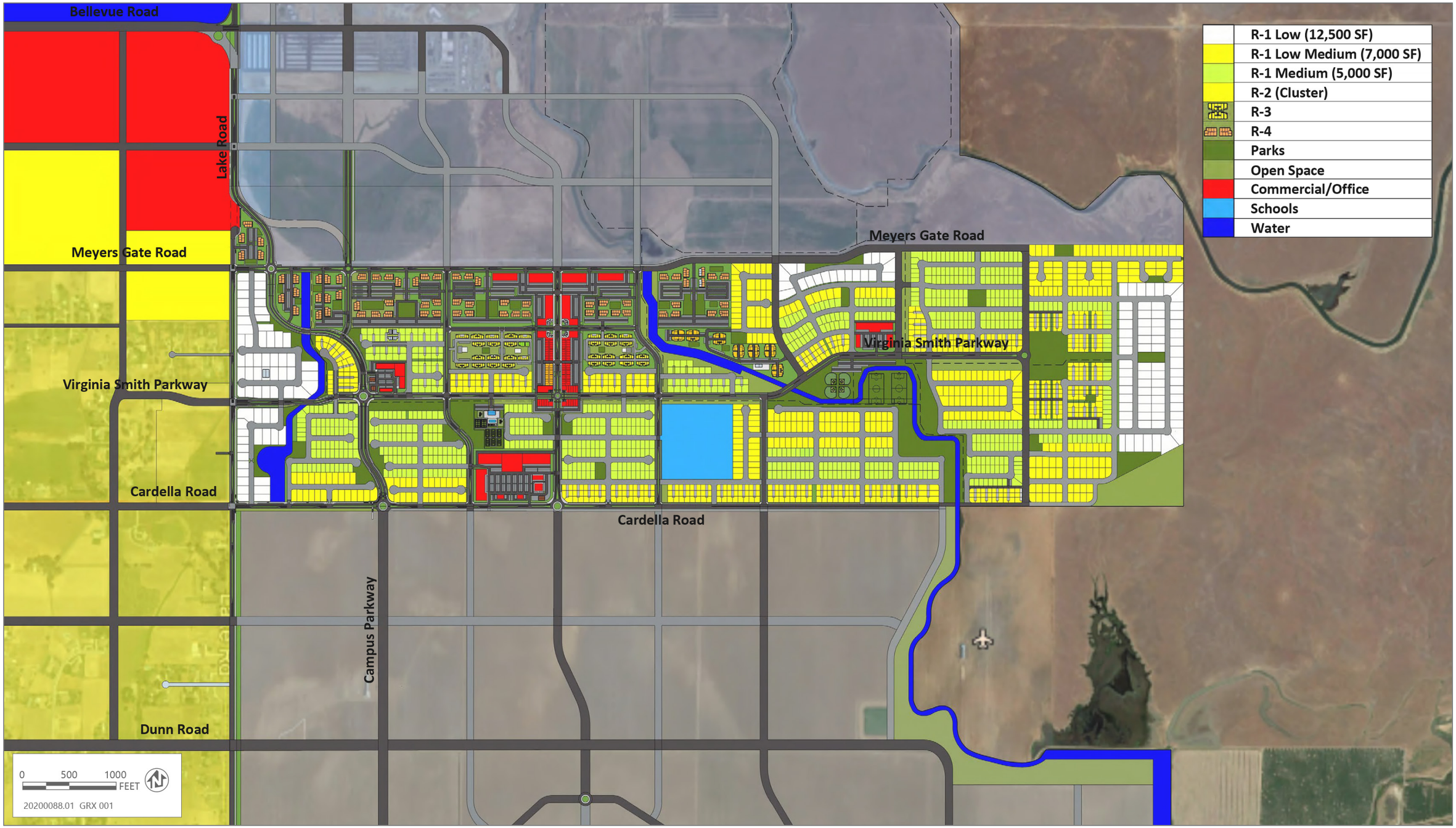



Figure 2 VST Specific Plan Land Use Diagram

## POTENTIAL APPROVALS AND PERMITS REQUIRED

The following is a list of approvals and/or permits that may be required to implement the proposed project.

### County of Merced

- Certification of SEIR
- Adoption of Mitigation Monitoring and Reporting Program
- Adoption of findings and any statement of overriding considerations
- General Plan Amendment
- Community Plan Amendment
- VST Specific Plan approval

### Merced County Local Agency Formation Commission

- Interim Out of Boundary Service Agreement (if necessary)
- Annexation of the VST Specific Plan area into the City of Merced

### City of Merced

- General Plan Amendment
- Pre-annexation agreement
- Development agreement
- Tentative Subdivision Map approval for subphases 1A-1E

# POTENTIAL ENVIRONMENTAL EFFECTS

The County has concluded that the proposed modifications to the Adopted UCP and implementation of the VST Specific Plan may result in new or substantially more severe significant effects than disclosed in the previously certified EIR. As such, the County has determined that an SEIR is required. The SEIR will describe existing conditions and evaluate the potential environmental effects of the revised UCP and VST Specific Plan and a reasonable range of alternatives to the proposed plan, including the no-project alternative. The SEIR will address direct, indirect, and cumulative effects and will also discuss potential growth-inducing impacts. In accordance with CEQA Guidelines Section 15162, the evaluation of potential environmental effects in the SEIR will focus on whether the UCP amendments or VST Specific Plan would result in any new or substantially more severe significant impacts compared to the certified 2004 UCP EIR. Lastly, the SEIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts of the proposed changes. At this time, the County has determined that the UCP amendments and VST Specific Plan could result in new or substantially more severe significant effects on the resource areas described below. Other environmental resources will be discussed at a lesser level of detail to substantiate the determination that no new or more severe impacts would occur.

## Air Quality

This section of the SEIR will evaluate whether additional emissions would occur under the updated UCP and VST Specific Plan that were not evaluated in the certified 2004 UCP EIR and will identify any revisions to mitigation measures or additional mitigation measures that would be necessary to avoid or reduce impacts.

## Biological Resources

Changes to land cover and habitat conditions within the UCP plan area have occurred since certification of the 2004 UCP EIR. This section of the SEIR will evaluate whether the proposed updates to the UCP and the VST Specific Plan would result in any new or more severe significant impacts to special-status species and/or habitat beyond those identified in the 2004 UCP EIR and would identify any necessary mitigation measures to avoid or reduce impacts.

## Greenhouse Gas Emissions and Energy

This section of the SEIR will include a quantitative analysis of greenhouse gas emissions from all sectors (e.g., building energy, mobile, water and wastewater, solid waste) to assess the potential for construction- and operation-related greenhouse gas impacts. This section of the SEIR will identify any revisions to mitigation measures or additional mitigation measures that would be necessary to avoid or reduce impacts.

## Hydrology and Water Quality

This section of the SEIR will evaluate the proposed modification of the Fairfield Canal and Dunn Lateral. Additionally, the SEIR will determine if there is a potential for the UCP update and VST Specific Plan to impede sustainable management of the groundwater basin or be inconsistent with the Merced Groundwater Subbasin Groundwater Sustainability Plan. The SEIR will identify and recommend any additional feasible mitigation measures deemed necessary to avoid or reduce new or more severe significant hydrology and water quality impacts.

## Noise and Vibration

This section of the SEIR will evaluate the potential for new stationary sources of noise and areawide noise sources to result in impacts beyond those identified in the 2004 UCP EIR. The noise evaluation will provide any necessary updates to the existing noise and vibration conditions. The SEIR will identify any additional mitigation measures necessary to avoid or reduce new or more severe significant noise impacts.

## Transportation

Senate Bill 743, which took effect on July 1, 2020, eliminated the use of automobile delay/level of service under CEQA and identified vehicle miles traveled as generally being the most appropriate measure of evaluating transportation impacts (CEQA Guidelines section 15064.3). The SEIR will include analysis of vehicle miles traveled in accordance with Senate Bill 743. Additionally, the SEIR will include an evaluation of impacts on current programs, plans, ordinances, and policies addressing the circulation system (including transit, roadway, bicycle, and pedestrian facilities). The SEIR will identify any additional mitigation measures necessary to reduce new or more severe significant transportation impacts.

## Tribal Cultural Resources

Tribal cultural resources were established as a new class of resources under CEQA by AB 52, which became effective on July 1, 2015. Because AB 52 was enacted after certification of the 2004 UCP EIR, impacts on tribal cultural resources were not evaluated in that document. As such, the SEIR will include an analysis of potential tribal cultural resources impacts.

## Utilities and Service Systems

This section of the SEIR will evaluate whether the proposed updates to the UCP and the VST Specific Plan will result in new or substantially more severe impacts on utilities and service systems compared to the 2004 UCP EIR. A Water Supply Assessment will be prepared for the VST Specific Plan and the results will be summarized in the SEIR. If potentially significant impacts related to water supply are identified, the SEIR will identify any feasible mitigation measures to reduce the impact(s). This section will also include an evaluation of the capacity of existing and planned wastewater conveyance systems to receive wastewater generated by the VST Specific Plan. This analysis will also consider the current planning efforts associated with the City of Merced Wastewater Collection System Master Plan Update.