

4.7 LAND USE

This section describes impacts of the project on land use planning; particularly the relationship between the proposed project and adopted City of Merced (City) planning goals, objectives, and policies intended to reduce environmental impacts of development projects and the compatibility of the proposed project with present and planned surrounding land uses.

4.7.1 ENVIRONMENTAL SETTING

The project site is located near the southeast area of the City. The site is approximately 3 miles southeast of downtown Merced and 2 miles east of State Route (SR) 99. While the site is located within the Merced city limits, unincorporated Merced County borders the site to the east. The City's sphere of influence and its Specific Urban Development Plan (SUDP) continue approximately 0.5 mile east of the site into the unincorporated County.

Land east of the site is primarily agricultural and outside of the Merced city limits (which is located just beyond the east property line). To the north and south of the project site are industrially zoned parcels primarily used for agricultural purposes with a few industrial facilities located north of Childs Road. West of the site is a developing residential area. Farther west and northwest is central Merced, with historic residential areas and downtown commercial areas. The center of the City is bisected by SR 99, which runs in a northwest-southeast course through the City. Industrial areas are located west of central Merced, with suburban-style residential and commercial neighborhoods located north of central Merced. At the far northeast corner of the City's planning area is the recently opened University of California at Merced campus.

The project site is currently designated in the General Plan as Industrial and is zoned Heavy Industrial. The Heavy Industrial, or I-H, zoning district is intended for industrial development, including manufacturing, processing, assembling, research, wholesale, or storage uses. The site contains no structures or improvements, except for an irrigation well. An almond orchard comprises the western one-third of the site, and the eastern two-thirds consist of agricultural fields. Irrigation ditches run along the on-site fields. An easement containing overhead power lines runs north and south through the eastern portion of the site (this easement would not be altered as part of the project).

PLANNED SURROUNDING LAND USES

The Merced City General Plan (City General Plan) designates the site for Industrial uses and the zoning map designates the site as part of a Heavy Industrial District. Merced County General Plan (County General Plan) and City General Plan land use designations are shown in Exhibit 3-5, and City zoning districts are shown in Exhibit 3-6. The parcels adjacent to the project site to the north, west, south, and northeast have a Industrial land use designation. Adjacent to the east is Merced County (County) land designated as Agriculture. Following a similar grid pattern, the parcels to the north, west, south, and northeast are zoned Heavy Industrial, with County property adjacent to the east. The City's sphere of influence borders farther to the east of the adjacent Agriculture parcels, and corresponds with the SUDP area.

Directly west of the project site is zoned Heavy Industrial District, and designated as Industrial. Properties farther west, northwest, and southwest of the said industrial parcels include Low to Medium Density Residential, Neighborhood Commercial, Regional Community Commercial, and Business Park land use designations; and Low Density Residential (R-1-6, R-1-5, R-1-20), Medium Density Residential (R-3-2), Residential Planned Development (RP-D), Restricted Agriculture, and Neighborhood Commercial Residential (C-N) zoning. (Refer to Exhibits 3-5 and 3-6 for land use designations and zoning maps.)

PROPOSED LAND USES

Buildings and Operations

The proposed project includes the construction of a warehouse building with related administrative and support functions, truck maintenance, fueling, fire pump house building, truck gate and aerosol storage, as well as parking areas, all of which would be built on sections of the site west of the existing overhead power lines. As mentioned, the power lines would remain on site, protected by an easement. All buildings would be single story and constructed of pre-engineered steel components with metal panels. Maximum building height would be 40 feet above finish floor.

The largest structure to be built as part of the proposed project would be an approximately 1.1-million-square-foot warehouse and distribution building, which would be centrally located on the site. This building's footprint would consist of a large rectangular main extension with a narrower rectangular extension jutting out to the west at the main extension's northwest corner. Semi-tractor and trailer parking would surround this building to the west, north, east, southeast, and to the south of the smaller extension. The employee parking area would be located adjacent to the south side of the larger extension of the building; this parking area would be connected to Gerard Avenue via a driveway. Security fencing would encircle the entire complex except for the employee entrance, fire pump house and storage tanks, employee parking lot, and the front of the main section of the warehouse and distribution building.

Located at the front area of the main warehouse section is the employee entrance. Near the southeast corner of the main warehouse section would be the 17,000-square-foot truck maintenance building and adjacent fuel island. A fire pump house and two storage tanks are located along the employee parking lot driveway, and west of the entire complex is a long driveway that would be used as the truck entrance. A truck gate and security fencing are located on both sides. The truck gate would include approximately 500 square feet of building space. The security fencing would consist of 6-foot-high chain-link fencing with three strands of barbed wire on top.

Landscaping and Lighting

Site lighting would consist of pole-mounted metal halide lamps located approximately 45 feet above the ground surface. The lighting is designed so that intrusive light does not cross the property boundaries except possibly at roadway intersections. The lighting is designed for an average lighting level of 0.5-foot candles and has not been designed based on a uniformity ratio. To design based on a uniformity ratio would require more lamps than would be provided for the site. Landscaping would be provided for the public road improvements, as required by local ordinance. Onsite landscaping would be minimal, and is not planned to be provided within any of the proposed parking areas. There would be security fencing surrounding the buildings, parking areas, and driveways.

4.7.2 REGULATORY SETTING

Relevant information regarding plans and regulations relevant for the proposed project are summarized below.

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

There are no federal plans, policies, regulations, or laws related to land uses that are applicable to the proposed project.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

There are no state plans, policies, regulations, or laws related to land uses that are applicable to the proposed project.

LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

Merced Vision 2015 General Plan

The City General Plan was adopted in 1997. It identifies goals, policies, and programs to guide the direction of growth desired by the community. Policies with relevance to the proposed project and physical environmental impacts related to implementation of the proposed project are contained within the various elements of the City General Plan, and are summarized in the “Environmental Impacts” subsection.

Land use designations for the project site and surrounding quarter-mile radius within the Merced city limits are described below and in Exhibit 3-5.

The project site is designated Industrial in the City General Plan. This designation’s (also known as Industrial [IND]) purpose is to provide land for industrial uses in the City, including combination industrial/office uses, such as proposed in this project. The land use intensity is intended to have an approximate floor area ratio of 0.30 to 0.50 square foot of building space per net acre (approximately 0.17 per gross acre). This designation allows for light industrial uses such as light manufacturing, warehouses, distribution, storage, wholesale, packaging, light fabrication and assembly, bottling, electronic manufacturing, lumber yards, public utility substations, corporation yards, and nurseries. The designation also allows for heavy industrial uses such as heavy manufacturing, food processing, metal fabricating plants, railroad yards, and truck depots.

Land within the Merced city limits within 0.25 mile of the site is designated Industrial. Land 0.25 mile or more to the west is predominately designated Low Density Residential. The purpose of this designation is to provide land for low density single-family residential development served by City services. Other compatible residential uses such as condominiums and zero-lot line single-family residential units are also allowed. The allowed density is 2.0 to 6.0 dwelling units per acre.

Other land use designations along Childs Avenue, just west of the future Campus Parkway include High to Medium Density Residential, Low to Medium Density Residential, and Neighborhood Commercial. The area 0.25 mile west of the project site south of Gerard Avenue is designated Business Park (BP). According to the City General Plan, the purpose of this designation is “To provide areas for a mix of commercial, office, and industrial uses with shared access and parking facilities. Uses could include a wide variety of light manufacturing, warehousing, office, and service business activities. This designation is meant to have an approximate average floor area ratio of 0.40 square foot of building space per net acre (approximately 0.17 square feet per gross acre)” (City of Merced 1997).

Refer to Exhibit 3-5 for City and County General Plan land use designations for the project site and surrounding area.

Specific Plans

The project site is not within an adopted specific plan; no specific plans apply to the project site. A specific plan has not been adopted for the predominately residential-zoned area known as the Weaver Development Agreement Area that extends from 0.25 mile to 0.75 mile west of the project site.

City of Merced Zoning Ordinance

The Merced Zoning Ordinance sets forth the rules and regulations that govern land use and development throughout the City regarding allowable land uses within each zoning district.

The zones that encompass the land covered by the project site and/or other land within the Merced city limits within 0.25 mile of the project site are described below.

The project site is located in the Heavy Industrial (I-H) zone. According to Municipal Code Section 20.36.010, the purpose of this zone is “to encourage sound industrial development by providing and protecting an environment exclusively for such development subject to regulations necessary to insure the protection of nearby residential and commercial uses of land.” Permitted here are most manufacturing, processing, assembling, research, wholesale, and storage uses as well as railroad yards, truck depots, service stations, public utility uses, substations, communication equipment buildings, and signs appurtenant to any of the above uses. Incidental services and accessory uses serving the above uses are also allowed. Conditional uses include other, more nuisance-prone manufacturing uses, salvage and wrecking operations, appropriate public and quasi-public uses, and retail commercial uses such as restaurants and service stations. Several uses are listed as prohibited including the storage of explosives except in cases where this is incidental to a permitted use, as would be the case with any explosive aerosol stored in the proposed project’s aerosol storage facility.

At the southwest corner of Childs Avenue and the future Campus Parkway are parcels zoned Medium Density Residential (R-3-2). According to Municipal Code Section 20.14.010, the purpose of R-3 designation is to “stabilize, protect and encourage the establishment and maintenance of a suitable environment for medium density multifamily dwellings.” There are two R-3 designations: R-3-2, which applies here, and R-3-1.5. The R-3-2 district has larger lot and dwelling unit minimum sizes than the R-3-1.5 district.

In the vicinity of the project site, most of the land west of the future Campus Parkway is in the Low Density Residential (LD) City General Plan designation, which corresponds here to the land in the Low Density (R-1-5) zoning designation. According to Municipal Code Section 20.10.010, the purpose of this zoning district is to “stabilize, protect, and encourage the establishment and maintenance of a suitable environment for single family dwellings.” The R-1-5 zoning district has smaller lot and dwelling unit size minimums and a larger lot coverage maximum than the other three R-1 districts.

The land to the southwest of the future Campus Parkway/Mission Ave intersection is within unincorporated Merced County and is designated Agriculture on the County General Plan. This area is within the City SUDP and, per the City General Plan is designated Business Park Reserve and Industrial Park Reserve. This area is presently shown on the County zoning map as Restricted Agricultural (A-1-20). This district, among other restrictions, has a minimum 20-acre lot area and a minimum 20-acre area per dwelling unit.

Refer to Exhibit 3-6 for zoning designations for the project site and surrounding area.

Merced County General Plan

The County General Plan was adopted in 2000. It identifies goals, policies, and programs representative of the direction of growth and land preservation desired by the community. Policies in the County General Plan are implemented through actions taken by the County’s Planning Commission and Board of Supervisors and other decision making bodies, supported by County staff. Agriculture is the only County General Plan land use designation within a quarter-mile radius of the project site in the unincorporated County. This land use designation is intended to provide land for active agricultural operations in the County. Land to which this designation applies may also include livestock facilities, waste water lagoons, and agricultural commercial facilities. Some nonagricultural uses may also be allowed, including mineral resource extraction and processing, outdoor public and private recreational facilities, and all accessory uses to these uses. Housing is considered an accessory use to the primary activity of a site and may consist of manufactured or conventional single-family dwelling units or group quarters for farm laborers. The designation allows for one dwelling per 20 acres. Agricultural commercial and appropriate nonagricultural structures should generally not exceed 10% lot coverage. Additional dwellings and higher building coverages (up to 99%) can be allowed under a conditional use permit (Merced County 1990).

The County has designated “the Specific Urban Development Plan area or ‘SUDP’, which is a broad General Plan boundary designation intended to accommodate all classification of urban land use.” “All land within the SUDP is

planned for eventual development in a mixture of urban and urban-related uses, as designated on the SUDP diagram for each community. The boundaries of these SUDPs are usually the same as the ‘Sphere of Influence’ of the local community service district. An SUDP has a boundary line which is recognized as the ultimate growth boundary of the community over the life of the County General Plan. Whenever land is added to an SUDP, the decision is made that it will ultimately be converted to an urban use.”

SUDP expansion occurs through consideration of the following factors: the agricultural value of the land involved and the impacts of expansion on adjacent agricultural and open space lands, urban service availability, the amount of vacant available land already within the community and consistency of the expansion with local planning goals outlined through the Community Specific Plan. These concerns were formulated to ensure that community growth occurs in a logical and orderly manner so that urban services are committed to viable developments rather than purely speculative projects.

Refer to Exhibit 3-5 for County General Plan land use designations in the areas of the unincorporated County that abuts the project site.

Merced County Zoning Ordinance

The Merced County Zoning Ordinance sets forth the rules and regulations that govern land use and development throughout unincorporated Merced County, regarding allowable land uses within each zoning district. The land east of the project site in the unincorporated County lies within the A-1 General Agricultural zoning district. According to County Code Section 18.02.010, the purpose of the A-1 General Agricultural zone is to “provide for areas for more intensive farming operations dependent on higher quality soils, water availability and relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas.” Parcels of 40 acres or more are preferred in this zone, but parcels of 20 to 40 acres are considered where the size of the parcel does not affect agricultural productivity. Along with agricultural operations, various commercial, industrial, institutional, and retail uses are allowed by right or permit in this zone as well as single-family and accessory residential, bed and breakfasts, employee labor camps, and agricultural processing plants (Merced County Zoning Ordinance Section 18.02.020).

OTHER REGULATIONS

The City has standards and conditions related to environmental review, general plan amendments, subdivision standards, grading standards, traffic and school mitigation, floodplain management, construction and fire standards, and other areas that are intended to reduce environmental impacts of development projects. Many of these existing regulations are relevant for reducing environmental impacts of the proposed project and are referenced throughout this draft environmental impact report (DEIR) in the environmental topic section where they are relevant.

METHODOLOGY

Land use planning impacts are evaluated in this section by determining if the proposed project is in compliance with goals, policies, and other relevant policy documents. The analysis focuses specifically on policies that, if violated, may contribute to some direct or reasonably foreseeable indirect environmental impact. This section also analyzes the compatibility of the proposed project with surrounding existing and proposed land uses. Incompatible land uses can create significant environmental impacts for both the proposed use and the existing use. Potential land use compatibility issues include those related to noise levels, unsafe traffic conditions, adverse changes to the aesthetic environment, odors, and air quality degradation. Compatibility issues have been analyzed and are identified within this section and in the respective sections of this DEIR. Issues related specifically to development of the proposed project are discussed in more detail in the following sections:

- ▶ Section 4.1, “Agricultural Resources,”
- ▶ Section 4.2, “Air Quality,”
- ▶ Section 4.3, “Biological Resources,”
- ▶ Section 4.8, “Noise,”
- ▶ Section 4.10, “Public Health and Hazards,” and
- ▶ Section 4.11, “Traffic and Transportation.”

4.7.3 ENVIRONMENTAL IMPACTS

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, a land use impact is considered significant if implementation of the proposed project would do any of the following:

- ▶ physically divide an established community;
- ▶ conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and/or
- ▶ conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT ANALYSIS

IMPACT 4.7-1 **Effects on Adjacent Land Uses/Division of an Established Community.** *The project site would be located in a planned buildout area and would not divide an established community. This would be a **less-than-significant** impact.*

Although the City General Plan designates Kibby Road for extension through the project site, which the applicant proposes to eliminate via a General Plan amendment, no roads or trails currently traverse the site and no residences, retail uses, or institutional uses would be destroyed or altered by site development. The residential dwelling units in the site vicinity would retain their access to each other and to the rest of the Merced community via existing roads throughout project development and operation. The project, while covering a large site, is in an area designated for industrial and manufacturing land use. Thus, development of the project site does not divide an established community.

The project site is located at the fringe of existing urbanized land and is in a planned buildout area for the City of Merced. The area surrounding the project site is used primarily for agricultural purposes. A portion of the land in this area has recently been utilized for industrial purposes, and continued conversion of agriculture land to industrial use would increase the likelihood that additional agricultural properties in the vicinity would be converted to nonagricultural use. The potential for growth-inducing effects resulting from the proposed project is further addressed in Chapter 6, “Cumulative and Growth Inducing Impacts.” However, the proposed project complies with the current Merced General Plan land use designation of “Industrial” and zoning of “Heavy Industrial District,” and is consistent with the City’s *Vision 2015 General Plan* growth projections. Although the project would impact future adjacent land uses, the City has made the determination that this area would be developed with industrial uses to meet growing demand.

As noted in Section 4.11, “Traffic and Transportation”, the proposed project would generate 2,399 daily vehicle trips, many of which would be tractor trailer vehicles. While added traffic would increase vehicle congestion and potentially increase the time required for pedestrians to cross streets, this added traffic is not expected to result in a division of an established community. Therefore, the projects effects on adjacent land uses and its potential to divide an established community would be **less than significant**.

Mitigation Measure

No mitigation is required.

IMPACT 4.7-2 **Effects on State and Local Plans and Policies.** *The proposed project is in compliance with all state and local plans and policies and would result in a **less-than-significant** impact.*

The proposed project is consistent with the City of Merced's General Plan "Industrial" land use designation and the Heavy Industry (I-H) zoning designations for the site. Land immediately surrounding the site within the Merced city limits is similarly designated. The land immediately to the east, while in County jurisdiction and designated for agricultural uses, is designated Specific Urban Development (or SUDP). The SUDP designation is a broad General Plan boundary designation, intended to accommodate all classification of urban land use. The City SUDP area is substantially smaller than the City's sphere of influence area, which is also considered a future growth boundary and is planned to accommodate future buildout. Therefore, the land immediately east of the project site is ultimately planned for urban use.

The project site has a land use designation of Industrial in the City's *Vision 2015 General Plan*. This designation (also known as Industrial [IND] in the City General Plan) has a purpose of providing land for industrial uses in the City of Merced, including combination industrial/office uses, such as those proposed in the project. This designation allows for light industrial uses such as light manufacturing, warehouses, distribution, storage, wholesale, packaging, etc. The designation also allows for heavy industrial uses such as heavy manufacturing, food processing, metal fabricating plants, railroad yards, and truck depots.

The proposed project complies with the existing land use designations and zoning for the site, and is located within a planned buildout area according to the City and County. Therefore, the project would comply with state and local plans and policies and would have a **less-than-significant** impact.

Mitigation Measure

No mitigation is required.

IMPACT 4.7-3 **Effects on Habitat Conservation Plans.** *The proposed project site is not located in any habitat conservation plan area and would therefore have a **no impact**.*

No habitat conservation plans are applicable to the proposed project or project area under jurisdiction of resource protection agencies, such as U.S. Army Corps of Engineers, California Department of Fish and Game, or the Central Valley Regional Water Quality Control Board. There is **no impact**.

Mitigation Measure

No mitigation is required.