



JULY 3, 2020

VIA EMAIL: NELSONJ@CITYOFMERCED.ORG

City of Merced Planning Division
ATTN: Julie Nelson, Associate Planner
678 West 18th Street
Merced, CA 95340

Governor's Office of Planning & Research

Jul 06 2020

STATE CLEARINGHOUSE

Dear Ms. Nelson:

REVISED NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE YOSEMITE AVENUE – GARDNER AVENUE TO HATCH ROAD ANNEXATION PROJECT, SCH# 2016121029

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Yosemite Avenue – Gardner Avenue to Hatch Road Annexation Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The City is proposing to annex the entire 70-acre project site into the City limits. The project includes The Crossings housing and retail component that proposes to provide multi-family housing and commercial retail uses on a 30-acre portion of the site at the northeast corner of E. Yosemite Avenue and N. Gardner Avenue. The City is also proposing land use and zoning designations of Urban Transition (U-T) and Low Density Residential (R-1-10) for this land.

Currently, the project site is in agricultural use and contains Prime and Unique Farmland, as identified by the Department of Conservation's Farmland Mapping and Monitoring Program¹.

¹ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, <https://maps.conservation.ca.gov/DLRP/CIFF/>

Department Comments

The conversion of agricultural land represents a permanent reduction and significant impact to California's agricultural land resources. Under CEQA, a lead agency should not approve a project if there are feasible alternatives or feasible mitigation measures available that would lessen the significant effects of the project.² All mitigation measures that are potentially feasible should be included in the project's environmental review. A measure brought to the attention of the lead agency should not be left out unless it is infeasible based on its elements.

As the courts have shown³, agricultural conservation easements on land of at least equal quality and size can mitigate project impacts in accordance with CEQA Guideline § 15370. The Department highlights agricultural conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA. Agricultural conservation easements are an available mitigation tool and should always be considered; however, any other feasible mitigation measures should also be considered.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Conclusion

The Department recommends the following discussion under the Agricultural Resources section of the Environmental Impact Report:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.

² Public Resources Code section 21002.

³ *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 238.

Thank you for giving us the opportunity to comment on the Revised Notice of Preparation of a Draft Environmental Impact Report for the Yosemite Avenue – Gardner Avenue to Hatch Road Annexation Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber

Conservation Program Support Supervisor