

**Notice of Determination**

**Appendix D**

**To:**

Office of Planning and Research  
U.S. Mail: \_\_\_\_\_ Street Address: \_\_\_\_\_  
P.O. Box 3044 1400 Tenth St., Rm 113  
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
County of: Merced  
Address: 2222 M St.  
Merced, CA 95340

**From:**

Public Agency: City of Merced  
Address: 678 W. 18th St.  
Merced, CA 95340  
Contact: Julie Nelson  
Phone: 209-385-6967

Lead Agency (if different from above): \_\_\_\_\_  
Address: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_

2022 APR 22 PM 3:35  
FILED  
MERCED COUNTY CLERK

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): \_\_\_\_\_

Project Title: General Plan Amendment #21-03, Zone Change #429, Environmental Review #21-47

Project Applicant: Peter Lau on behalf of Bellevue Paseo, LLC

Project Location (include county): City of Merced, Merced County

**Project Description:**

General Plan Amendment to change the General Plan land use designation from Neighborhood Commercial (CN) to Low-Medium Density (LMD) Residential and a Zone Change to change the zoning designation from P-D #73 to RP-D #63 for approximately 8.5 acres of land generally located at the northeast corner of Bellevue Rd. and Barclay Way. The proposed changes are consistent with the EIR for the Merced Vision 2030 General Plan (SCH #2008071069). #

This is to advise that the City of Merced has approved the above  
( Lead Agency or  Responsible Agency)

described project on April 18, 2022 and has made the following determinations regarding the above  
(date)  
described project.

- 1. The project [ will  will not] have a significant effect on the environment.
- 2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation measures [ were  were not] made a condition of the approval of the project.
- 4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
- 5. A statement of Overriding Considerations [ was  was not] adopted for this project.
- 6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

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

Signature (Public Agency): [Signature] Title: Planning Manager

Date: April 22, 2022 Date Received for filing at OPR: \_\_\_\_\_

**The California Environmental Quality Act  
(CEQA) Section 15162 Findings:**

**Application: General Plan Amendment #21-03 & Zone Change #429 – Environmental Review #21-47**

**Assessor Parcel Number or Location:** Assessor’s Parcel Numbers (APN’s): 170-010-001 to -039; 170-022-001 to -003; 170-030-001 to -028; 170-041-001 to -003; 170-044-001

**Previous Initial Study/EIR Reference:** This site was previously reviewed through the Environmental Impact Report (EIR) for the *Merced Vision 2030 General Plan* (SCH#2008071069).

**Original Project Date:** The EIR for the *Merced Vision 2030 General Plan* was adopted by the Merced City Council by Resolution #2011-63 on January 4, 2012.

**Section A - Previous Studies**

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>Yes</b>               | <b>No</b>                           |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** The proposed General Plan Amendment changing the General Plan land use designation to Low-Medium Density Residential and the proposed Zone Change to change the zoning designation to Residential Planned Development (RP-D) #63 would be reverting the property back to the land use designations reviewed under the EIR for the *Merced Vision 2030 General Plan* (small lot single-family dwellings). Therefore, there are no substantial changes from what was analyzed with the original EIR.

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>Yes</b>               | <b>No</b>                           |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>Yes</b>               | <b>No</b>                           |
| 3. New information of substantial importance that was not known and could not have been know with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

**Section B - New Information**

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. Yes  No

B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. Yes  No

C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. Yes  No

D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. Yes  No

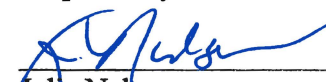
**Comment/Finding:** All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

**On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:**

- |          |  |
|----------|--|
|          | 1. It is found that subsequent negative declaration will need to be prepared.  |
|          | 2. It is found that an addendum Negative Declaration will need to be prepared. |
|          | 3. That a subsequent EIR will need to be prepared.                             |
| <b>X</b> | 4. No further documentation is required.                                       |

Date: January 6, 2022

Prepared By:

  
 \_\_\_\_\_  
 Julie Nelson,  
 Senior Planner