

## 3.11 Land Use and Planning

### 3.11.1 Introduction

This section describes the regulatory and environmental setting for land use and planning in the vicinity of the Proposed Project and the Atwater Station Alternative. It also describes the impacts on land use and planning that would result from implementation of the Proposed Project and the Atwater Station Alternative and the mitigation measures that would reduce significant impacts, where feasible and appropriate.

The Proposed Project and the Atwater Station Alternative traverse Stanislaus and Merced Counties, including portions of the following cities: Ceres, Turlock, Livingston, Atwater, and Merced. Land uses along the Proposed Project and the Atwater Station Alternative consist of varying levels of urban, suburban, and rural development. The Proposed Project and the Atwater Station Alternative are primarily surrounded by agricultural uses in unincorporated areas and by low-density residential, industrial, and commercial uses in incorporated areas.

As described in Chapter 2, Section 2.2, *Background*, the San Joaquin Regional Rail Commission (SJRRRC) does not own the tracks on which the Altamont Corridor Express (ACE) operates, but instead has entered into passenger rights agreements with both Peninsula Corridor Joint Powers Board and Union Pacific Railroad (UPRR) to operate on portions of their respective tracks for its current operation and would enter into new agreements for the Proposed Project. In its capacity as a state joint powers agency, improvements proposed by SJRRRC are not subject to local or regional plans or regulations. In addition, the Interstate Commerce Commission Termination Act (ICCTA) affords railroads engaged in interstate commerce considerable flexibility in making necessary improvements and modifications to rail infrastructure, subject to the requirements of the Surface Transportation Board, and broadly preempts state and local regulation of railroads and this preemption extends to the construction and operation of rail lines.<sup>1</sup> As such, activities within the UPRR right-of-way (ROW) are clearly exempt from local building and zoning codes and other land use ordinances. Thus, within the UPRR ROW, no impacts on land use and planning are expected. Improvements outside of the UPRR ROW, however, would be subject to regional and local plans and regulations. Consequently, the focus of analysis in this section is at locations where improvements would occur outside the existing UPRR ROW.

Though ICCTA does broadly preempt state and local regulation of railroads, SJRRRC intends to obtain local agency permits for construction of facilities that fall outside of the UPRR ROW even though SJRRRC has not determined that such permits are legally necessary or whether such permits may be required. Chapter 2, Section 2.6, *Right-of-Way and Easement Needs*, summarizes the areas that would be located outside the UPRR ROW.

The evaluation of rail operations and infrastructure on nearby land uses is largely a function of how the rail activities support or impede the functions of and activities that occur at different land uses. Some uses, like single-family residential neighborhoods, are more sensitive to changes to the

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<sup>1</sup> ACE operates within a ROW and on tracks owned by UPRR, which operates interstate freight rail service in the same ROW and on the same tracks for its current service from Stockton to San Jose and would do the same within the UPRR ROW from Ceres to Merced, once additional agreements with UPRR are established.

physical environment, and substantial alterations to the visual, noise, safety, and transportation setting can interfere with the character and enjoyment of the uses. Other uses, such as manufacturing facilities or intensive crop agriculture, are less sensitive to such changes and would not be significantly affected by new uses or activities that alter the physical setting. Because land use compatibility and impacts are a function of other factors, this section is closely related to other resource topics (see Sections 3.1, *Aesthetics*; 3.3, *Air Quality*; 3.12, *Noise and Vibration*; 3.13, *Population and Housing*; 3.14, *Public Services*; 3.15, *Recreation*; 3.16, *Safety and Security*; 3.17, *Transportation*; and 3.18, *Utilities and Service Systems*). Analysis in those sections supplement this land use evaluation, and mitigation measures identified in those sections would also aid in reducing land use conflicts or incompatibilities with the Proposed Project and the Atwater Station Alternative.

Cumulative impacts on land use and planning, in combination with planned, approved, and reasonably foreseeable projects, are discussed in Chapter 4, *Other CEQA-Required Analysis*.

### **3.11.2 Regulatory Setting**

This section summarizes federal, state, regional, and local regulations (including land use and transportation plans) related to land use and planning applicable to the Proposed Project and the Atwater Station Alternative.

#### **3.11.2.1 Federal**

There are no federal regulations related to land use and planning relevant to this analysis.

#### **3.11.2.2 State**

##### **California Sustainable Communities and Climate Protection Act**

The California Sustainable Communities and Climate Protection Act (Senate Bill [SB] 375) requires regional planning agencies to develop regional land use plans (sustainable communities strategies [SCSs]) to meet greenhouse gas emission reduction goals set forth in the California Global Warming Solutions Act (Assembly Bill 32). These plans address reducing vehicle miles traveled (VMT) by co-locating uses to shorten necessary trips and by coordinating land use and transportation/transit planning. Coordination is enforced by requiring transportation planning projects to comply with the SCSs to receive state funding. SB 375 also allows projects that meet regional SCSs to qualify for California Environmental Quality Act (CEQA) exemptions or streamlining.

The Proposed Project and the Atwater Station Alternative traverse regions covered by regional transportation plans/SCS of the Stanislaus Council of Governments and Merced County Association of Governments.

##### **General Plans**

The California State Planning and Zoning Law delegates most of the state's local land use and development decisions to cities and counties. California Government Code Section 65301 requires every city and county to adopt a general plan. General plans lay out the pattern of future residential, commercial, industrial, agricultural, open space, public, and recreational land uses within a community. Local jurisdictions implement their general plans by adopting zoning, subdivision, grading, and other ordinances. Zoning identifies the specific types of land uses or forms of development that may be allowed on a given site and establishes regulations that are imposed on

new development. Zoning regulations vary from jurisdiction to jurisdiction. Typical zoning regulations address permissible types of uses, the density and size of structures, the siting of structures relative to parcel boundaries, architectural design, and the percentage of building coverage allowed relative to the overall square footage of a parcel.

The Proposed Project and the Atwater Station Alternative include permanent facilities outside the existing UPRR ROW. These facilities would be located in various cities and unincorporated county areas.

### 3.11.2.3 Regional and Local

Appendix G of this environmental impact report (EIR), *Regional Plans and Local General Plans*, provides a list of applicable goals, policies, and objectives from regional and local plans of the jurisdictions in which the Proposed Project and the Atwater Station Alternative would be located. Section 15125(d) of the CEQA Guidelines requires an EIR to discuss “any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” These plans were considered during the preparation of this analysis and were reviewed to assess whether the Proposed Project and the Atwater Station Alternative would be consistent with the plans of relevant jurisdictions.<sup>2</sup>

#### Consistency Analysis

CEQA requires that an EIR consider whether a proposed project may conflict with a land use plan, policy, or regulation (including general plans, specific plans, or zoning ordinances) that was adopted for the purpose of avoiding or mitigating an environmental effect. Because the Proposed Project and the Atwater Station Alternative are potential undertakings of SJRRC, a state joint powers agency, it is not required to comply with local or regional plans and regulations. Consequently, a city or county is not “an agency with jurisdiction over the project” as described in Appendix G of the CEQA Guidelines. Nevertheless, consistency with local plans and policies are still evaluated for the purposes of providing information. The plans described in Appendix G of this EIR were reviewed to assess whether the Proposed Project and the Atwater Station Alternative would be consistent with the general plans of relevant jurisdictions.

Implementation of the Proposed Project and the Atwater Station Alternative would be consistent with most of the applicable general plan goals, objectives, and policies of affected jurisdictions. The land use plans, as further discussed under Impact LU-2, include policies to integrate land use and transportation planning and maintain orderly, compact, and balanced land uses. The Proposed Project and the Atwater Station Alternative would increase connectivity and transportation options for the cities and counties where it provides service and would support the ability of cities to pursue transit-oriented development where stations are located. As a result, the Proposed Project and the Atwater Station Alternative complement and help fulfill local plans concerning land use patterns and intensities throughout the ACE corridor. The Proposed Project and the Atwater Station Alternative afford improved mobility and an alternative to automobile travel, which is especially beneficial for regional planning agencies in meeting their responsibilities under SB 375 to promote and implement a SCS.

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<sup>2</sup> An inconsistency with regional or local plans is not necessarily considered a significant impact under CEQA unless it is related to a physical impact on the environment that is significant in its own right.

There are instances, however, in which the Proposed Project and the Atwater Station Alternative could be inconsistent with the local plan goals, objectives, and policies. In particular, the following local policies emphasize the preservation of agricultural uses and biological resources in unincorporated and incorporated areas.

- *2018 Regional Transportation Plan/Sustainable Communities Strategies for Merced County*: Policy 9.4
- *2030 Merced County General Plan*: Policies LU-1.4, LU-2.3, and AG-2.1
- *Merced Vision 2030 General Plan*: Policy UE-1.2

Portions of the Proposed Project would be sited in locations with agricultural uses and biological resources. These potential inconsistencies are discussed in further detail in Section 3.11.4, *Impact Analysis*, and under Impact LU-2 specifically.

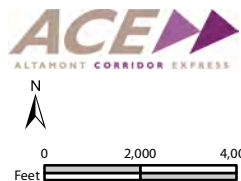
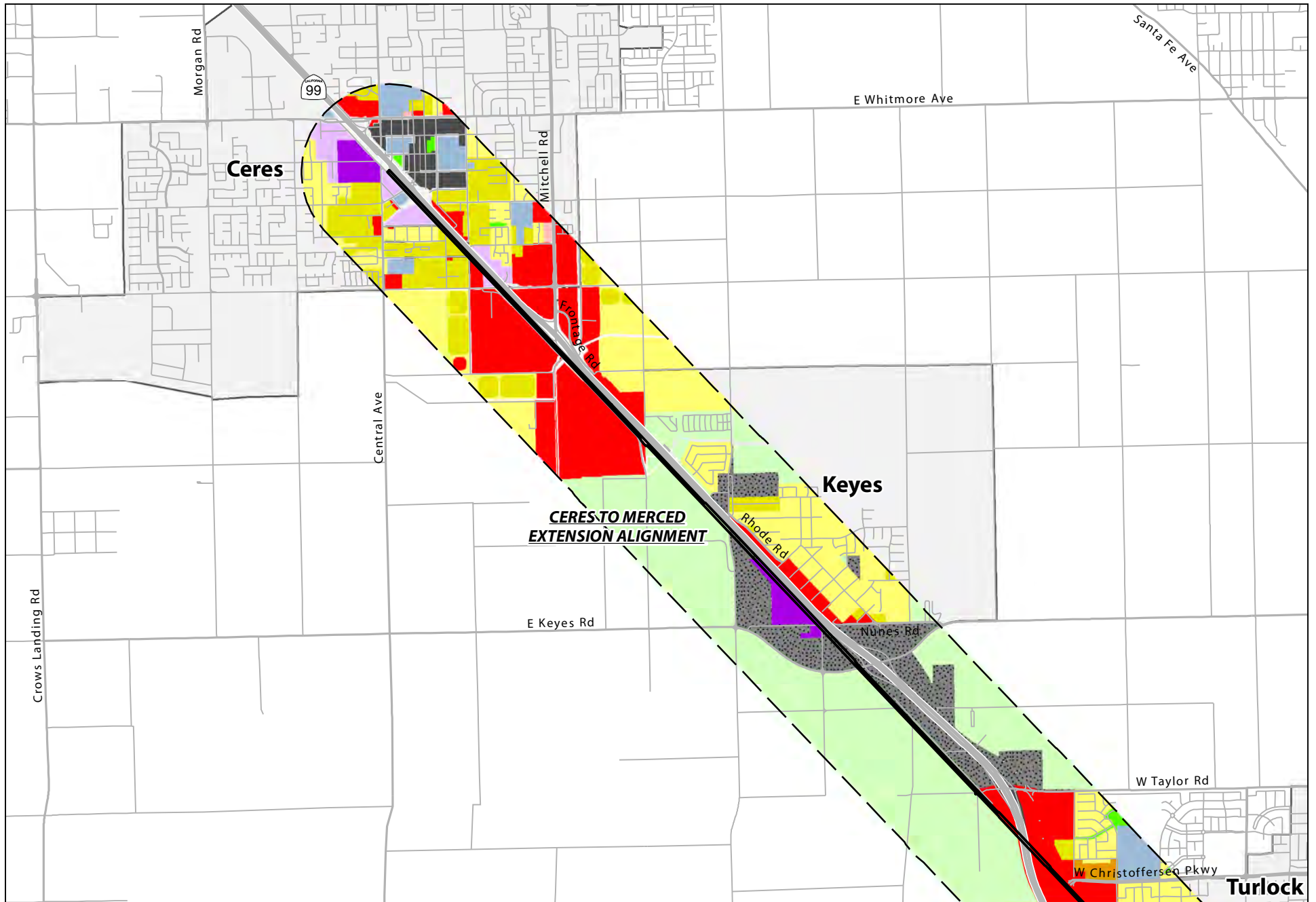
### 3.11.3 Environmental Setting

This section describes the environmental setting for the Proposed Project and the Atwater Station Alternative related to land use and planning. For the purpose of this analysis, the study area for land use and planning is defined as the area within 0.5 mile of the environmental footprint for the Proposed Project and Atwater Station Alternative.

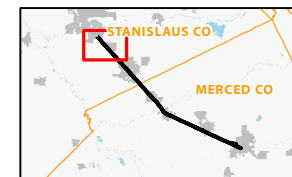
This study area is commonly used in transit studies and assessments to capture potential land use changes around stations and, because it also represents a reasonable walking distance to a station, it is a useful indicator of the proximity of existing or proposed transit-supported or transit-oriented development. In addition, this study area is also appropriate to capture direct and indirect land use impacts from new track ROW and maintenance-of-way.

Figures 3.11-1 through 3.11-5 depict the general plan–designated land uses in the study area. These maps provide a basis for understanding a community’s land use plan and the spatial relationship between the Proposed Project and the Atwater Station Alternative and planned land uses. Because general plan land use designations vary among jurisdictions, the land use maps in this section use the following group of land use categories for consistency.

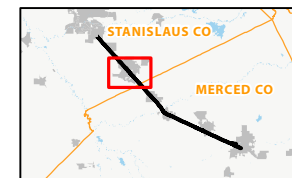
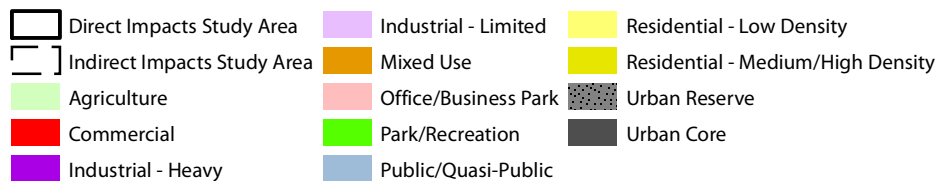
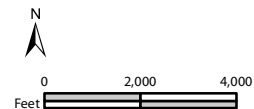
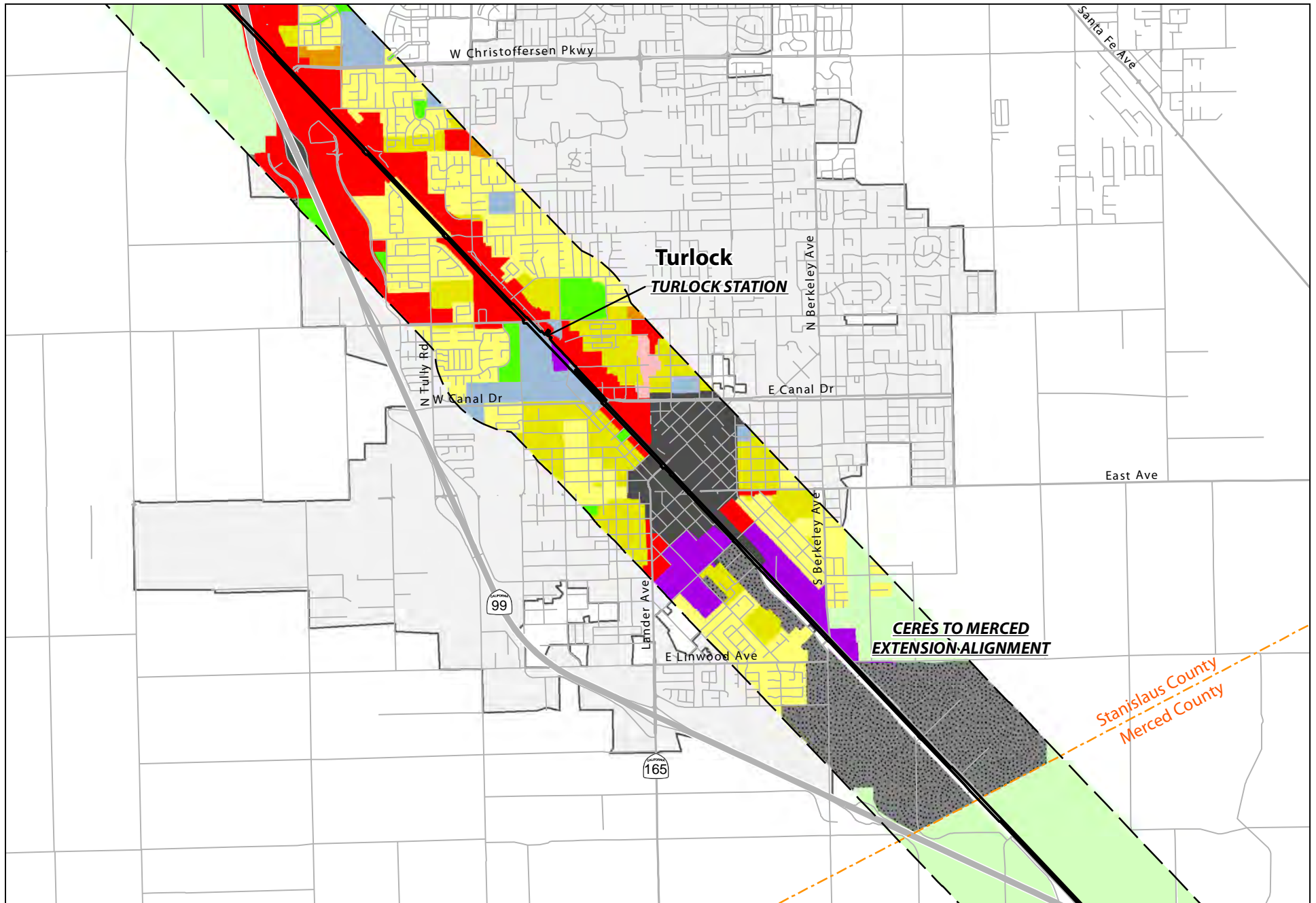
- |                      |                                     |
|----------------------|-------------------------------------|
| • Agriculture        | • Urban Core                        |
| • Commercial         | • Urban Reserve                     |
| • Industrial (light) | • Park                              |
| • Industrial (heavy) | • Public/Quasi-Public               |
| • Mixed Use          | • Residential (Low Density)         |
| • Open Space         | • Residential (Medium/High Density) |
| • Office/Business    |                                     |



- |                             |                      |                                   |
|-----------------------------|----------------------|-----------------------------------|
| Direct Impacts Study Area   | Industrial - Limited | Residential - Low Density         |
| Indirect Impacts Study Area | Mixed Use            | Residential - Medium/High Density |
| Agriculture                 | Office/Business Park | Urban Reserve                     |
| Commercial                  | Park/Recreation      | Urban Core                        |
| Industrial - Heavy          | Public/Quasi-Public  |                                   |

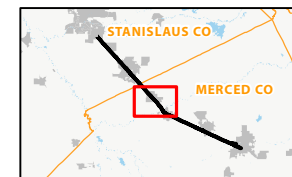
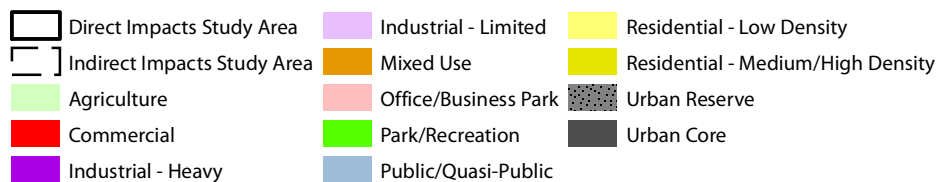
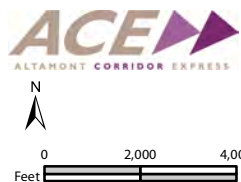
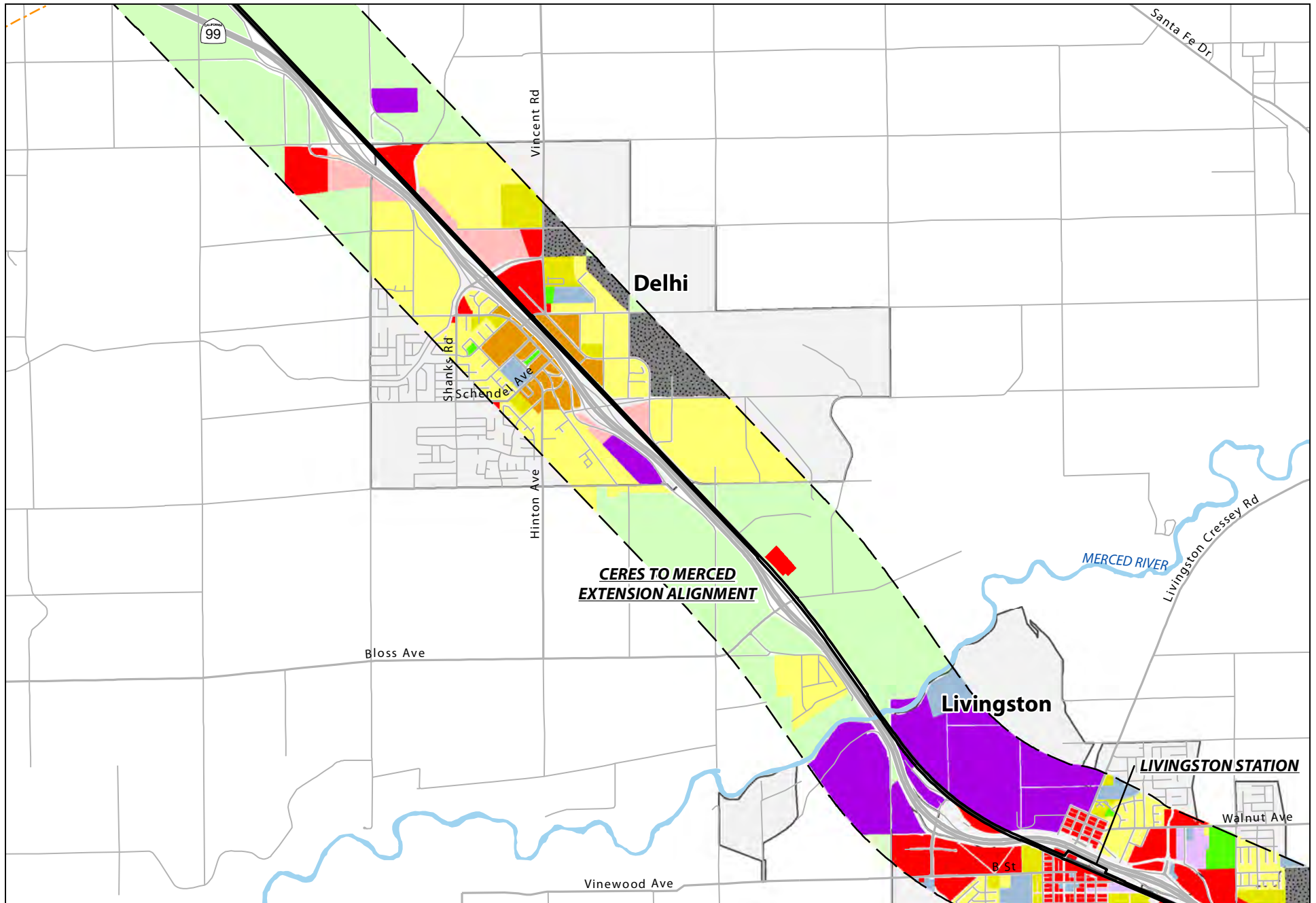


**Figure 3.11-1**  
Land Use Designations  
ACE Ceres-Merced Extension

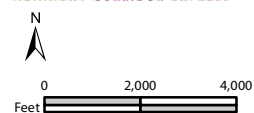
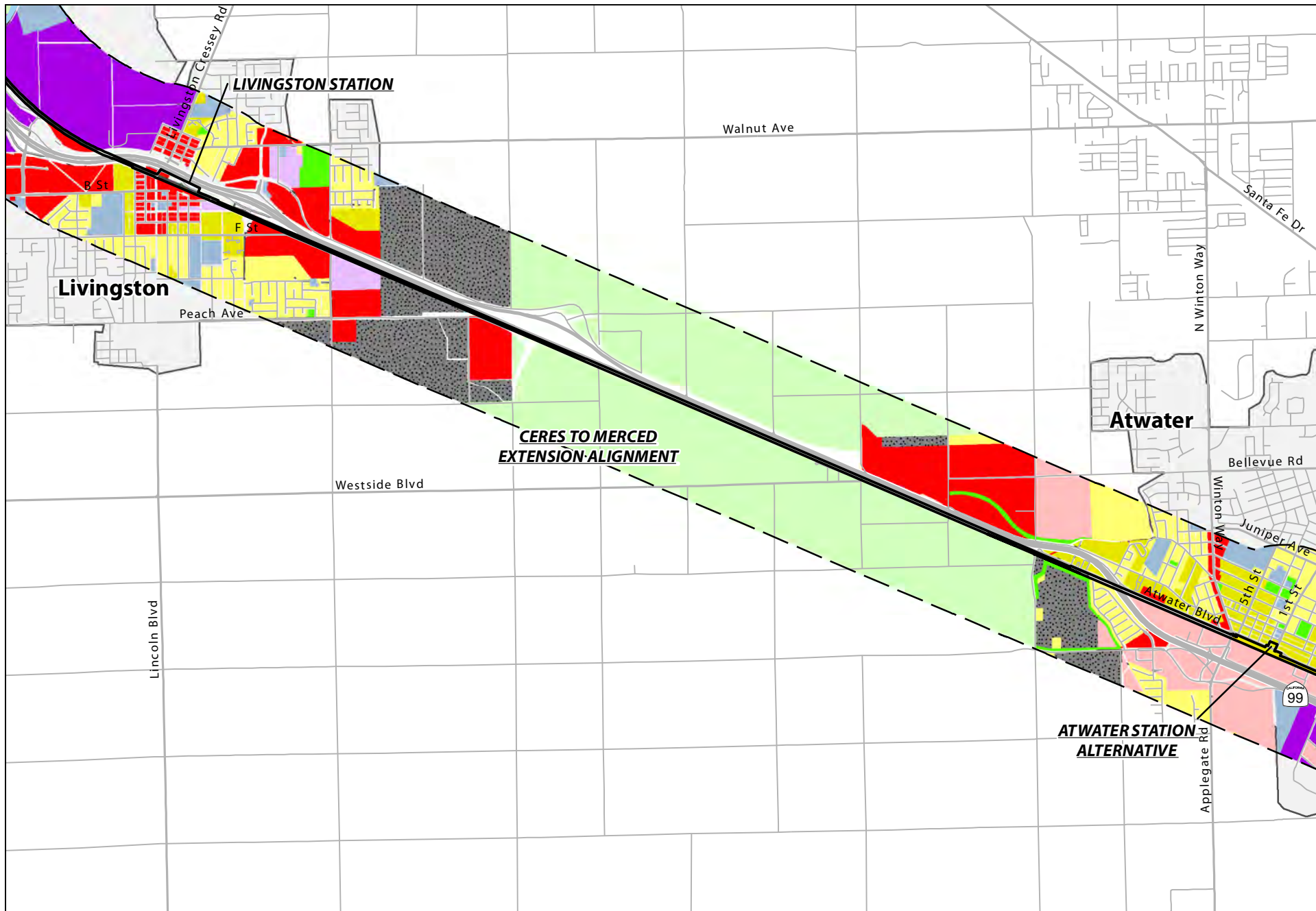


**Figure 3.11-2**  
Land Use Designations  
ACE Ceres-Merced Extension

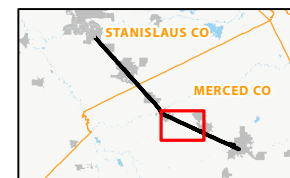




**Figure 3.11-3**  
Land Use Designations  
ACE Ceres-Merced Extension

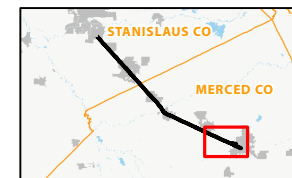
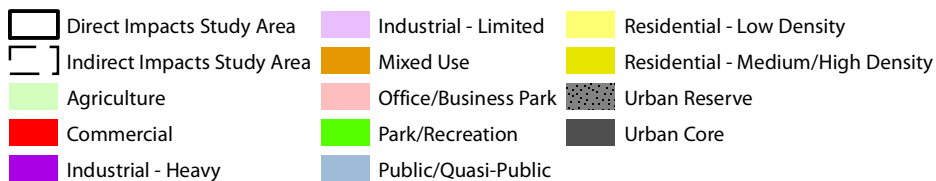
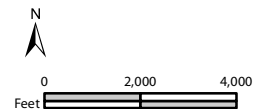
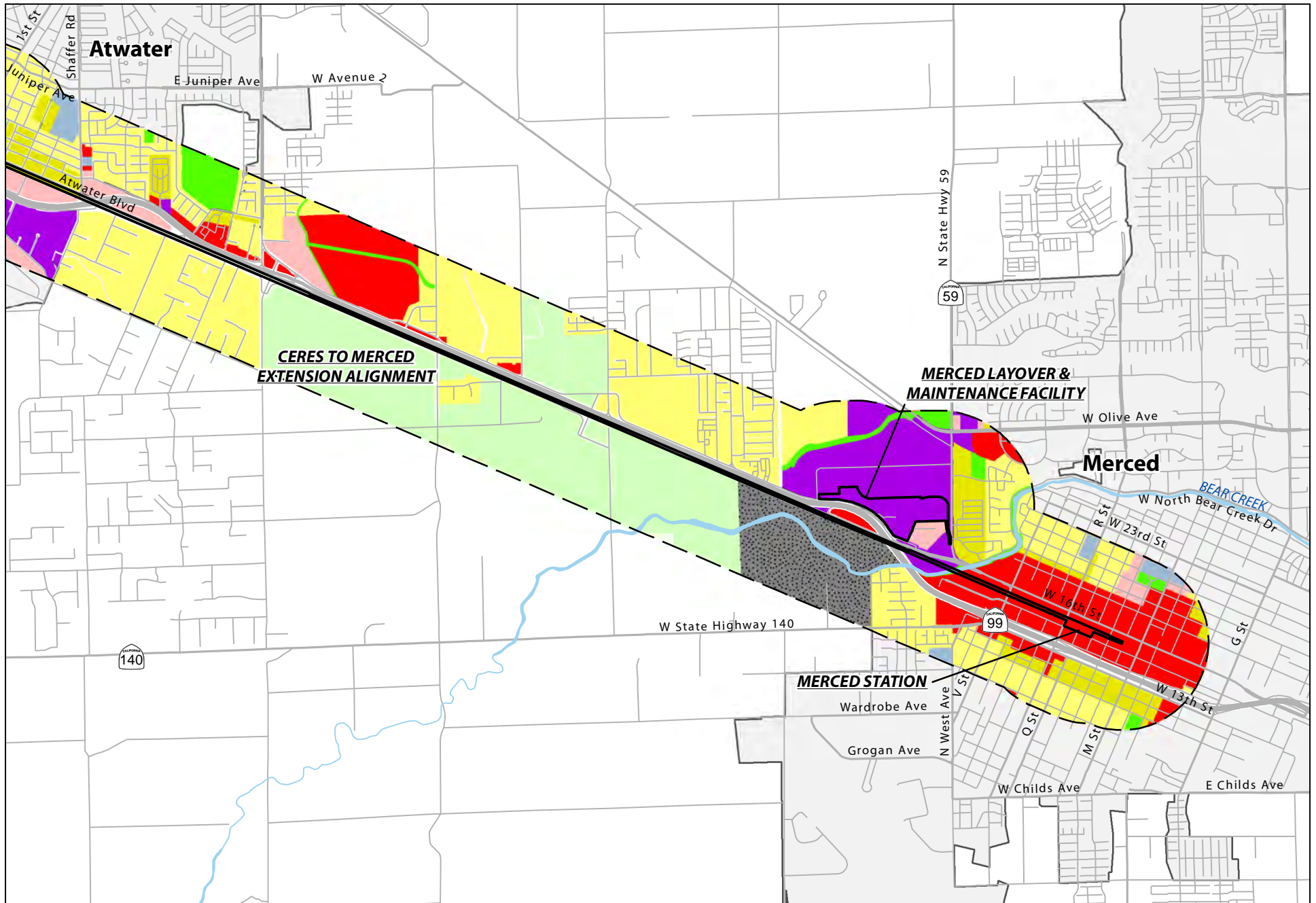


Direct Impacts Study Area	Industrial - Limited	Residential - Low Density
Indirect Impacts Study Area	Mixed Use	Residential - Medium/High Density
Agriculture	Office/Business Park	Urban Reserve
Commercial	Park/Recreation	Urban Core
Industrial - Heavy	Public/Quasi-Public	



**Figure 3.11-4**  
Land Use Designations  
ACE Ceres-Merced Extension





**Figure 3.11-5**  
Land Use Designations  
ACE Ceres-Merced Extension

### 3.11.3.1 Overview of Jurisdictions with Improvements

As shown in Table 3.11-1, the Proposed Project and the Atwater Station Alternative traverse and are located in the jurisdiction of two regional planning agencies, two counties, and five incorporated cities. The Ceres to Merced Extension Alignment would also be located in unincorporated county areas.

**Table 3.11-1. Proposed Project and the Atwater Station Alternative—Jurisdictions with Facilities**

Regional Agency	Counties	Incorporated Cities/ Unincorporated County	Alignments, Stations, and Layover & Maintenance Facility
Stanislaus Council of Governments	Stanislaus County	Ceres	Ceres to Merced Extension Alignment
		Unincorporated Stanislaus County	Ceres to Merced Extension Alignment
		Turlock	Ceres to Merced Extension Alignment Turlock Station
Merced County Association of Governments	Merced County	Livingston	Ceres to Merced Extension Alignment Livingston Station
		Atwater	Ceres to Merced Extension Alignment Atwater Station Alternative
		Merced	Ceres to Merced Extension Alignment Merced Station Merced Layover & Maintenance Facility
		Unincorporated Merced County	Ceres to Merced Extension Alignment

### 3.11.3.2 Existing Land Uses

#### Proposed Project

The Ceres to Merced Extension Alignment generally follows closely to the State Route (SR) 99 corridor from southern Ceres to Merced. The Ceres to Merced Extension Alignment passes through alternating areas of agricultural land use, unincorporated communities, and incorporated cities. Through the incorporated areas, the alignment runs through primarily commercial areas and some low-density residential and industrial areas. Through the unincorporated areas of Stanislaus and Merced Counties, the alignment mainly traverses agricultural and some residential land uses.

Existing land uses in Turlock consist of primarily very low- and low-density residential uses along the perimeter of the city, with commercial and higher density residential uses concentrated along SR 99 and major roadways within the city. Industrial uses are generally located in the southwest portion of Turlock. The existing land uses in Livingston consist of generally commercial and residential uses concentrated along SR 99, with industrial uses located along the perimeter of the city. Existing land uses in Atwater consists of primarily residential, business park, and commercial uses located along SR 99. Agricultural and urban reserve uses are located along the western and eastern boundaries of the city. The existing land uses in Merced consist primarily of low-density

residential, with commercial uses located along major roadways within the city. Industrial uses are generally located along the southern perimeter of the city.

The Merced Layover & Maintenance Facility would be located adjacent to the UPRR ROW and on existing areas used primarily for industrial uses. In addition, there is an area of 11.1 acres that is used for agricultural purposes and is mapped as Farmland of Local Importance by the Farmland Mapping and Monitoring Program (FMMP). A pedestrian bridge for The Turlock Station would be located on a landscaped portion of the existing Turlock Transit Center and surface parking for the Station would be located on vacant land adjacent to Front Street. The land is adjacent to commercial uses. The Livingston Station would be located on generally vacant, previously developed parcel in an industrially and commercially developed area. The Merced Station would be located in downtown Merced, and the parcels are currently developed with commercial and industrial uses.

### **Atwater Station Alternative**

The Atwater Station Alternative would be located on parcels currently developed with commercial uses, parking areas, and vacant areas.

## **3.11.3.3 General Plan Land Use Designations**

### **Proposed Project**

Figures 3.11-1 through 3.11-5 depict the general plan land use designations for the Proposed Project and the Atwater Station Alternative study area. The Ceres to Merced Extension Alignment traverses unincorporated areas of both Stanislaus and Merced Counties and the cities of Ceres, Turlock, Livingston, Atwater, and Merced, and is located within the existing UPRR ROW, where no land use designation is identified. The Ceres to Merced Extension Alignment is located adjacent to areas designated for industrial, commercial, agricultural, and residential uses.

The Turlock Station site is located on land designated *public use* per the City of Turlock general plan map (City of Turlock 2012). This land use designation is defined as follows by the City of Turlock:

- *Public* land use designation applies to major public uses, including public safety facilities, public schools, the state fairgrounds, and other prominent public uses and facilities (City of Turlock 2012).
- *Heavy Commercial* land use designation applies to heavy, wholesale and service commercial uses that do not need highly visible locations, or in locations where noise levels or other conditions may limit the suitability for other more retail-oriented uses. These uses can often serve as a buffer, transitioning between industrial activities or major transportation corridors and residential areas (City of Turlock 2012).

The Livingston Station site is located on land designated for *downtown commercial* uses per the City of Livingston general plan map (City of Livingston 1999). This land use designation is defined as follows by the City of Livingston:

- *Downtown Commercial* land use designation provides for mixed-use activity in the downtown area and is intended for a wide range of uses to promote feasibility and vitality of downtown. Professional office land uses and office development, including medical, dental, law, or other professional offices are permitted. Commercial uses may include business support and support restaurant and medical services (City of Livingston 1999);

The Merced Station site is located on land designated for *general commercial* use per the City of Merced general plan map (City of Merced 2015). This land use designation is defined as follows by the City of Merced;

- *General Commercial* land use designation provides for areas for general commercial uses which are land-intensive commercial operations, involving some light manufacturing, repair, or wholesaling of goods. Typical activities include lumber-yards, automobile repair shops and wrecking yards, farm equipment or mobile home sales, and building supplies and machine shops. (City of Merced 2012).

The Merced Layover & Maintenance Facility site is located on land designated for *manufacturing/industrial* uses per the City of Merced general plan map (City of Merced 2015). This land use designation is defined as follows by the City of Merced.

- *Industrial* land use designation provides for the full range of industrial activities, including but not limited to manufacturing, food processing, trucking, packing, and recycling, as well as related office and production facilities (City of Merced 2012).

### Atwater Station Alternative

The Atwater Station Alternative site is located on land designated for *downtown residential transition (mixed use)* per the City of Atwater general plan map (City of Atwater 2000). This land use designation is defined as follows by the City of Atwater.

- *Downtown Residential Transition (Mixed Use)* land use designation provides for a full range of uses in downtown Atwater including retail stores, eating and drinking establishments, commercial recreation, entertainment and cultural facilities, hospitals, hotels and motels, educational, and government offices. Residential uses are allowed. (City of Atwater 2000).

## 3.11.4 Impact Analysis

This section describes the environmental impacts of the Proposed Project and the Atwater Station Alternative on land use and planning. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts are provided, where appropriate.

### 3.11.4.1 Methods for Analysis

This analysis considers existing uses, existing regional plans, and the general plans of cities and counties that pertain to the Proposed Project and the Atwater Station Alternative. Potential impacts on land use and planning in the study area were evaluated based on a review of existing land use policies from these applicable plans. In addition, geographic information system (GIS) maps documenting planned land uses were created (Figures 3.11-1 through 3.11-5) and are based on local general plan land use designations from each jurisdiction in the study area.

The approach to evaluating land use and planning impacts considers whether the improvements would have any of the following effects.

- Enhance the connectivity and livability of the communities it serves or, instead, displace major community facilities, introduce a new or reinforce an existing physical barrier that divides an

established community, or sever travel corridors that connect residents with important neighborhood and community facilities and institutions.

- Support and advance an adopted policy or, instead, contravene, impede, or thwart attainment of the policy.
- Be compatible, supportive, and promote the general plan land use designation, its intent, and the allowable uses or, instead, introduce a change to the setting that would conflict with the general plan or introduce land incompatibilities with the general plan land use designation, its intent, and the allowable uses.
- For new stations, enhance community mobility, support transit-oriented uses, and be sited in existing or proposed growth areas, as defined in an adopted plan, or be sited in an area that an adopted plan designates low-intensity, rural, open space, recreational, or resource management uses where increased accessibility, development, and rail operations could be contrary to the desired land use character and quality.

#### 3.11.4.2 Thresholds of Significance

The CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) has identified significance criteria to be considered for determining whether a project could have significant impacts on land use and planning resources.

An impact would be considered significant if construction or operation of the project would have any of the following consequences.

- Physically divide an established community.
- Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

#### 3.11.4.3 Impacts and Mitigation Measures

<b>Impact LU-1</b>	Construction and operation of the Proposed Project would not physically divide an established community.
<b>Level of Impact</b>	<b>Less than significant impact</b>

#### Impact Characterization and Significance Conclusion

##### Construction

Construction of the Proposed Project would have the potential to temporarily disrupt access or necessitate detours on streets near construction areas. This disturbance could impede access to local businesses and community services and facilities in construction areas and could interfere with the routine activities and interactions that contribute to established communities. Detours or impeded access due to construction of the Proposed Project would be temporary, lasting several days at a particular location, and would not result in a permanent impediment to circulation or access to common uses that define an established community. Construction activities that could



temporarily disrupt and interfere with uses that contribute to community cohesion and identity would be less than significant.<sup>3</sup>

Likewise, construction of the Atwater Station Alternative would have a similar less-than-significant impact on physically dividing an established community during construction.

## Operations

### ***Proposed Project***

The majority of the Proposed Project would occur within or directly adjacent to the existing UPRR ROW.

The Ceres to Merced Extension Alignment would entail constructing a new main track and upgrading existing tracks on the Fresno Subdivision within the existing UPRR ROW. The existing UPRR ROW currently functions as a barrier and helps define established communities within the area. Improvements within the UPRR ROW would be confined to these already existing barriers and would not contribute additional divisions within residential areas or other land uses that define a community (e.g., neighborhood-serving and community-serving retail centers, parks, and public uses). Also, the Ceres to Merced Extension Alignment within the existing UPRR ROW is not of a scale or height that would introduce a substantial visual or physical barrier that would divide an established community or contribute to the loss of community cohesion.

Portions of the Merced Layover & Maintenance Facility would be located outside, but adjacent to, the existing UPRR ROW to accommodate the storage tracks. The Merced Layover & Maintenance Facility would encroach into the existing roadway ROW and slivers of area currently used primarily for industrial and agricultural purposes. However, because these facilities would be located adjacent to the existing UPRR ROW, which already serves as an existing barrier in the community, the addition of these facilities would not physically divide the area or introduce a new barrier to the established community.

New stations would be constructed adjacent to existing UPRR ROW, which already acts as an existing barrier through each community. The Turlock Station would be located within the UPRR ROW, on a portion of the existing Turlock Transit Center, and on vacant land adjacent to Front Street. No buildings would be removed in order to construct the Turlock Station. The Livingston Station would be located within the UPRR ROW and on vacant previously developed parcels in an industrially and commercially developed area, resulting in the removal of one building. The Merced Station would be located within the UPRR ROW and in an area currently developed with commercial and industrial uses. Although the Merced Station would be located in areas with existing commercial uses, the replacement of these commercial uses with a station would not result in the division of an established community or contribute to the loss of community cohesion. In addition, these features for the Livingston Station and Merced Station would occupy relatively small areas and would be compatible with the land uses in the surrounding area (i.e., industrial uses, commercial uses, and public uses) and would not be of a scale or height that would introduce visual or physical barriers.

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<sup>3</sup> Mitigation Measure TR-4.1, described in Section 3.17, *Transportation and Traffic*, requires the preparation and adoption of a construction road traffic control plan for the Proposed Project and would include strategies to reduce impacts from street or lane closures and detours, maintain local circulation and traffic flow, and limit pedestrian and bicycle transit access closures.

Overall, facilities located outside the existing UPRR ROW—such as new stations and the layover facility—would occur in areas generally not containing residential communities or schools, public facilities such as post offices or community centers, government offices, or retail centers. These improvements would be located in areas that generally lack residences or community uses; instead, they would be located primarily adjacent to the UPRR ROW in vacant, undeveloped, or within agricultural, commercial and industrial areas, or, as in the case of the Turlock Station and Merced Station, near existing transit centers. In addition, with operation of the Proposed Project, ACE trains would operate within the existing UPRR ROW, which already functions as a physical or visual barrier within established communities. Increased use of the UPRR ROW would not create a new physical division along the Ceres to Merced Extension or substantially alter the existing operations along the tracks. Thus, the Proposed Project would have a less-than-significant impact on dividing an established community.

### ***Atwater Station Alternative***

The Atwater Station Alternative would be located within the UPRR ROW and on areas adjacent to the existing UPRR ROW currently developed with commercial uses, parking areas, and vacant areas, which already act as existing barriers through the community. The Atwater Station Alternative would result in the removal of two active commercial buildings. In addition, the Atwater Station Alternative would also result in the removal of buildings associated with an inactive gas station and car wash. Although the Atwater Station Alternative would be located in an area with existing commercial uses, the replacement of these commercial uses with a station would not result in the division of an established community or contribute to the loss of community cohesion. In addition, these features for the Atwater Station Alternative would occupy relatively small areas and would be compatible with the land uses in the surrounding area (i.e., industrial uses, commercial uses, and public uses); and would not be of a scale or height that would introduce visual or physical barriers.

Overall, the Atwater Station Alternative would be located in an area generally not containing residential communities or schools, public facilities such as post offices or community centers, government offices, or retail centers, although these uses are located nearby. This station would be located in areas that generally lack residences or community uses, and would be located primarily adjacent to the UPRR ROW in vacant areas that are also near an existing transit center. Thus, the Atwater Station Alternative would have a less-than-significant impact related to dividing an established community.

### **Comparison of the Proposed Livingston Station and Atwater Station Alternative**

Implementation of the Atwater Station Alternative instead of the proposed Livingston Station would result in the same construction-related impacts on physically dividing an established community because both would require detours or impeded access that would be temporary and would not result in a permanent impediment to circulation or access to common uses that define an established community. Additionally, the Atwater Station Alternative would result in the same less-than-significant impact during operations of the proposed Livingston Station because both would be located in areas that generally lack residences or community uses, and they would be located primarily adjacent to the UPRR ROW in vacant, commercial, or undeveloped areas.

<b>Impact LU-2</b>	Construction and operation could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the improvements for the purpose of avoiding or mitigating an environmental effect.
<b>Level of Impact</b>	<p><b>Potentially significant impact</b>  <u>Proposed Project</u>  Merced Layover &amp; Maintenance Facility</p> <p><b>No impact</b>  <u>Proposed Project</u>  Ceres to Merced Extension Alignment  Turlock Station  Livingston Station  Merced Station</p> <p><u>Alternative Analyzed at an Equal Level of Detail</u>  Atwater Station Alternative</p>
<b>Mitigation Measures</b>	AG-1.1: Avoid Important Farmlands and Restore Important Farmlands used for temporary staging areas AG-1.2: Conserve Important Farmlands (Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, Unique Farmland, and Farmland of Local Importance) BIO-2.1: Conduct a worker environmental training program for construction personnel BIO-2.4: Avoid California tiger salamander and western spadefoot toad BIO-2.5: Avoid western pond turtle and giant garter snake BIO-2.7: Avoid nesting birds BIO-2.8: Avoid Swainson's hawk BIO-2.9: Compensate for Swainson's hawk foraging habitat loss BIO-2.10: Avoid burrowing owl BIO-2.11: Compensate for burrowing owl habitat loss BIO-2.13: Avoid roosting bats BIO-7.1: Compensate for tree removal during construction BIO-9.1: Avoid nesting bird impacts during operation and maintenance activities BIO-9.2: Avoid roosting bat impacts during operation and maintenance activities BIO-9.3: Conduct pre-activity survey for special-status wildlife species prior to conducting maintenance activities
<b>Level of Impact After Mitigation</b>	<b>Less than significant impact</b>

1

2

**Impact Characterization**

3

Facilities located within the existing UPRR ROW, such as the Ceres to Merced Extension Alignment, are exempt from local building and zoning codes and other land use ordinances. The Ceres to

4

Merced Extension Alignment is located entirely within UPRR ROW and as such, no impacts on land use and planning are expected from the Ceres to Merced Extension Alignment.

Facilities that are partially or fully located outside of the UPRR ROW (Turlock Station, Livingston Station, Atwater Station Alternative, Merced Station, and the Merced Layover & Maintenance Facility), however, would be subject to regional and local plans and regulations. Consequently, the focus of analysis in this section is at locations where facilities would be located outside the existing UPRR ROW.

### **Proposed Project**

Aerial photography of the Proposed Project environmental footprint was reviewed to determine the locations where facilities would be located outside the existing UPRR ROW. Table 3.11-2 presents the regional and local plans and policies to which Proposed Project facilities located outside the UPRR ROW would be subject and consistency analysis of the Proposed Project facilities in relation to these plans and policies.

As shown in Table 3.11-2, the Turlock Station, Livingston Station, and Merced Station would all result in no impact because they would not conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the improvements for the purpose of avoiding or mitigating an environmental effect. However, construction of the Merced Layover & Maintenance Facility would result in a potentially significant impact.

Implementation of the Atwater Station Alternative instead of the proposed Livingston Station would result in the same no impact related to conflicts with regional and local plans and policies because neither station would result in inconsistencies, as shown in Table 3.11-2.

### **Merced Layover & Maintenance Facility**

As shown in Table 3.11-2, the Merced Layover & Maintenance Facility would be located in an industrial area within the City of Merced and is currently designated as an industrial area in the City's general plan. The industrial land use designation provides for the full range of industrial activities, including but not limited to manufacturing, food processing, trucking, packing, and recycling, as well as related office and production facilities. However, there is also an area of 11.1 acres within the proposed Merced Layover & Maintenance Facility footprint that is used for agricultural purposes and is mapped as Farmland of Local Importance by the FMMP. Due to this overlap with agricultural lands, the Merced Layover & Maintenance Facility is identified as being inconsistent with policies to preserve agricultural and biological resources from the *2018 Regional Transportation Plan/Sustainable Communities Strategies for Merced County* (Merced County Association of Governments 2018), *2030 Merced County General Plan* (Merced County 2013), and *Merced Vision 2030 General Plan* (City of Merced 2012).

The following consistency analysis was provided for the purpose of environmental review. As described in Impacts AG-1 and AG-5 in Section 3.2, *Agricultural Resources*, the Merced Layover & Maintenance Facility would result in potentially significant impacts on Important Farmlands due to the conversion of these farmlands to nonagricultural uses. In addition, as described in Impacts BIO-2, BIO-7, BIO-9, and BIO-12 in Section 3.4, *Biological Resources*, the Merced Layover & Maintenance Facility would result in potentially significant impacts on special-status wildlife species and trees. Thus, the inconsistency of the Merced Layover & Maintenance Facility with policies in the *2018 Regional Transportation Plan/Sustainable Communities Strategies for Merced County*, *2030 Merced County General Plan*, and *Merced Vision 2030 General Plan* is a potentially significant impact because the physical impact on agricultural and biological resources is significant in its own right.

1 **Table 3.11-2. Proposed Project and Atwater Station Alternative—Consistency with Local Land Use Plans and Policies**

Policy Document	Applicable Policy	Consistency Analysis
<b>Stanislaus County</b>		
<i>2018 Regional Transportation Plan/Sustainable Communities Strategy</i> (Stanislaus Council of Governments 2018)	Goal 1 Mobility & Accessibility. Improve the ability of people and goods to move between desired locations, and provide a variety of modal and mobility options.	<b>Consistent.</b> Operations would introduce the extension of rail service from Ceres to Merced and would establish a new station in the urbanized/downtown areas of Turlock. Extended passenger rail service in Stanislaus County would increase transportation options for residents.
	Goal 4 Sustainable Development Pattern. Provide a mix of land uses and compact development patterns, and direct development toward existing infrastructure, which will preserve agricultural land, open space, and natural resources.	<b>Consistent.</b> Within the county, operations would introduce the extension of rail service to Merced and would establish a Turlock Station in the city's urbanized/developed areas and within proximity to the existing Turlock Transit Center. The Turlock Station would not be located on agricultural land.
<i>Stanislaus County General Plan</i> (Stanislaus County 2015a, 2015b, 2015c)	Land Use Policy 2. Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.	<b>Consistent.</b> Within the county, operations would introduce the extension of rail service to Merced and would establish a Turlock Station in the city's urbanized/developed areas and within proximity to the existing Turlock Transit Center. The Turlock Station would not be located on agricultural land.
	Land Use Policy 14. Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.	<b>Consistent.</b> Refer to consistency analysis for Land Use Policy 2.
	Land Use Policy 15. Uses should not be permitted to intrude into or be located adjacent to areas that are identified as existing and/or potential sites for solid waste facilities if such uses would not be compatible.	<b>Consistent.</b> Refer to consistency analysis for Land Use Policy 2. The Proposed Project would not be located on or near solid waste facilities.
	Circulation Policy 6. The County shall strive to reduce motor vehicle emissions and vehicle miles traveled (VMT) by encouraging the use of alternatives to single occupant vehicles.	<b>Consistent.</b> Operations would offer an energy-efficient transportation alternative compared to single-occupant vehicles. As described in Section 3.6, <i>Energy</i> , operations would reduce VMT by approximately 24.0 million in 2030 and approximately 30.7 million in 2040 compared to the No Project Alternative.



Policy Document	Applicable Policy	Consistency Analysis
<i>Turlock General Plan</i> (City of Turlock 2012)	Conservation/Open Space Policy 20. The County shall strive to reduce motor vehicle emissions by reducing vehicle trips and vehicle miles traveled and increasing average vehicle ridership.	<b>Consistent.</b> Refer to consistency analysis for Circulation Policy 6.
	Policy 2.9-c. Encourage infill and more compact development to protect farmland. Relieve pressures to convert valuable agricultural lands to urban uses by encouraging infill development.	<b>Consistent.</b> Operations would introduce the extension of rail service to Merced and would establish a Turlock Station in the city's urbanized/developed areas and within proximity to the existing Turlock Transit Center. New passenger rail service in Turlock would increase access to/from Turlock from cities throughout the Central Valley and the Bay Area.
	Policy 2.10-a. Consider needs beyond the year 2030. Ensure the City's ability to accommodate future urban growth and development beyond the 2030 time horizon of the General Plan.	<b>Consistent.</b> Refer to consistency analysis for Policy 2.9-c.
	Policy 2.11-ab. County Fairgrounds strategy. Work with the Stanislaus County Fair Board to either expand the County Fairgrounds at its current site, or to identify a new site west of State Route 99 for relocation.	<b>Consistent.</b> The Turlock Station footprint was revised from what was previously identified in the ACE Extension Lathrop to Ceres/Merced EIR, to locate the parking area outside of the Stanislaus County Fairgrounds. This revision to the footprint would avoid any displacement of fairgrounds parking spaces. As such, the Turlock Station would not conflict with any uses at the fairgrounds and would not conflict with any strategies to expand or relocate from its current site.
	Policy 5.2-a. A safe and efficient roadway system. Promote a safe and efficient roadway system for the movement of both people and goods.	<b>Consistent.</b> The Turlock Station would be located on land on the east and west sides of Front Street. Front Street would remain open, and vehicles would continue to use Front Street after implementation of the Turlock Station. As such, there would be no roadway closures and Front Street would remain a safe and efficient roadway. In addition, the Proposed Project would result in a safer and more efficient roadway system by adding pedestrian facilities and parking where there is currently none.

Policy Document	Applicable Policy	Consistency Analysis
	Policy 5.4-b. Work with multiple agencies and jurisdictions. Continue to cooperate with other agencies and jurisdictions to promote local and regional public transit serving Turlock.	<b>Consistent.</b> Refer to consistency analysis for Policy 2.9-c. The Turlock Station would be located on land within the existing Turlock Transit Center. The portion of the existing Turlock Transit Center that would be acquired consist of vegetated areas and walkways. The building and parking areas would not be affected; thus, operation of the Turlock Transit Center would not be affected.
<i>Turlock General Plan (City of Turlock 2012)</i>	Policy 5.4-i. Transit usability. Situate transit stops at locations that are convenient for transit users and promote increased transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities.	<b>Consistent.</b> Refer to consistency analysis for Policy 2.9-c.
	Policy 5.4-n. Correspondence between local and regional transit. As Turlock's local transit system continues to be developed, services should be oriented to link with potential future commuter and/or high-speed rail.	<b>Consistent.</b> Refer to consistency analysis for Policy 2.9-c.
	Policy 5.4-o. Regional rail. Support regional efforts to provide regional passenger train services, via commuter rail and/or High Speed Rail. As necessary, engage in Station Area planning efforts to examine and coordinate land uses surrounding a future train station in Turlock.	<b>Consistent.</b> Refer to consistency analysis for Policy 2.9-c.
<b>Merced County</b>		
<i>2018 Regional Transportation Plan/Sustainable Communities Strategies for Merced County (Merced County Association of Governments 2018)</i>	Goal 2, Transit. Provide an efficient, effective, coordinated regional transit system that increases mobility for urban and rural populations, including transportation for disadvantaged persons.	<b>Consistent.</b> Operations would introduce the extension of rail service to Merced and would establish new stations in the urbanized/downtown areas of Livingston (or Atwater if the Atwater Station Alternative is implemented), and Merced. New passenger rail service to Merced would increase access to/from Merced County from cities throughout the Central Valley and the Bay Area.
	Goal 3, Passenger Rail. Provide a rail system that provides safe and reliable service for passengers.	<b>Consistent.</b> Refer to consistency analysis for Goal 2.

Policy Document	Applicable Policy	Consistency Analysis
2030 Merced County General Plan (Merced County 2013)	Policy 9.4. Preserve productive farmland and land that provides habitat for rare, endangered or threatened species.	<b>Inconsistent before mitigation.</b> Portions of the Merced Layover & Maintenance Facility would be sited in areas with agricultural and biological resources. Sections 3.2, <i>Agricultural Resources</i> , and 3.4, <i>Biological Resources</i> , contain mitigation measures to minimize impacts on county resources to a less-than-significant level.
	Goal 12, Sustainable Communities. Reduce per capita greenhouse gas emissions by coordinating compact growth with alternative transportation strategies. Protect and enhance the natural environment. Support vehicle electrification and the provision of electrification infrastructure in public and private parking facilities and structures.	<b>Consistent.</b> Operations would offer an energy-efficient transportation alternative compared to single-occupant vehicles. As described in Section 3.6, <i>Energy</i> , operations would reduce VMT by approximately 24.0 million in 2030 and approximately 30.7 million in 2040 compared to the No Project Alternative.
	Policy LU-1.4. Urban Communities (RDR) Continue to support compact Urban Communities through the efficient use of land to reduce conflicts with agricultural and open space areas and minimize public service costs.	<b>Inconsistent before mitigation.</b> Portions of the Merced Layover & Maintenance Facility would be sited in areas identified for agricultural uses, with agricultural resources. Section 3.2, <i>Agricultural Resources</i> , contains mitigation measures to minimize impacts on agricultural resources to a less-than-significant level.
	Policy LU-2.3. Land Use Activity Limitations. Limit allowed land use within Agricultural and Foothill Pasture areas to agricultural crop production, farm support operations, and grazing and open space uses.	<b>Inconsistent before mitigation.</b> Refer to consistency analysis for Policy LU-1.4.
	Policy AG-2.1. Agricultural Land Preservation. Protect agriculturally-designated areas and direct urban growth away from productive agricultural lands into cities, Urban Communities, and New Towns.	<b>Inconsistent before mitigation.</b> Refer to consistency analysis for Policy LU-1.4.
	Policy CIR-5.3. Rail Service Coordination. Encourage coordination of passenger rail services with other public transportation.	<b>Consistent.</b> Operations would introduce the extension of rail service to Merced and would establish new stations in the urbanized/downtown areas of Livingston (or Atwater if the Atwater Station Alternative is implemented), and Merced. New passenger rail service to Merced would increase access to/from Merced County from cities throughout the Central Valley and the Bay Area.

Policy Document	Applicable Policy	Consistency Analysis
<i>City of Livingston General Plan</i> (City of Livingston 1999)	Policy CIR-5.8. ACE Train Expansion. Encourage the San Joaquin Regional Rail Commission to expand ACE train service along the State Route 99 corridor to the City of Merced and other links into Merced County.	<b>Consistent.</b> Refer to consistency analysis for Policy CIR-5.3.
	Land Use Policy 3.1-A-1. No development shall be approved unless it is found to be consistent with the adopted Land Use Map and policies of the General Plan.	<b>Consistent.</b> The Livingston Station would be located adjacent to the UPRR ROW and in the city's downtown area. The City identifies the land use at the Livingston Station for downtown commercial uses, which provides for mixed-use activity in the downtown area and is intended for a wide range of uses to promote feasibility and vitality of downtown. New passenger rail service to Livingston and the siting of the Livingston Station would increase access to/from downtown Livingston from cities throughout the Central Valley and the Bay Area. The location of the Livingston Station would be compatible with adjacent uses and would support the vitality and redevelopment of the downtown area.
	Land Use Policy 3.3-B-2. In order to encourage the integration of neighborhood and community commercial uses into neighborhoods, designs should de-emphasize the usage of walls as buffers where they create barriers to pedestrian access. Continuous block walls shall be discouraged, and offsets, landscaping pockets and openings shall be encouraged.	<b>Consistent.</b> Refer to consistency analysis for Land Use Policy 3.1-A-1.
	Transportation System and Congestion Management Policy 4.5-1. The City encourages the use of energy efficient and non-polluting modes of transportation.	<b>Consistent.</b> Operations would offer an energy-efficient transportation alternative compared to single-occupant vehicles. As described in Section 3.6, <i>Energy</i> , operations would reduce VMT by approximately 24.0 million in 2030 and approximately 30.7 million in 2040 compared to the No Project Alternative.
	Transportation System and Congestion Management Policy 4.5-3. Provide various types of transportation modes throughout the City.	<b>Consistent.</b> Refer to consistency analysis for Transportation System and Congestion Management Policy 4.5-1.
	Parking and Alternative Modes Objective B. Foster alternative forms of transportation aimed at reducing vehicle trips and encouraging pedestrian and bicycle mobility, carpooling, and use of transit.	<b>Consistent.</b> Refer to consistency analysis for Transportation System and Congestion Management Policy 4.5-1.

Policy Document	Applicable Policy	Consistency Analysis
<i>City of Atwater General Plan</i> (City of Atwater 2000)	Transportation System Policy 4.9-C-7. Transit centers/stops shall be established to encourage the interface between commercial centers, high-density residential uses, and the transit system.	<b>Consistent.</b> Refer to consistency analysis for Land Use Policy 4.5-1.
	Urban Boundary Policy 6.1-A-3. Priority shall be given to development of vacant, underdeveloped, and/or redevelopable land where urban services are or can be made available. Parcels should be substantially contiguous to existing development.	<b>Consistent.</b> Refer to consistency analysis for Land Use Policy 4.5-1.
	Policy LU-3.3. Accommodate a variety of uses in Downtown Atwater that operate beyond standard business hours to increase activity within the City core.	<b>Consistent.</b> The Atwater Station Alternative would be located adjacent to the UPRR ROW and in the city's downtown area. New passenger rail service to Atwater would increase access to/from downtown Atwater from cities throughout the Central Valley and the Bay Area.
	Policy LU-7.5. Appropriately locate land uses to minimize conflicts and maximize reuse opportunities.	<b>Consistent.</b> Refer to consistency analysis for Policy LU-3.3.
	Policy LU-7.7. During review of individual projects, ensure consistency with the Reuse Plan, map and policies, or any subsequent documents developed jointly and approved by the City of Atwater, City of Merced, JPA, and County of Merced.	<b>Consistent.</b> Refer to consistency analysis for Policy LU-3.3.
<i>Merced Vision 2030 General Plan</i> (City of Merced 2012)	Policy UE-1.2. Foster Compact and Efficient Development Patterns to Maintain a Compact Urban Form. Through the promotion of compact urban form, the City of Merced can achieve several important environmental and community planning goals. Through the concentration of urban development within the City's Specific Urban Development Plan (SUDP)/sphere of influence (SOI), impacts on surrounding agricultural resource lands can be reduced and important prime soils preserved. Additionally, through compact urban development, efficient public transit systems can operate to protect	<p><b>Consistent (Merced Station).</b> The Merced Station would be located adjacent to the UPRR ROW in the city's downtown area.<sup>4</sup> New passenger rail service to Merced and the siting of the Merced Station would increase access to/from downtown Merced from cities throughout the Central Valley and the Bay Area. The location of the Merced Station would be compatible with adjacent uses and would support the vitality and redevelopment of the downtown area.</p> <p><b>Inconsistent before mitigation (Merced Layover &amp;</b></p>

<sup>4</sup> As discussed in Chapter 2, *Project Description* the proposed ACE station would be approximately 0.5 mile from the approved High-Speed Rail Station in Merced. However, if the California High-Speed Rail Authority chooses to relocate the station to the preferred location of the City of Merced, then the HSR station would be adjacent to the proposed ACE station.



Policy Document	Applicable Policy	Consistency Analysis
	the region's air quality and pedestrian and bicycle use is encouraged. Compact urban development also reduces public infrastructure development and maintenance costs to the City and its residents.	<b>Maintenance Facility).</b> Portions of the Merced Layover & Maintenance Facility would be sited in areas identified for agricultural uses. Section 3.2, <i>Agricultural Resources</i> , contain mitigation measures to minimize impacts on agricultural resources.
	Policy L-1.5. Protect Existing Neighborhoods From Incompatible Developments: Merced's existing neighborhoods should be protected from incompatible commercial and industrial uses which may cause adverse impacts on the residences.	<p><b>Consistent.</b> The Merced Station would be located adjacent to the UPRR ROW in the city's downtown area. New passenger rail service to Merced and the siting of the Merced Station would increase access to/from downtown Merced from cities throughout the Central Valley and the Bay Area. The location of the Merced Station would be compatible with adjacent uses and would support the vitality and redevelopment of the downtown area.</p> <p>The Merced Layover &amp; Maintenance Facility would be located across from a neighborhood in Merced, separated by SR 59. The Merced Layover &amp; Maintenance Facility would be considered an industrial use. The General Plan identifies that the area where the Merced Layover &amp; Maintenance Facility would be located is an area designated for manufacturing/industrial uses. The Merced Layover &amp; Maintenance Facility would be consistent with the intended uses in the General Plan. This Draft EIR identifies the potential impacts from operating the Merced Layover &amp; Maintenance Facility. Please refer to Section 3.1, <i>Aesthetics</i>, Section 3.3, <i>Air Quality</i> and Section 3.12, <i>Noise and Vibration</i>, which identifies the less than significant impacts on aesthetics (after mitigation), air quality, and noise due to operations of the Merced Layover &amp; Maintenance Facility. This analysis includes the potential impacts to the neighborhood across SR 59. Because planned uses of the Merced Layover &amp; Maintenance Facility are industrial and because the Merced Layover &amp; Maintenance Facility is not expected to result in significant aesthetics, noise, or air quality impacts, then the Merced Layover &amp; Maintenance Facility would be consistent with this policy.</p>

Policy Document	Applicable Policy	Consistency Analysis
	Policy L-1.9. Ensure Connectivity Between Existing and Planned Urban Areas: In order to foster a sense of community among all citizens of Merced, and avoid separate “enclaves” within the City, all development should be required to extend access and access to services to surrounding existing community areas or vacant land.	<b>Consistent.</b> Refer to consistency analysis for Policy L-1.5.
	Policy L-2.8. Encourage a Mixture of Uses And Activities That Will Maintain the Vitality of the Downtown Area. In 2007, the Downtown Strategy Task Force (a 20-member group representing a broad range of community interests) was formed to develop a consensus on the proper direction for Downtown. They developed the following strategies for achieving the goal of maintaining Downtown as the City’s center of cultural and civic activity, finance, and government.	<b>Consistent.</b> Refer to consistency analysis for Policy L-1.5.
	Policy L-3.2. Encourage Infill Development and a Compact Urban Form. Sprawling, low-density and discontinuous development discourages the use of alternative transportation modes and increases travel distances. Infrastructure costs and most environmental impacts are less when development is more compact.	<b>Consistent.</b> Refer to consistency analysis for Policy L-1.5.
	Policy T-2.2. Support and Enhance the Use of Public Transit. Continue to cooperate with MCAG and other interested administrations and agencies to develop ways and seek methods for making public transit more successful in the Merced area.	<b>Consistent.</b> Refer to consistency analysis for Policy L-1.5.
	Policy T-3.5 RAIL. Support Enhanced Railroad Passenger Service and High Speed Rail for Merced. The City should work to keep all options available to Merced for future passenger service improvements in the Central Valley.	<b>Consistent.</b> Refer to consistency analysis for Policy L-1.5.

1 VMT = vehicle miles traveled; UPRR = Union Pacific Railroad; ROW = right-of-way.

## Mitigation Measures

Mitigation Measures AG-1.1, AG-1.2, AG-5.1, AG-5.2, BIO-2.1, BIO-2.4, BIO-2.5, BIO-2.7 through BIO-2.11, BIO-2.13, BIO-7.1, BIO-9.1, and BIO-9.2 would apply to the Merced Layover & Maintenance Facility for agricultural and biological impacts. Descriptions of these mitigation measures are presented in Sections 3.2, *Agricultural Resources* and 3.4, *Biological Resources*.

## Significance with Application of Mitigation

The City of Merced and County of Merced both include policies to promote compact urban development as a means of avoiding impacts to agricultural resources. The agricultural land that would be impacted by the Merced Layover & Maintenance Facility is located within an area that is primarily being used for industrial purposes and that is identified in the General Plan as having an industrial land use designation. Although the Merced Layover & Maintenance Facility would result in the loss of agricultural lands, it would do so in an area that is envisioned in the City of Merced General Plan as being used for industrial purposes. Furthermore, the Proposed Project would overall promote compact urban development by promoting transit-oriented-development around the Merced Station. In addition, as described in Impacts AG-1, Mitigation Measures AG-1.1 and AG-1.2 would reduce impacts from temporary use or permanent conversion of Important Farmlands associated with the Merced Layover & Maintenance Facility. Considering the Proposed Project's overall promotion of compact urban development and considering the implementation of Mitigation Measures AG-1.1 and AG-1.2, which would compensate for the loss of agricultural lands that are converted to non-agricultural uses, the inconsistency of the Merced Layover & Maintenance Facility with policies to preserve agricultural resources would be less than significant.

In regard to impacts on biological resources, as described in Impacts BIO-2, BIO-7, BIO-9, and BIO-12, Mitigation Measures BIO-2.1, BIO-2.4, BIO-2.5, BIO-2.7 through BIO-2.11, BIO-2.13, BIO-7.1, BIO-9.1, and BIO-9.2 would apply to the Merced Layover & Maintenance Facility. With implementation of these mitigation measures, the inconsistency of the Merced Layover & Maintenance Facility with policies to preserve biological resources would be less than significant as the physical impact on biological resources in its own right would be mitigated to a less-than-significant impact.

Overall, the Proposed Project would result in a less than significant impact after mitigation, related to inconsistencies with policies for the purpose of avoiding or mitigating an environmental effect.

### 3.11.4.4 Overall Comparison of the Proposed Livingston Station and Atwater Station Alternative

Overall, there would be no substantial difference in land use impacts between implementation of the Atwater Station Alternative or the proposed Livingston Station (both are expected to result in less than significant impacts).