

APPENDIX 3.16-A: AESTHETICS AND VISUAL QUALITY LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

This appendix addresses California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements to describe a proposed project's inconsistencies or conflicts with applicable local and regional plans and laws. CEQA Guidelines require that an environmental impact report (EIR) discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (Guidelines, § 15125(d)). NEPA regulations¹ require a discussion of conflicts between a proposed undertaking and the objectives of federal, regional, state, local and tribal² land use plans, policies, and laws, as well as a description of the extent to which the Authority and the Federal Railroad Administration (FRA) would reconcile the inconsistencies (Council on Environmental Quality Regulations, §§ 1502.16(c), 1506.2(d)).

Although the Volume 1, *Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Supplemental Environmental Impact Statement* describes the Central Valley Wye alternatives' inconsistency with local and regional plans and laws in order to provide a context for the project, inconsistency with such plans and laws is not considered an environmental impact.

Table 1 of this appendix provides the following:

- A determination for each applicable local and regional plan or law that identifies whether the Central Valley Wye alternatives are consistent or inconsistent with the goals, objectives, policies, or ordinances that each applicable local and regional plan or law contains.
- In the event that an inconsistency has been identified the following information has been provided:
 - an explanation of why the Central Valley Wye alternatives are inconsistent;
 - A discussion of approaches the Authority has committed to take to reconcile any inconsistency. Such approaches consist of impact avoidance and minimization features (described in Volume 2, Technical Appendices, Appendix 2-B, California High-Speed Rail Authority Environmental Commitments: Impact Avoidance and Minimization Features); and activities described in Volume 2, Appendix 2-C, Applicable Design Standards.
 - The rationale for carrying forth the Central Valley Wye alternatives if it remains inconsistent with the local and regional plan or law despite these approaches.
- Where it has been determined that the Central Valley Wye alternatives are consistent with a local and regional goal, objective, policy, or law, neither reconciliation nor the rationale behind it are required and Table 1 shows this as "N/A".

¹ NEPA regulations refer to the regulations issued by the Council for Environmental Quality located at 40 CFR Part 1500.

² No designated tribal lands exist in the vicinity of the Central Valley Wye alternatives and no analysis of tribal land use policies is provided.

Table 1 Applicable Local and Regional Plan and Law Consistency or Inconsistency, Reconciliation, and Rationale

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
2030 Merced County General Plan (2013)			
Policy NR-4.1: Promote the preservation of views to agricultural land, ranch land, and other open space areas as a means of protecting the County's scenic resources.	Inconsistent. Where the HSR runs above grade, on a berm or aerial structure, views would be blocked.	There is no way to restore views blocked by HSR infrastructure.	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to soften the appearance of HSR infrastructure to minimize visual impacts on sensitive viewers.
Policy NR-4.2: Coordinate with Caltrans, during the review of proposed structures and activities located adjacent to State-designated scenic highways, to ensure that scenic vistas and local scenic values are not significantly degraded.	Consistent	N/A	N/A
Policy NR-4.4: Consider the surrounding landscape, topography, and existing scenic values when determining the location and construction of new roads	Consistent	N/A	N/A
Policy NR-4.5: The County shall develop and implement a lighting ordinance to require good lighting practices, such as the use of specific light fixtures that reduce light pollution, minimize light impacts, and preserve views of the night sky. The ordinance shall contain standards to avoid light trespass, particularly from developed uses, to sensitive wildlife corridors and refuges.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy P FS-5.7: Coordinate with local gas and electric utility companies in the design and location, and appropriate expansion of gas and electric systems, while minimizing impacts to agriculture and minimizing noise, electromagnetic, visual, and other impacts on residents.	Consistent	N/A	N/A
Madera County General Plan (1995)			
Policy 1.H.1: Requires that new development in scenic rural areas be planned and designed to avoid locating structures along ridgelines, on steep slopes, or in other highly visible locations, except under certain conditions.	Consistent	N/A	N/A
Policy 1.H.2: Requires that new developments incorporate sound soil conservation practices and minimize land alterations	Consistent	N/A	N/A
Policies 1.1.1: Address the designation, provision, protection, enhancement, and management of scenic routes.	Consistent	N/A	N/A
Policy 1.1.2: The County shall encourage the provision of public access to significant natural and cultural resources and scenic vistas through scenic routes, scenic highways, and scenic byways.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
<p>Policy 1.1.3: Scenic corridors shall be protected and enhanced by means including design review and tree removal standards</p>	<p>Inconsistent. Any HSR structure crossing over Robertson Boulevard would affect the visual quality of the Historic Tree Row</p>	<p>Through AVR-IAMF#1, Design Standards, the Authority has adopted design standards and design guidelines that are established to create a minimum aesthetic quality for a long-lasting infrastructure. These standards would minimize the visual impact of the Central Valley Wye alternatives by employing standard techniques such as landscaping to soften the effects of new structures, selecting colors for structures that are harmonious with their surroundings, considering community concerns and integrating ameliorative features into the design of structures, and employing design features to improve the attractiveness of structures such as viaducts.</p> <p>The Authority would work with the City of Chowchilla to provide design enhancements to structures and streetscape landscaping to maintain the visual impact of Robertson Boulevard and reinforce its presence as a gateway to Chowchilla.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to soften the appearance of HSR infrastructure to minimize visual impacts on sensitive viewers.</p>
<p>Policy 1.1.4: The County shall coordinate scenic route programs among local, regional, and state jurisdictions, recognizing that scenic routes are a resource of more than local importance</p>	<p>Consistent</p>	<p>N/A</p>	<p>N/A</p>
<p>City of Chowchilla 2040 General Plan (2011)</p>			
<p>Policy LU 6.3: Provide for open space and landscaping along state highway rights-of-way at gateways to city, including SR 99, SR 152, and SR 233.</p>	<p>Inconsistent. Any HSR structure crossing over Robertson Boulevard would affect the visual quality of the Historic Tree Row.</p>	<p>Through AVR-IAMF#1, the Authority has adopted design standards and design guidelines that are established to create a minimum aesthetic quality for a long-lasting infrastructure. These standards would minimize the visual impact of the Central Valley Wye alternatives by employing standard techniques such as landscaping to soften the effects of new structures, selecting colors for structures that are harmonious with their surroundings, considering community concerns and integrating ameliorative features into the design of structures, and employing</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize visual impacts on sensitive viewers.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		design features to improve the attractiveness of structures such as viaducts. The Authority would work with the City of Chowchilla to provide design enhancements to structures and streetscape landscaping to maintain the visual impact of Robertson Boulevard and reinforce its presence as a gateway to Chowchilla.	
Policy LU 9.1: Promotes an aesthetically pleasing, pedestrian-friendly, and diverse downtown; also directs the city to develop the City of Chowchilla Downtown Master Plan, Volume 1: Master Plan Goals, Objectives, and Policies (see Policy 2.2 below).	Consistent	N/A	N/A
Policy OS 7.2: Provide open space and landscape improvements along SR 99 and SR 152 to present an attractive entry to the city	Inconsistent. Any HSR structure crossing over Robertson Boulevard or SR 152/Robertson Boulevard interchange reconstruction would affect the visual quality of the Historic Tree Row.	Through AVR-IAMF#1, the Authority has adopted design standards and design guidelines that are established to create a minimum aesthetic quality for a long-lasting infrastructure. These standards would minimize the visual impact of the Central Valley Wye alternatives by employing standard techniques such as landscaping to soften the effects of new structures, selecting colors for structures that are harmonious with their surroundings, considering community concerns and integrating ameliorative features into the design of structures, and employing design features to improve the attractiveness of structures such as viaducts. The Authority would work with the City of Chowchilla to provide design enhancements to structures and streetscape landscaping to maintain the visual impact of Robertson Boulevard and reinforce its presence as a gateway to Chowchilla.	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize visual impacts on sensitive viewers.
Policy CI 7.1: Discusses sound barrier standards and incorporation of surface treatments and landscaping.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy CI 7.4: Discusses landscaping for development along regional highway rights-of-way.	Consistent	N/A	N/A
Policy OC 13: Identifies biological communities and wildlife habitats as contributing to the overall recreational, educational, and aesthetic values of the city.	Consistent	N/A	N/A
Circulation Element: Designates W Robertson Boulevard (SR 233) from SR 99 to SR 152 as a Scenic Corridor	<p>Inconsistent.</p> <p>The reconstruction of the Robertson Boulevard/SR 152 interchange and any HSR structure crossing over Robertson Boulevard would affect the visual quality of this designated scenic corridor and the Historic Tree Row.</p>	<p>Through AVR-IAMF#1, the Authority has adopted design standards and design guidelines that are established to create a minimum aesthetic quality for a long-lasting infrastructure. These standards would minimize the visual impact of the Central Valley Wye alternatives by employing standard techniques such as landscaping to soften the effects of new structures, selecting colors for structures that are harmonious with their surroundings, considering community concerns and integrating ameliorative features into the design of structures, and employing design features to improve the attractiveness of structures such as viaducts.</p> <p>The Authority would work with the City of Chowchilla to provide design enhancements to structures and streetscape landscaping to maintain the visual impact of Robertson Boulevard and reinforce its presence as a gateway to Chowchilla.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to soften the appearance of HSR infrastructure to minimize visual impacts on sensitive viewers.</p>
Merced Vision 2030 General Plan (2015)			
Policy OS-A.3 Promote the protection and enhancement of designated scenic routes.	Consistent	N/A	N/A
Policy UD 2.2 (Implementing Actions 2.2.b through 2.2.g): Maintain and Enhance the Unique Community Appearance of Merced.	Consistent	N/A	N/A
Policy OS 1.3 (Implementing Actions 1.3.a through 1.3.c): Promote the protection and enhancement of designated scenic routes	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
City of Chowchilla Downtown Master Plan (2008)			
Policy 2.2: Requires new development, remodels, and renovations in the downtown area to be consistent with the downtown master plan's design guidelines and design standards.	Consistent	N/A	N/A
Fresno County General Plan (2003)			
Policy OS-K.1 through K.4: The County shall encourage the preservation of outstanding scenic views, panoramas, and vistas wherever possible. Methods to achieve this may include encouraging private property owners to enter into open space easements for designated scenic areas.	Consistent	N/A	N/A
Policy OS-H.11: Directs the support of the policies of the San Joaquin River Parkway Master Plan (San Joaquin River Conservancy 2000) to protect the San Joaquin River as an aquatic habitat, recreational amenity, aesthetic resource, and water source.	Consistent	N/A	N/A
Policy OS-I.10: Directs the county to review development proposals for consistency with and accessibility to the trails in the Conceptual Recreational Trail Corridor Map.	Consistent	N/A	N/A
Stanislaus County General Plan (2016)			
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.	Consistent	N/A	N/A

Sources: City of Chowchilla, 2008, 2011; City of Merced 2015; Fresno County 2003; Madera County, 1995; Merced County, 2013; Stanislaus County 2016

HSR = high-speed rail

IAMF = impact avoidance and minimization feature

Authority = California High-Speed Rail Authority

N/A = not applicable. Reconciliation nor the rationale behind it are provided as it has been determined that the Central Valley Wye alternatives are consistent with requirements and reconciliation will therefore not be required.

References

- City of Chowchilla. 2008. *City of Chowchilla Downtown Master Plan, Volume 1: Master Plan Goals, Objectives and Policies, Public Review Draft*. Chowchilla, CA. September 15, 2008.
- . 2011. *2040 General Plan, Land Use Element*.
<http://www.ci.chowchilla.ca.us/dept.%20forms/Com%20Dev/General%20Plan/Land%20Use%20Element.pdf>
(accessed: March 12, 2015).
- City of Merced. 2015. *Merced Vision 2030 General Plan*. Adopted January 3, 2012; reflects amendments through August 21, 2015.
https://www.cityofmerced.org/depts/cd/planning/merced_vision_2030_general_plan.asp
(accessed August 23, 2016).
- Fresno County. 2003. *Fresno County General Plan*. Adopted October 3, 2000; reflects amendments through March 25, 2003.
<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=68048> (accessed August 15, 2016).
- Madera County. 1995. *Madera County General Plan, Policy Document*.
<http://www.madera-county.com/index.php/county-forms/category/46-general-plan-document-materials?download=6386:general-plan-policy-document>
(accessed: March 3, 2016).
- Merced County. 2013. *2030 Merced County General Plan*.
<http://www.co.merced.ca.us/DocumentCenter/Home/View/6766>
(accessed: March 3, 2016).
- Stanislaus County. 2016. *Stanislaus County General Plan*. Adopted August 23, 2016.
<http://www.stancounty.com/planning/pl/general-plan.shtm> (accessed August 2016/March 2018).