CITY OF MERCED
Planning Commission

MINUTES

Merced City Council Chambers
Wednesday, April 19, 2017

Chairperson Dylina called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Bill Baker, Mary Camper, Travis Colby, Robert Dylina, Peter Padilla, Kevin Smith, and Kurt Smoot

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Attorney Kim G. Flores, and Recording Secretary Davis

1. APPROVAL OF AGENDA

Commissioner COLBY motioned for the Agenda to be amended to move Items 4.2 and 4.3 ahead of Item 4.1.

M/S COLBY-BAKER, and carried by the following vote to approve the Agenda as amended:

AYES: Commissioners Baker, Camper, Colby, Smith, Smoot, and Chairperson Dylina
NOES: Padilla
ABSENT: None
ABSTAIN: None

2. **MINUTES**

M/S PADILLA-SMITH, and carried by unanimous voice vote, to approve the Minutes of March 22, 2017, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

4.2 General Plan Amendment #17-01 and Site Utilization Plan Revision #2 to Planned Development (P-D) #72, initiated by the City of Merced. This application involves: 1) amending the text of the *Merced Vision 2030 General Plan* to designate the New Central Police Station as being located in "North Merced" instead of the previous text of "North Merced near Mansionette Drive and Yosemite Avenue;" 2) amend the General Plan land use designation from "High Medium Density Residential (HMD)" to "Neighborhood Commercial (CN)"; 3) amend the Site Utilization Plan for Planned Development #72 for the property from "Police Station" to "Neighborhood Commercial (CN)." The property is generally located at the northwest corner of Yosemite Avenue and Mansionette Drive within Planned Development (P-D) #72.

Associate Planner NELSON reviewed the report. For further information, refer to Staff Report #17-09.

There was no one present wishing to speak regarding this item; therefore, public testimony was opened and closed at 7:12 p.m.

M/S COLBY-SMOOT, and carried by the following vote, to recommend to City Council approval of General Plan Amendment #17-01 and Site Utilization Plan Revision #2 to Planned Development (P-D) #72, subject to the Findings and six (6) Conditions set forth in Staff Report #17-09, (RESOLUTION #3081):

AYES: Commissioners Baker, Camper, Colby, Padilla, Smoot, and Chairperson Dylina
NOES: Commissioner Smith
ABSENT: None
ABSTAIN: None

4.3 (CONSENT) Sale of Surplus City Property at Mansionette Drive/Yosemite Avenue

As a Consent item, there was no staff presentation. For further information, refer to Staff Report #17-10.

M/S COLBY-BAKER, and carried by the following vote, to adopt a Finding that the Declaration of Surplus Property at Mansionette Drive/Yosemite Avenue is consistent with the *Merced Vision 2030 General Plan*:

AYES: Commissioners Baker, Camper, Colby, Padilla, Smith, Smoot, and Chairperson Dylina
NOES: None
ABSENT: None
ABSTAIN: None

4.1 General Plan Amendment #16-06 and Zone Change #424, and the Establishment of Planned Development (P-D) #76, initiated by University Village LLC, on behalf of Fagundes Dairy, A Partnership and CBCP Assets, LLC, property owners. The application is a request to change the General Plan and Zoning designations and to establish a Planned Development (P-D) for approximately 17.25 acres of land located on the south side of Yosemite Avenue at Lake Road. The requested General Plan Amendment would change the General Plan designation from Low Density Residential (LD) to High-Medium Density Residential (HMD) for approximately 16.25 acres and to Neighborhood Commercial (CN) for approximately 1 acre of the site. The Zone Change would change the Zoning designation for 14.86 acres from R-1-6 to Planned Development (P-D) #76 and 2.39 acres from Planned Development (P-D) #52 to Planned

Development (P-D) #76 for the future development of 225 student housing units and a 6,600-square-foot commercial building.

Associate Planner NELSON reviewed the report. She noted a memeo from staff modifying Condition #17, adding Condition #38, and adding Finding M, which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #17-08.

Public testimony was opened at 7:37 p.m.

Speakers in the Audience in Favor:

JOHN HEINTZ, University Village Merced, Merced, CA, applicant
JAY BLATTER, Hochhauser Blatter Architects, Santa Barbara, CA, representing the applicant
DESMOND JOHNSTON, Quad Knof, Merced, CA, representing the applicant
GREG FISH, University Village Merced, Incline Village, NV, applicant

Speakers in the Audience in Opposition:

CASEY STEED, Merced, CA

CASEY STEED noted his opposition to the sequence in which the development of the site was being executed, and he stated that the illumination of the surrounding bike paths, as well as an underpass for safe bike travel, within the area need to be required.

Public testimony was closed at 7:59 p.m.

Planning Manager ESPINOSA addressed the issue regarding the bike paths. She stated that the idea of underpasses on bike paths were no longer an ideal traffic solution for bike travel due to the heightened security issues involved with existing underpasses, and that it was much safer to cross at signal lights, which will be required at Yosemite Avenue and Lake Road.

M/S PADILLA-COLBY, and carried by the following vote, to recommend to City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program regarding Initial Study #16-37, and approval of General Plan Amendment #16-06 and Zone Change #424, and the Establishment of Planned Development (P-D) #76, subject to the Findings and thirty seven (37) Conditions set forth in Staff Report #17-08, with additional Finding M, Condition #17 modified as follows, and additional Condition #38 (RESOLUTION #3082):

(Note: ~~Strikethrough~~ deleted language, <u>underline</u> added language.)

"<u>M</u>**.** <u>State law requires the City make a finding related to the California Urban Level of Flood Protection (200-year Flood) for all new development within any Special Flood Hazard Area (SFHA) as defined by FEMA. The project site is located in a FEMA Flood Zone X (shaded). According to the Urban Level of Flood Protection Summary Report prepared for the City in November 2015, projects within this FEMA Flood Zone are only required to meet the FEMA Standard of Flood Protection in order to comply with the California Urban Level of Flood Protection requirements. Condition #38 below has been added to address compliance with all flood requirements.</u>"

"17. The existing sewer line in ~~Yosemite Avenue shall be extended from~~ Via Moraga ~~across the full frontage of~~ <u>shall be extended to a point to adequately serve</u> the project site. <u>The connection point shall be approved by the City Engineer and Public Works Director.</u>"

"<u>38</u>. <u>The project shall comply with all FEMA Flood Zone requirements for Zone X (shaded) which will also comply with the California 200-year Urban Level of Flood Protection requirements</u>."

AYES: Commissioners Baker, Camper, Colby, Padilla, Smith, Smoot, and Chairperson Dylina
NOES: None
ABSENT: None
ABSTAIN: None

4.4 Cancellation of May 3, 2017, and May 17, 2017, Planning Commission Meetings due to lack of items.

M/S DYLINA-COLBY, and carried by unanimous voice vote, to cancel the Planning Commission meetings of May 3, 2017, and May 17, 2017.

5. INFORMATION ITEMS

5.1 Calendar of Meetings/Events

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. ADJOURNMENT

There being no further business, Chairperson DYLINA adjourned the meeting at 8:11 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

ROBERT DYLINA, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #3081

WHEREAS, the Merced City Planning Commission at its regular meeting of April 19, 2017, held a public hearing and considered **General Plan Amendment #17-01 and Site Utilization Plan Revision #2 to Planned Development (P-D) #72**, initiated by the City of Merced. This application involves: 1) amending the text of the *Merced Vision 2030 General Plan* to designate the New Central Police Station as being located in "North Merced" instead of the previous text of "North Merced near Mansionette Drive and Yosemite Avenue;" 2) amend the General Plan land use designation from "High Medium Density Residential (HMD)" to "Neighborhood Commercial (CN)"; 3) amend the Site Utilization Plan for Planned Development #72 for the property from "Police Station" to "Neighborhood Commercial (CN)." The property is generally located at the northwest corner of Yosemite Avenue and Mansionette Drive within Planned Development (P-D) #72.; also known as Assessor's Parcel No. 231-040-021; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report #17-09; and,

NOW THEREFORE, after fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council approval of General Plan Amendment #17-01 and Site Utilization Plan Revision #2 to Planned Development (P-D) #72, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Colby, seconded by Commissioner Smoot, and carried by the following vote:

AYES: Commissioners Baker, Camper, Colby, Padilla, Smoot, and Chairperson Dylina
NOES: Commissioner Smith
ABSENT: None
ABSTAIN: None

Adopted this 19th day of April 2017

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:GPA#17-01-SUP REV #2 TO PD#72 Mansionette Dr. & Yosemite Ave.

Conditions of Approval
Planning Commission Resolution #3081
General Plan Amendment #17-01
Site Utilization Plan Revision #2 to P-D #72

1. The General Plan designation shall be changed from High-Medium Density Residential (HMD) to Neighborhood Commercial (CN) and the land use designation for the Site Utilization Plan for Planned Development (P-D) #72 shall be changed from "Police Station" to "Neighborhood Commercial" for the property located at the northwest corner of Yosemite Avenue and Mansionette Drive as shown on the map at Exhibit 1 (Attachment C of Planning Commission Staff Report #17-09).
2. The official map for Planned Development (P-D) #72 shall be modified to show this site as "Neighborhood Commercial."
3. All future proposed projects at this site shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department as well as all standards adopted for Planned Development (P-D) #72.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The text found in the *Merced Vision 2030 General Plan* at Chapter 5.2.2 Police Protection, page 5-6 shall be changed to read as follows: "The Central Station will be relocated in North Merced" (Refer to Attachment F of Planning Commission Staff Report #17-09). The map shown as Figure 5.2 on page 5-5 of the General Plan shall be changed to the map included with Attachment F of Planning Commission Staff Report #17-09.
6. All development on the site would subject to the Interface Regulations of Chapter 20.32 of the City's Zoning Ordinance. Therefore, all permitted uses on the site would be subject to Site Plan Review.

n:shared:planning:PC Resolutions:GPA#17-01-SUP REV#2 TO PD#72 Exhibit A

CITY OF MERCED
Planning Commission

Resolution #3082

WHEREAS, the Merced City Planning Commission at its regular meeting of April 19, 2017, held a public hearing and considered **General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76**, initiated by University Village LLC, on behalf of Fagundes Dairy, A Partnership and CBCP Assets, LLC, property owners. The application is a request to change the General Plan and Zoning designations and to establish a Planned Development (P-D) for approximately 17.25 acres of land located on the south side of Yosemite Avenue at Lake Road. The requested General Plan Amendment would change the General Plan designation from Low Density Residential (LD) to High-Medium Density Residential (HMD) for approximately 16.25 acres and to Neighborhood Commercial (CN) for approximately 1 acre of the site. The Zone Change would change the Zoning designation for 14.86 acres from R-1-6 to Planned Development (P-D) #76 and 2.39 acres from Planned Development (P-D) #52 to Planned Development (P-D) #76 for the future development of 225 student housing units and a 6,600-square-foot commercial building; also known as Assessor's Parcel No. 008-010-071; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through L of Staff Report #17-08, with the additional Finding as follows:

M**.** State law requires the City make a finding related to the California Urban Level of Flood Protection (200-year Flood) for all new development within any Special Flood Hazard Area (SFHA) as defined by FEMA. The project site is located in a FEMA Flood Zone X (shaded). According to the Urban Level of Flood Protection Summary Report prepared for the City in November 2015, projects within this FEMA Flood Zone are only required to meet the FEMA Standard of Flood Protection in order to comply with the California Urban Level of Flood Protection requirements. Condition #38 below has been added to address compliance with all flood requirements.

WHEREAS, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of

a Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit B) regarding Initial Study #16-37, and approval of General Plan Amendment #16-06, Zone Change #424, and the Establishment of Planned Development (P-D) #76, subject to the Conditions set forth in Exhibit A attached hereto.

Upon motion by Commissioner Padilla, seconded by Commissioner Colby, and carried by the following vote:

AYES:	Commissioner(s)	Baker, Camper, Colby, Padilla, Smith, Smoot, and Chairperson Dylina
NOES:	Commissioner(s)	None
ABSENT:	Commissioner(s)	None
ABSTAIN:	Commissioner(s)	None

Adopted this 19th day of April 2017

Chairperson, Planning Commission of the City of Merced, California

ATTEST:

Secretary

Attachment:
Exhibit A – Conditions of Approval
Exhibit B – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #3082
General Plan Amendment #16-06, Zone Change #424, and
Establishment of Planned Development (P-D) #76

1. The proposed project shall be constructed/designed in substantial compliance with Exhibit 1 (site plan) and Exhibit 2 (elevations), -- Attachments B and C of Staff Report #17-08, except as modified by the conditions.

2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.

3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.

4. Approval of the General Plan Amendment and Zone Change is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc.. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the

City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

7. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before the first building permit is issued for this project. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.

8. The project shall comply with all mitigation measures required by the mitigation monitoring program for Initial Study #16-37 (Attachment F of Staff Report #17-08) and all applicable mitigation measures required by Expanded Initial Study #02-27 approved for the Hunt Family Annexation (#02-02).

9. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review approval is required prior to development to address conformance with the standards of Planned Development (P-D) #76.

10. Any missing improvements on Yosemite Avenue along the project frontage shall be installed to meet City Standards. Any existing improvements that have been damaged or otherwise do not meet current City Standards shall be repaired or replaced to meet City Standards. This includes, but is not limited to sidewalk curb, gutter, street trees, and street lights.

11. Street trees shall be planted along the project frontage on Yosemite Avenue in compliance with City Standards.

12. The project shall be responsible for the installation of a traffic signal at the intersection of Lake Road and the project entrance. The developer shall be eligible for reimbursement of up to 50% of the cost of the traffic signal in accordance with the City's Public Facilities Financing Plan (PFFP).

13. A raised curb shall be installed at the intersection of Lake Road and Yosemite Avenue and shall extend west from the intersection 180 feet. The design of the raised curb shall be approved by the City Engineer prior to construction.

14. The project shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).

15. All storm water shall be retained onsite and metered out to the City's storm water system in accordance with City Standards, subject to the storm drain system approved for the Moraga subdivision.

16. All new utilities shall be installed underground.

17. The existing sewer line in Via Moraga shall be extended to a point to adequately serve the project site. The connection point shall be approved by the City Engineer and Public Works Director.

18. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.

19. All gated entrances/exits, shall be provided with a Knox-box that is equipped with "click-to-enter" technology for the Fire Department. Details to be reviewed by Fire Department at the building permit stage.

20. If the entire apartment complex is gated, pedestrian access gates shall be provided to allow pedestrian access to the sidewalk along Yosemite Avenue.

21. Bicycle parking shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.

22. If the apartment complex is gated, a minimum of 20 feet of vehicle stacking room shall be provided onsite at each entrance.

23. Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Division if required.

24. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.

25. All construction activity shall be conducted in accordance with City of Merced standards for times of operation.

26. All landscaping shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Section 20.36 – Landscaping.

27. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city-mandated water regulations dealing with the current drought conditions.

28. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or parkstrips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.

29. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of 1 tree for every 6 parking spaces. No trees shall be required where there are carports with solar panels over the parking spaces. However, if all the parking spaces are covered by a carport with solar panels, then additional trees may be required at the discretion of the Development Services Director. Trees within the PG&E easement shall comply with the regulations of this easement which limits the height of trees to a maximum of 15 feet at full maturity.

30. The on-site landscape design shall include the use of xeriscape landscaping and comply with all California Building Code regulations or other applicable state and/or local requirements as well as Chapter 20.36 of the City's Zoning Ordinance.

31. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.

32. All mechanical equipment shall be screened from public view.

33. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City's Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks.

34. The developer may install carports over some or all of the required parking spaces. Any carports installed near the bike path on the east side of the property shall have a minimum one foot setback from the edge of the easement for all vertical members and all horizontal members shall be a minimum of five feet from the property line. Specific design and location of the carports shall be approved by the Site Plan Review Committee.

35. The owner shall modify the Easement Deed granted in Document #2013-005030 to remove the conditions which reserve the grantor the right "to use the underlying property at any time for any purpose" (paragraph 2 of said document) and allows the grantor to relocate the

bike path (paragraph 3 of said document). The owner/developer shall work with the City's Land Surveyor to prepare a new easement deed prior to the issuance of a building permit for this project.

36. The applicant shall provide written documentation from PG&E agreeing to allow the proposed parking spaces within their easement area. This documentation shall be provided with the submittal of the first building permit that includes the parking in this area.

37. All signs shall comply with the requirements of the North Merced Sign Ordinance. No free-standing A-Frame or sandwich board-type signs shall be allowed. All other moveable temporary signs are prohibited as well. Temporary banners may be installed on a building wall in compliance with the City's Sign Ordinance and after obtaining a Temporary Banner Permit from the Planning Department. A building permit shall be obtained for all permanent signs.

38. The project shall comply with all FEMA Flood Zone requirements for Zone X (shaded) which will also comply with the California 200-year Urban Level of Flood Protection requirements.

n:shared:planning:PC Resolutions:GPA#16-06/ZC#242/Est. of PD #76 (Student Housing Village) Exhibit A

ENVIRONMENTAL REVIEW #16-37
Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

This mitigation monitoring program includes a brief discussion of the legal basis and purpose of the mitigation monitoring program, a key to understanding the monitoring matrix, a discussion of noncompliance complaints, and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resource Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The City of Merced has adopted its own "Mitigation Monitoring and Reporting Program" (MMC 19.28). The City's program was developed in accordance with the advisory publication, *Tracking CEQA Mitigation Measures*, from the Governor's Office of Planning and Research.

As required by MMC 19.28.050, the following findings are made:

1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #16-06, Zone Change #424, and Establishment of Planned Development (P-D) #76 shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

In most cases, mitigation measures can be monitored through the City's construction plan approval/plan check process. When the approved project plans and specifications, with mitigation measures, are submitted to the City Development Services Department, a copy of the monitoring checklist will be attached to the submittal. The Mitigation Monitoring Checklist will be filled out upon project approval with mitigation measures required. As project plans and specifications are checked, compliance with each mitigation measure can be reviewed.

In instances where mitigation requires on-going monitoring, the Mitigation Monitoring Checklist will be used until monitoring is no longer necessary. The Development Services Department will be required to file periodic reports on how the implementation of various mitigation measures is progressing or is being maintained. Department staff may be required to conduct periodic inspections to assure compliance. In some instances, outside agencies and/or consultants may be required to conduct necessary periodic inspections as part of the mitigation monitoring program. Fees may be imposed per MMC 19.28.070 for the cost of implementing the monitoring program.

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #16-37 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

Any person or agency may file a complaint asserting noncompliance with the mitigation measures associated with the project. The complaint shall be directed to the Director of Development Services in written form providing specific information on the asserted violation. The Director of Development Services shall cause an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the Director of Development Services shall cause appropriate actions to remedy any violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue. Merced Municipal Code (MMC) Sections 19.28.080 and 19.28.090 outline the criminal penalties and civil and administrative remedies which may be incurred in the event of noncompliance. MMC 19.28.100 spells out the appeals procedures.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #16-06, Zone Change #424, and Establishment of Planned Development (P-D) #76. The columns within the tables are defined as follows:

Mitigation Measure:	Describes the Mitigation Measure (referenced by number).
Timing:	Identifies at what point in time or phase of the project that the mitigation measure will be completed.
Agency/Department Consultation:	This column references any public agency or City department with which coordination is required to satisfy the identified mitigation measure.
Verification:	These columns will be initialed and dated by the individual designated to verify adherence to the project specific mitigation.

General Plan Amendment #16-06/Zone Change #424/Establishment of Planned Development (P-D) #76 Mitigation Monitoring Checklist

Project Name:_____ **File Number:**_____
Approval Date:_____ **Project Location** _____
Brief Project Description_____

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City of Merced's Mitigation Monitoring Requirements (MMC 19.28) with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

B) Agriculture Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
B-4	B-1) A provision shall be recorded by the applicants/developer or successors, at time of sale of any residentially-zoned property within the project that lies within 1,000 feet of the external boundary of any non-project property which currently has an active agricultural operation (including 4-H projects), or has had an agricultural operation on it during the calendar year preceding the year within which the sale takes place. This provision shall notify the buyer(s) and any subsequent owner(s) of the possible inconvenience or discomfort of farming operations arising from the use of agricultural chemicals, including pesticides and fertilizers; as well as from the pursuit of agricultural operations including plowing, spraying, and harvesting which occasionally generate dust, smoke, noise, and odor, and the priority to which Merced County places on agricultural operations.	Building Permits	Planning Department	
E) Cultural Resources				
Impact No.	***Mitigation Measures***	***Timing***	***Agency or Department***	***City Verification (date and initials)***
E-1	E-1) If evidence of archaeological artifacts is discovered during construction, all operations within the area and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site and mitigation/preservation of any artifacts.	Building Permit	Planning Department	

E-3	E-2) If evidence of a paleontological resource, site, or unique geological feature is discovered during construction, all operations within the area and adjacent to the discovered site shall halt until a qualified paleontologist or geologist determines the extent of significance of the site and the mitigation/preservation of any resources.	Building Permit	Planning Department	
F) Geology and Soils				
F-2	F-1) Prior to the approval of a tentative subdivision map or building permit, the City shall review plans for drainage and storm water run-off control systems and their component facilities to ensure that these systems are non-erosive in design.	Building Permit	Engineering Department	
	F-2) Upon completion of phased construction, subsequent phases shall re-vegetate all exposed soil surfaces within 30 days, or as otherwise approved by the City, to minimize potential topsoil erosion. Reasonable alternatives to re-vegetation may be employed, especially during peak high temperature periods or to avoid negative impacts to nearby agricultural activities, subject to the approval of the City.	Building Permit	Planning Department	
	F-3) Projects under review shall be required to submit temporary erosion control plans for construction activities.	Building Permit	Engineering Department	
F-4	F-4) All recommendations for addressing expansive soils and site grading recommended in the Geotechnical Study prepared by Kleinfelder and found at Attachment E of Initial Study #16-37 shall be implemented.	Building Permit	Inspection Services Department	
	F-5) Building plans shall be reviewed by a registered engineer or other professional specializing in geo-technical assessments to ensure that the soils can support the load.	Building Permit	Inspection Services Department	

H) Hydrology and Water Quality				
H-5	H-5) Prior to the issuance of a building permit for this project, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City's Storm Drainage Master Plan and the Post Construction Standards for the City's Phase II MS4 permit.	Building Permit	Engineering Department	
K) Noise				
K-1	K-1) Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m.	Building Permit	Inspection Services Department	
	K-2) Construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.	Building Permit	Inspection Services Department	
	K-3) Prior to the issuance of a building permit, the project applicant or any successor in interest, shall provide documentation showing the interior noise levels of the residential units would meet the City's interior standard of 45 dB ldn.	Building Permit	Inspection Services Department	
O) Transportation/Traffic				
O-1	O-1) The project shall pay all fees as required under the City's Public Facilities Impact Fee Program prior to issuance of a certificate of occupancy for any building.	Building Permit	Planning Department	
R) Greenhouse Gas Emissions				
R-1	R-1) The project shall comply with all mitigation measures outlined in Appendix B of the Greenhouse Gas Study prepared for this project (Attachment D of Initial Study #16-37).	Building Permit	Planning Department/Inspection Services Department	

Certificate of Completion:
By signing below, the environmental coordinator confirms that the required mitigation measures have been implemented as evidenced by the Schedule of Tasks and Sign-Off Checklist, and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

_____ _____

Environmental Coordinator Date