

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, October 19, 2011

Chairperson CERVANTES 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: Carole McCoy, Travis Colby, Mary Ward, Dwight Amey, and Chairperson Richard Cervantes

Commissioners Absent: Kimberly Madayag (absent) and Bob Acheson (absent excused)

Staff Present: Planning Manager Espinosa, Associate Planner Sterling, Planner Nelson, Deputy City Attorney Rozell, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

M/S WARD-MCCOY, and carried by unanimous voice vote (two absent), to approve the Agenda as submitted.

2. **MINUTES**

M/S WARD-MCCOY, and carried by unanimous voice vote (two absent), to approve the Minutes of October 5, 2011, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 Housing Element for the City of Merced (General Plan Amendment #11-02), initiated and prepared by the City of Merced. This application involves revisions to the Housing Element of the General Plan (adopted on May 16, 2011) in response to comments received from the California Department of Housing and Community Development (HCD). The Housing Element is one of seven required elements of the General Plan. The Housing Element sets forth policies and programs for the provision of affordable housing throughout the community. Once the Planning Commission makes a recommendation on the revised element, it will be forwarded to the City Council at a later date for final adoption. The revised element will then be forwarded to the State Department of Housing and Community Development (HCD) for final certification.

Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #11-15.

Public testimony was opened at 7:17 p.m.

Speaker from the Audience:

PAHOUA LOR, Central California Legal Services, Fresno

Public testimony was completed at 7:19 p.m.

Commissioner COLBY was concerned that the draft revised Housing Element is taking the discretion out of the hands of the citizens with regard to homeless shelters and their location. He does not support the fact that a discretionary review is no longer required for the shelters in a C-G zone.

Planning Manager ESPINOSA clarified that state law required the City to have at least one zone that wouldn't require use permits for the shelters. In this case, it is the General Commercial (C-G) zone.

M/S WARD-AMEY, and carried by the following vote, to recommend to City Council to find that the previous environmental review (Negative Declaration regarding Environmental Review #09-03) remains sufficient and no further documentation is required (Subsequent EIR/ND 15162 Findings), and recommend adoption of the Draft Housing Element (*Revised*) (General Plan Amendment #11-02, Attachment D of Staff Report #11-15), subject to the Findings set forth in Staff Report #11-15 and the Findings set forth in Staff Report #11-03 (previously reviewed and recommended to City Council for approval on March 23, 2011, Planning Commission Resolution #2984) (RESOLUTION #2992):

AYES: Commissioners McCoy, Ward, Amey, and Chairperson Cervantes

NOES: Commissioner Colby

ABSENT: Commissioners Madayag and Acheson

ABSTAIN: None

4.2 General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, initiated by Fremming, Parson and Pecchenino Engineers, applicant for V & S Real Estate, LLC, property owner. This application involves a request to amend the General Plan land use designation from Low-Density (LD) Residential to Commercial Office (CO), a request for a Zone Change from Low Density Residential (R-1-6) to Commercial Office (C-O), and a request to change the land use designation in the Northeast Yosemite Specific Plan from Low-Density Residential to Commercial Office to allow the construction of an approximately 135,000-square-foot, three-story office complex on an approximately 7.5-acre parcel located on the south side of Mercy Avenue between the future Sandpiper Avenue and Mansionette Drive.

Planner NELSON reviewed the report on this item. She noted a number of letters that were received after the staff report was written. These items were provided to the Commission prior to the meeting. For further information, refer to Staff Report #11-14.

Public testimony was opened at 7:54 p.m.

Speakers from the Audience in Favor:

JENNIFER WEST, representing V & S Real Estate, the applicant,  
Merced

JACK PADDON, Williams+Paddon Architects, architect for the  
project, Roseville

DAVID MELIN, Greater Merced Chamber of Commerce, Atwater

GARTH PECCHENINO, Fremming, Parson & Pecchenino, engineer  
for the project, Merced

Speakers from the Audience in Opposition:

JAMES SANDERS, Merced

KATHLEEN DIAZ, Merced

EMILY TANZILLO, Merced

RENEE DAVENPORT, Merced

STAN THURSTON, Merced

GREG SPICER, Merced

KATHLEEN AQUINO, Merced

TONY AQUINO, Merced

VAL FOGELBERG, Merced

JOANNE ROHRBACK GARGES, Merced

DESMOND NAVARES, Merced

DOLORES CERVANTES, Merced

SHAWN HENRY, Merced

WALTER LOPES, Merced

Public testimony was completed at 9:03 p.m.

Commissioner AMEY stated that although he thought this was a good project, he was concerned about the opposition to the project by some of the neighbors.

The Commissioners discussed some of the positive aspects of the project such as providing lighted crosswalks and landscaping. It was noted that the project actually would serve to direct traffic away from the Cruikshank School area. They observed that the project was well-designed and appeared to be a good buffer between the hospital and the residential area. They considered that the developers were providing dense landscaping and a large setback from the southern property line to address the privacy concerns of their residential neighbors. They noted that the General Plan was meant to be a fluid and living document that would need to change and grow with the new and diverse needs of the community.

M/S WARD-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 #10-24, and approval of General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, subject to the Findings and twenty-nine (29) Conditions set forth in Staff Report #11-14 (RESOLUTION #2993):

AYES: Commissioners McCoy, Colby, Ward, and Chairperson Cervantes

NOES: Commissioner Amey

ABSENT: Commissioners Madayag and Acheson

ABSTAIN: None

[Secretary's Note: The Commission took a brief recess from 9:24 p.m. to 9:32 p.m.]

4.3 General Plan Amendment #11-03 and Site Utilization Plan Revision #4 to Planned Development (P-D) #9, initiated by Golden Valley Engineering & Surveying, applicant for L. J. Steiner LLC, property owner. This application involves a change in the General Plan land use designation for Buildings #2 and #3 from "Business Park" (BP) to "Neighborhood Commercial" (CN), and a change in the Site Utilization Plan for Planned Development (P-D) #9 for Buildings #2 and #3 to allow those uses permitted in the C-N Zone (but excluding convenience markets, retail businesses of 20,000 square feet or

less selling alcoholic beverages for off-site consumption, day care facilities for children, and tattoo parlors). [Note: Building #1 was approved for this land use designation in 2009.] The property is 8.16 acres and is generally located at the southeast corner of State Hwy. 59 and Buena Vista Drive within Planned Development (P-D) #9.

Associate Planner STERLING reviewed the report on this item. For further information, refer to Staff Report #11-13.

Public testimony was opened at 9:50 p.m.

Speakers from the Audience in Favor:

JOHN HINCHEY, Steiner Development, representing the applicant,  
Merced

JOHN SPRIGGS, Merced

MARK COWART, Director of Administrative Services for Merced  
County, Merced

KATHY HASSETT, Director of Child Support Services for Merced  
County, Merced

No one spoke in opposition to the project.

Public testimony was completed at 10:00 p.m.

M/S COLBY-WARD, and carried by the following vote, to recommend to City Council adoption of Environmental Review #11-19 (Mitigated Negative Declaration); and approval of General Plan Amendment #11-03 and Site Utilization Plan Revision #4 to Planned Development (P-D) #9, subject to Findings A through O of Staff Report #11-13, the addition of Mitigation Measures M-3 and M-4 and modification of Conditions #1, #3, #8, #11, #12, and #14 (Exhibit A of Amended Resolution #2949). The Conditions were modified as follows (RESOLUTION #2949):

(New language underlined, deleted language ~~strikethrough~~.)

- “1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments 2 and 3 of Staff Report #09-05, except as modified by the conditions; and be constructed/designed as shown on Exhibit 3 (site plan) and Exhibit 4 (elevations) – Attachments B and C of Staff Report #11-13, except as modified and approved on October 19, 2011.
  
- “3. The Project shall comply with applicable conditions (unless modified by this Resolution) set forth in Planning Commission Resolution #2819 for General Plan Amendment #05-05 and Site Utilization Plan Revision #1 to Planned Development (P-D) #9; Planning Commission Resolution #2897 for Conditional Use Permit Application #1099; ~~and~~ Resolution #2942 for Conditional Use Permit #1125 (for signage); and Planning Commission Resolution #2949 for General Plan Amendment #09-01 and Site Utilization Plan Revision #3 to Planned Development (P-D) #9 (Attachment H of Staff Report #11-13) previously approved for this project.
  
- “8. Allowed Land Uses are as follows: Building #1 and Building #2 ~~is~~ are allowed those uses permitted in the Neighborhood Commercial (C-N) Zone as defined in Merced Municipal Code (MMC) 20.22 (Attachment D of Staff Report #09-05) and Attachment D of Staff Report #11-13 respectively, but excluding convenience markets, retail businesses of 20,000 square feet or less selling alcoholic beverages for off-site consumption, day care facilities for children, and tattoo parlors. Conditional Use Permit approval would still be needed for any uses defined in MMC 20.22.050. Up to 10,000-square-feet of Building #3 is allowed for one procedural medical use (dialysis center, or outpatient chemotherapy center, or equivalent that takes a minimum of three hours or more per patient visit, but specifically excluding medical and dental offices and clinics and/or medical, optical, and dental laboratories that involve patients and/or customers coming to and from the facility). All other uses for Buildings ~~#2 and~~ #3 shall be limited to

principally permitted uses in the City's Light Industrial (I-L) and General Commercial (C-G) Zones as defined in MMC 20.34.020 and 20.28.020 respectively (Attachments E and F of Staff Report #09-05); but shall be limited to a maximum of 4 employees for parking purposes (note: parking is based on 1 space for each 2 employees on the largest shift – estimated at 4 employees).

- “11. The applicant shall comply with the current ~~2007~~ California Codes, including but not limited to, exiting, access, fire sprinklers, parking, modification of exterior elevations where roll-up doors are affected, kitchen use (where applicable), etc. A landscape/sprinkler plan will also be required for the area around the tenant spaces as they are submitted for building permits.
- “12. A 15% reduction for parking space calculation for Building #1, Building #2, and the remainder of Building #3 (approximately 11,909 square feet), (excluding food services) per MMC 20.58.410, and a 50% reduction in parking for the proposed dialysis center in Building #3, and a joint use of parking facilities between businesses open from 8:00 a.m. – 5:00 p.m. (i.e., proposed offices in Bldg. #2) and uses with businesses having extended hours (Brenda Athletics, DiCicco's, etc.) are approved as proposed, contingent on City Council approval of the General Plan Amendment/Site Utilization Plan Revision.
- “14. Additional Parking Lot Trees are required at one tree for each six parking spaces. As such, with ~~274~~ 307 parking spaces proposed, ~~45~~ 51 parking lot trees are required. If parking spaces are provided as a result of eliminating roll-up doors, additional parking lot trees will be required accordingly.”

AYES: Commissioners McCoy, Colby, Ward, Amey, and Chairperson Cervantes

NOES: None

ABSENT: Commissioners Madayag and Acheson

ABSTAIN: None

5. **INFORMATION ITEMS**

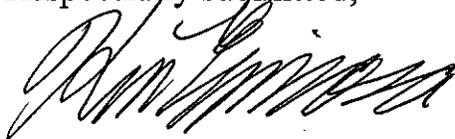
5.1 **Calendar of Meetings/Events**

In reference to the Martin Luther King Jr. Way Revitalization Plan update that was presented at the Planning Commission Meeting of October 5, 2011, Commissioner COLBY had good news to report. He has been working with the California Highway Patrol to set up semi-truck inspection stations on North Highway 59 to inspect semi-trucks that may be attempting to avoid the checkpoints. He reported that approximately 40% of the trucks stopped at these inspection stations were in such violation of semi-truck regulations that they had to be taken out of service.

6. **ADJOURNMENT**

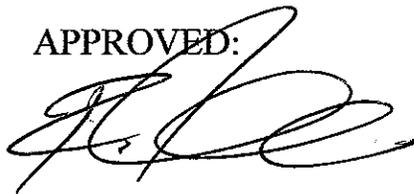
There being no further business, Chairperson CERVANTES adjourned the meeting at 10:04 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



RICHARD CERVANTES, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #2992**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of October 19, 2011, held a public hearing and considered **Housing Element for the City of Merced (General Plan Amendment #11-02)**, initiated and prepared by the City of Merced. This application involves revisions to the Housing Element of the General Plan (adopted on May 16, 2011) in response to comments received from the California Department of Housing and Community Development (HCD). The Housing Element is one of seven required elements of the General Plan. The Housing Element sets forth policies and programs for the provision of affordable housing throughout the community. Once the Planning Commission makes a recommendation on the revised element, it will be forwarded to the City Council at a later date for final adoption. The revised element will then be forwarded to the State Department of Housing and Community Development (HCD) for final certification; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through B of Staff Report #11-15 (and Findings A through G of Staff Report #11-03 as previously reviewed and recommended to City Council for approval on March 23, 2011, Planning Commission Resolution #2984); and,

**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 to find that the previous environmental review (Negative Declaration regarding Environmental Review #09-03) remains sufficient and no further documentation is required (Subsequent EIR/ND 15162 Findings), and recommend adoption of the Draft Housing Element (*Revised*) (General Plan Amendment #11-02, Attachment D of Staff Report #11-15).

Upon motion by Commissioner Ward, seconded by Commissioner Amey, and carried by the following vote:

AYES: Commissioners McCoy, Ward, Amey, and Chairperson Cervantes

NOES: Commissioner Colby

ABSENT: Commissioners Madayag and Acheson

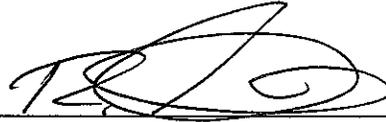
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 2992

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October 19, 2011

Adopted this 19<sup>th</sup> day of October 2011



\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



\_\_\_\_\_  
Secretary

**CITY OF MERCED**  
**Planning Commission**

**Resolution #2993**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of October 19, 2011, held a public hearing and considered **General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan**, initiated by Fremming, Parson and Pecchenino Engineers, applicant for V & S Real Estate, LLC, property owner. This application involves a request to amend the General Plan land use designation from Low-Density (LD) Residential to Commercial Office (CO), a request for a Zone Change from Low Density Residential (R-1-6) to Commercial Office (C-O), and a request to change the land use designation in the Northeast Yosemite Specific Plan from Low-Density Residential to Commercial Office to allow the construction of an approximately 135,000-square-foot, three-story office complex on an approximately 7.5-acre parcel located on the south side of Mercy Avenue between the future Sandpiper Avenue and Mansionette Drive; also known as Assessor's Parcel No. 231-040-002; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through N of Staff Report #11-14; and,

**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 #10-24, and approval of General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, subject to the Conditions set forth in Exhibit A attached hereto.

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

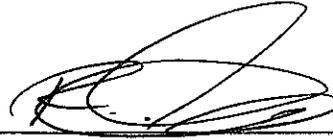
AYES: Commissioners McCoy, Colby, Ward, and Chairperson Cervantes  
NOES: Commissioner Amey  
ABSENT: Commissioners Madayag and Acheson  
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 2993

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October 19, 2011

Adopted this 19<sup>th</sup> day of October 2011



\_\_\_\_\_  
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 #2993**  
**General Plan Amendment #10-03, Zone Change #411, and**  
**Revision #4 to the Northeast Yosemite Specific Plan**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) - Attachment B of Staff Report #11-14, 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, Zone Change and Specific Plan Revision is subject to the applicants 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 storm drainage, public landscaping, street trees, and street lights. CFD procedures shall be initiated before final permit approval. 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. Due to the City's inter-face regulations (MMC Section 20.52), a conditional use permit shall be required prior to the construction of all buildings.
9. The project shall comply with all mitigation measures outlined in Initial Study #10-24 listed in Attachment O of Staff Report #11-14

and Exhibit B of the Planning Commission Resolution (Attachment P of Staff Report #11-14). This includes the installation of a pedestrian crosswalk on Mansionette Drive just north of the intersection at Bobolink Court., flashing lights to alert drivers to the crosswalk for both north and south bound traffic, and a solar-powered speed detection sign for both north and south bound traffic.

10. All signs shall comply with the North Merced Sign Ordinance and Section 20.20 (Commercial Office Zone) of the City's Zoning Ordinance.
11. The applicant shall construct all missing improvements per City Standards on Sandpiper Avenue and Mansionette Drive along the entire frontage of their property. This shall include, but is not limited to, a bike lane, sidewalk, curb, gutter, and park strip. Any missing or damaged improvements along Mercy Avenue shall also be installed/repaired.
12. The approval of this General Plan Amendment, Zone Change, and Specific Plan Revision allows all principally permitted and accessory uses within a Commercial Office (C-O) zone (MMC 20.20). Accessory uses include incidental services, such as restaurants, pharmacies, and retail sales to serve occupants and patrons of the principally permitted uses, when conducted and entered from within the building group, provided there is no exterior display or advertising. Conditional Uses within a C-O zone may also be allowed if approved by a Conditional Use Permit (CUP).
13. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
14. Parking lot trees shall be installed to provide a 50 percent shade cover in the parking lot area. However, this may not be achieved by installing less than the minimum number of trees at a ratio of at least one tree for each six parking spaces.
15. If the property is split into multiple parcels, owners shall be required to record joint access and parking easements allowing free vehicular access and parking between parcels. Such easements shall be recorded as part of any parcel map or conditional use permit approval.

16. A minimum 6-foot tall concrete block wall shall be installed along the southern property line between this parcel and the residences along the north side of Bobolink Court. The wall could be raised to 8-feet if a majority of the residents agree to the increased height prior to construction.
17. Only non-illuminated signs shall be allowed on the southern elevation of the three-story buildings (Phases B and C) to prevent any spill-over onto the adjacent residential lots.
18. The installation of the sidewalk, curb and gutter along the entire property length frontage of Mansionette Drive shall be installed with the first phase of construction.
19. If the amount of the medical uses exceeds 60,000 square feet, a new traffic study and parking analysis may be required at the discretion of the Development Services Director.
20. All retail uses allowed as an accessory use or otherwise shall be limited in hours to be open no later than 10:00 p.m.
21. Bicycle racks shall be provided throughout the development. A minimum ratio equal to 5% of the vehicular parking spaces shall be provided with each phase.
22. Sufficient parking shall be provided with each phase to accommodate the uses within that phase per MMC 20.58. If all the uses within a phase are medical office uses, additional parking may be needed to accommodate those uses. It shall be the developer's responsibility to install all required parking necessary for each use prior to occupancy of each building.
23. Pedestrian access between buildings and to the public sidewalk shall be provided. This may be done through the use of special paving or other markings to indicate the pedestrian path of travel and shall be provided with each phase of construction.
24. The developer shall work with the City's Refuse Department to appropriately place all refuse containers. Approval of these locations shall be included at the Conditional Use Permit stage.
25. The building design shall be approved at the Conditional Use Permit stage. At that time, full elevations, materials, and details on any other design elements shall be provided.

26. All necessary parcel maps shall be approved prior to any building permits being issued.
27. Prior to construction of the three-story buildings (Phases B and C), dense landscaping shall be provided along the southern property line of the property. This landscaping shall consist of a fast-growing tree species that will substantially shield the view from the office buildings into the residential lots to the south.
28. Parking lot lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots and shall be in compliance with the California Energy Code requirements.
29. If the City Engineer determines additional right-of-way is needed on Mercy Avenue, the developer shall dedicate a maximum 10-foot wide strip of land along the entire property frontage on Mercy Avenue. If the City Engineer determines less than a 10-foot wide strip is needed, only the width required for public use shall be required for dedication. In return, the City shall work with the developer to insure the size of the buildings is not reduced.

n:\shared\planning\PC Resolutions\GPA#10-03\ZC#411\REV#4 TO NEYSP Exhibit A

**ENVIRONMENTAL REVIEW #10-24**  
**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 #10-03/Zone Change #411/Specific Plan Revision #4 to the NE Yosemite Specific Plan 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 #10-24 incorporates some mitigation measures adopted as part of the *Merced Vision 2015 General Plan Program Environmental Impact Report* (SCH# 95082050), 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 #10-0, Zone Change #411, and Specific Plan Revision #4 to the NE Yosemite Specific Plan. The columns within the tables are defined as follows:**

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

## General Plan Amendment #10-03/Zone Change #411/Specific Plan Revision #4 to the NE Yosemite Specific Plan 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).

Impact No.	Impact	Mitigation No.	Mitigation Measures	Level of Significance		Monitoring Program
				Before Mitigation	After Mitigation	
A-2	Significant disruption, displacement, compaction or over-covering of the soil.	A-1	All regulations, soil compaction tests, and other typical construction methods required for building in expansive soils shall be strictly adhered to.	Significant	Less Than significant	The Inspection Services Department will monitor compliance during the construction of the buildings.
A-7	Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards	A-1	All regulations, soil compaction tests, and other typical construction methods required for building in expansive soils shall be strictly adhered to.	Significant	Less than Significant	The Inspection Services Department will monitor compliance during the construction of the buildings.

C-2	Significant changes in absorption rates, drainage patterns, or the rate and amount of surface runoff		Compliance with General Plan Policy P-5.1	Significant	Less than Significant	The Inspection Services Department and Engineering Department will monitor compliance during the construction of the buildings.
		C-1	Prior to approval of building permits, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and that improvements are consistent with the City's Stormwater Master Plan and any updates.			

D-1	Any change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)	D-1	Prior to issuance of building permits, the developer shall have a certified biologist review the site to insure that no endangered animal and/or plant species are present. If endangered animal and/or plant species is found, all necessary mitigation measures shall be employed to protect such species. This report shall be submitted to the City of Merced and all proposed mitigation measures shall be approved by the City of Merced.	Significant	Less than Significant	The Planning Department will monitor compliance during the Plan Review stage.
D-3	Any introduction of new species of plants into the Merced urban area, or in a barrier to the normal replenishment of existing species.		Same as above	Significant	Less than Significant	Same as above.
		D-2	All landscaping for the site shall incorporate the use of native plants and reasonable efforts shall be made to preserve any existing trees on the site.			

E-1	Any change in the diversity of species, or number of any species of animals (including birds, land animals, including reptiles, fish, or insects).	E-1 and E-2	Same as D-1 and D-2	Significant	Less than Significant	Same as above.
E-4	Significant deterioration to existing fish or wildlife habitat	E-1 and E-2	Same as D-1 and D-2	Significant	Less than Significant	Same as above.
F-1	Increase in existing noise levels.	F-1	Grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.) in areas where noise sensitive receptors are located.	Significant	Less than Significant	The Inspection Services Department will monitor compliance during the construction of the building.
		F-2	No individual piece of equipment shall produce a noise level exceeding 83dBA at a distance of twenty-five feet from the source. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.	Significant	Less than Significant	Same as above

	F-3	In noise sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.	Significant	Less than Significant	Same as above
	F-4	The noise level at any point outside of the property plane of the project shall not exceed 86 dBA.	Significant	Less than Significant	Same as above
G	The proposal will produce substantial new light or glare.	G-1 All lighting shall be shielded, directed downward, and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications, and shall reduce the spillage of light on to adjacent properties to less than two foot-candles, as measured at the adjacent property line.	Significant	Less than Significant	The Inspection Services and Planning Departments will monitor compliance during the plan review stage. The Inspection Services Department will monitor compliance during the construction stage.

		G-2	Lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes.	Significant	Less than Significant	The Inspection Services and Planning Departments will monitor compliance during the plan review stage. The Inspection Services Department will monitor compliance during the construction stage.
		G-3	Site landscaping of the project shall include vegetation designed to shield adjacent properties from light and glare. Exterior glazing shall have a light reflectance of less than 10%.	Significant	Less than Significant	The Inspection Services and Planning Departments will monitor compliance during the plan review stage. The Inspection Services Department will monitor compliance during the construction stage.
H	The proposal will result in a significant alteration of the present or planned land use of an area.		Implementation of General Plan Policies L-2, L-3, UE-1, and UE-2.	Significant	Less than Significant	The Planning Department will monitor compliance during the plan review stage.
M-1	Generation of substantial additional vehicular movement.	M-1	Yosemite Avenue/Sandpiper Avenue – Install an island between the right-in movement onto Sandpiper Avenue and the right-out movement onto Yosemite Avenue	Significant	Less than Significant	The Planning Department, Inspection Services, and Engineering Department will monitor compliance during the construction stage.

	M-2	Yosemite Avenue east of G Street – This segment shall be widened to four lanes. The project developer shall contribute a “fair share” portion to the widening of this roadway segment.	Significant	Less than Significant	Same as above.
	M-3	Yosemite Avenue west of Mansionette Drive - This segment shall be widened to four lanes. The project developer shall contribute a “fair share” portion to the widening of this roadway segment.	Significant	Less than Significant	The Planning Department shall monitor the collection of Public Facility Impact Fees prior to issuance of a building permit.
	M-4	Provide all required public improvements, including but not limited to, sidewalk, curb, gutter, and bike lanes along all frontages of the project site (Mercy Avenue, Sandpiper Avenue, and Mansionette Drive).	Significant	Less than Significant	The Planning Department, Inspection Services, and Engineering Department will monitor compliance during the construction stage.

		M-5	Provide a crosswalk across Mercy Avenue between the project site and the medical center. Based on the projected traffic volumes additional warning signs shall be installed with the crosswalk. Signage for the crosswalk shall include flashing LED pedestrian crossing signs. All signs shall be approved by the City of Merced and installed per City Standards.	Significant	Less than Significant	The Planning Department, Inspection Services, and Engineering Department will monitor compliance during the construction stage.
		M-6	Install a pedestrian crosswalk on Mansionette at Bobolink Ct. Provide flashing LED pedestrian crossing signs at the crosswalk.	Significant	Less than Significant	The Planning Department, Inspection Services, and Engineering Department will monitor compliance during the construction stage.
		M-7	Install solar powered speed detection signs along Mansionette. A sign shall be posted for both northbound and southbound traffic.	Significant	Less than Significant	The Planning Department, Inspection Services, and Engineering Department will monitor compliance during the construction stage.
M-2	Substantial effects on existing parking	M-1 through	Same as above	Significant	Less than Significant	Same as above.

	facilities, or demand for new parking.	M-7				
M-3	Substantial impact upon existing transportation systems.	M-1 through M-7	Same as above	Significant	Less than Significant	Same as above.
M-4	Significant alterations to present patterns of circulation or movement of people and/or goods, or to waterborne, rail or air traffic.	M-1 through M-7	Same as above	Significant	Less than Significant	Same as above.
M-5	Significant increase in traffic hazards to motor vehicles, bicyclists or pedestrians	M-1 through M-7	Same as above	Significant	Less than Significant	Same as above.
N-1	The proposed project will produce a significant effect upon fire services, police services, schools, libraries or other governmental services.		Implementation of General Plan Policies P-2, S-4, S-6, P-7, and P-8	Significant	Less than Significant	The Planning Department will monitor compliance during the plan review and entitlement process.

T-1	Alteration of, or the destruction of, a pre-historic or historic archaeological site.	T-1	If evidence of archaeological artifacts is discovered during construction, all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site.			The Inspection Services and Planning Departments will monitor compliance during the construction stge.
		T-2	On-site preservation of a resource is the preferred alternative. Preserving a cultural deposit maintains the artifacts in context and may prevent inadvertent discovery of, or damage to, human burials. Preservation may be accomplished through a number of means such as capping or covering the site with a layer of soil, fencing the site area, and/or incorporation of the resource in a park area.			The Inspection Services and Planning Departments will monitor compliance during the construction stage.

V-1	The project will generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment.	V-1	Provide a minimum of two dedicated van pool parking spaces near the entrance to each building.	Significant	Less than Significant	The Inspection Services and Planning Departments will monitor compliance during the construction stage.
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**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

**CITY OF MERCED**  
**Planning Commission**

**Resolution #2949**

Amended by PC on 10/19/2011 See page 3
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**WHEREAS**, the Merced City Planning Commission at its regular meeting of April 8, 2009, held a public hearing and considered **General Plan Amendment #09-01, and Site Utilization Plan Revision #3 to Planned Development (P-D) #9**, initiated by Golden Valley Engineering & Surveying, applicant for L. J. Steiner, LLC, property owner. This application involves a change in the *Merced Vision 2015 General Plan* land use designation for Building #1 only from “Business Park” (BP) to “Neighborhood Commercial” (CN), and a change in the Site Utilization Plan for Planned Development (P-D) #9 for Building #1 to allow those uses permitted in the C-N Zone (but excluding convenience markets, retail businesses of 20,000 square feet or less selling alcoholic beverages for off-site consumption, day care facilities for children, and tattoo parlors), and a Site Utilization Plan Revision for Buildings #2 and #3 to allow up to 10,000-square-feet of Building #3 for one procedural medical use (dialysis center, or outpatient chemotherapy center, or equivalent that takes a minimum of three hours or more per patient visit, but specifically excluding medical and dental offices and clinics and/or medical and dental laboratories), with all other uses for Buildings #2 and #3 being principally-permitted uses in the City’s Light Industrial/General Commercial Zones; and a request for a 15% reduction for parking space calculation for Building #1 (excluding food services), and a 50% reduction in parking for the proposed dialysis center in Building #3. The property is 7.93 acres and is generally located at the southeast corner of State Hwy. 59 and Buena Vista Drive within Planned Development (P-D) #9; also known as Assessor’s Parcel No. 058-020-058; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through O of Staff Report #09-05; and,

**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 regarding

PLANNING COMMISSION RESOLUTION #2949

Page 2 of 3

April 8, 2009/October 19, 2011

Environmental Review #09-03, and approval of General Plan Amendment #09-01 and Site Utilization Plan Revision #3 to Planned Development (P-D) #9, subject to the Conditions and Mitigation Measures set forth in Exhibit A attached hereto.

Upon motion by Commissioner Cervantes, seconded by Commissioner Williams, and carried by the following vote:

AYES: Commissioner(s) Shankland, Williams, Cervantes, and McCoy

NOES: Commissioner(s) Ward, Amey, and Chairman Acheson

ABSENT: Commissioner(s) None.

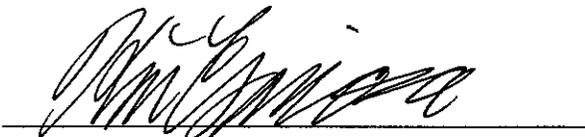
ABSTAIN: Commissioner(s) None.

Adopted this 8<sup>th</sup> day of April 2009



Chairman, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

PLANNING COMMISSION RESOLUTION #2949

Page 3 of 3

April 8, 2009/October 19, 2011

**October 19, 2011:** At their regularly scheduled meeting of October 19, 2011, the Merced City Planning Commission considered General Plan Amendment #11-03 and Site Utilization Plan Revision #4 to Planned Development (P-D) #9.

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through O of Staff Report #11-13; and,

**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 Adoption of Environmental Review #11-19 (Mitigated Negative Declaration); and Approval of General Plan Amendment #11-03 and Site Utilization of Plan Revision #4 to Planned Development (P-D) #9, and Modification of Conditions #1, #3, #8, #11, #12, and #14 (Resolution #2949 for General Plan Amendment #09-01 and Site Utilization Plan Revision #3 to Planned Development [P-D] #9); and the addition of Mitigation Measures M-3 and M-4 as shown on Exhibit A.

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

AYES: Commissioners McCoy, Colby, Ward, Amey, and Chairperson Cervantes

NOES: None

ABSENT: Commissioners Madayag and Acheson

ABSTAIN: None

**Mitigation Measures and Conditions of Approval**  
**Planning Commission Resolution #2949**  
**General Plan Amendment #09-01 and Site Utilization Plan Revision #3**  
**to Planned Development #9**

(New language double-underlined, deleted language ~~strike through~~.)

Mitigation Measures

- M-1: The requested changes in allowable land uses on the Property may trigger Owner's payment of additional fees and/or assessments including, but not limited to, the City's Public Facilities Impact Fee and the Regional Transportation Impact Fee, based upon a change in use. The additional fees and/or assessments shall be calculated based upon the pro-rata difference in fees and/or assessments originally paid by Owner in 2006 for the light industrial use as compared to the then current applicable fees and/or assessments for the use(s) that are being proposed for each separate tenant unit or units on the Property. Whether there is a change of use in a specific tenant unit or units shall be determined by the City based upon (i) the specific use(s) proposed for the tenant unit(s); (ii) the specific building, plumbing, mechanical, or electrical permits, conditional use permits, or certificates of occupancy obtained for the tenant unit(s); (iii) the specific tenant improvements proposed for the tenant unit(s); and/or (iv) the business license obtained by the tenant for the tenant unit(s).
- M-2: The applicant will monitor each tenant improvement for required parking based on land use throughout the project's development, and if it is found that there is a deficit in parking, tenant improvements will cease until such time as parking can be provided and approved by the City.
- M-3: Parking needs to be accommodated for all land uses at Fahrens Park Plaza based on the formulas provided under the Merced Municipal Code Section 20.58. Until such time as parking can be provided (on-site or off-site), the Remainder of Building #3 (approximately 11,909 square feet) is to remain as General Commercial (C-G) / Light Industrial (I-L) where the use does not exceed the need for more than 4 parking spaces. The applicant will monitor each tenant improvement for required parking based on land use throughout the project's development and provide this information to the City with

each tenant improvement. If it is found that there is a deficit in parking, tenant improvements will cease until such time as parking can be provided and approved by the City. [Note: Certain uses will increase the requirement for more parking (i.e., restaurant or food services, medical/non-medical offices, hair salon, or fitness gym, dry cleaners, etc.)].

M-4 (MM AQ-1) The project shall implement the following measures, to the satisfaction of the City of Merced:

- Any new lighting installed or replaced as part of the project shall be energy efficient.
- Any bathrooms or bathroom features installed or replaced as part of the project shall utilize water efficient toilets and sinks.
- The project applicant shall ensure that the project is provided with recycling services. The applicant shall ensure that there is sufficient storage space onsite for recycling.

#### Conditions of Approval

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments 2 and 3 of Staff Report #09-05, except as modified by the conditions; and be constructed/designed as shown on Exhibit 3 (site plan) and Exhibit 4 (elevations) – Attachments B and C of Staff Report #11-13, except as modified and approved on October 19, 2011.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with applicable conditions (unless modified by this Resolution) set forth in Planning Commission Resolution #2819 for General Plan Amendment #05-05 and Site Utilization Plan Revision #1 to Planned Development (P-D) #9; Planning Commission Resolution #2897 for Conditional Use Permit Application #1099; ~~and~~ Resolution #2942 for Conditional Use Permit #1125 (for signage); and Planning Commission Resolution #2949 for General Plan Amendment #09-01 and Site Utilization Plan Revision #3 to Planned Development (P-D) #9 (Attachment H of Staff Report #11-13) previously approved for this project.

4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. Approval of the *General Plan Amendment/Site Utilization Plan Revision* is subject to the applicants entering into a written (developer) agreement that they agree to all the conditions and shall pay all City, 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 (Attachment K of Staff Report #09-05).
6. 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.
7. 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.
  8. Allowed Land Uses are as follows: Building #1 and Building #2 is are allowed those uses permitted in the Neighborhood Commercial (C-N) Zone as defined in Merced Municipal Code (MMC) 20.22 (Attachment D of Staff Report #09-05) and Attachment D of Staff Report #11-13 respectively, but excluding convenience markets, retail businesses of 20,000 square feet or less selling alcoholic beverages for off-site consumption, day care facilities for children, and tattoo parlors. Conditional Use Permit approval would still be needed for any uses defined in MMC 20.22.050. Up to 10,000-square-foot of Building #3 is allowed for one procedural medical use (dialysis center, or outpatient chemotherapy center, or equivalent that takes a minimum of three hours or more per patient visit, but specifically excluding medical and dental offices and clinics and/or medical, optical, and dental laboratories that involve patients and/or customers coming to and from the facility). All other uses for Buildings ~~#2 and~~ #3 shall be limited to principally permitted uses in the City's Light Industrial (I-L) and General Commercial (C-G) Zones as defined in MMC 20.34.020 and 20.28.020 respectively (Attachments E and F of Staff Report #09-05); but shall be limited to a maximum of 4 employees for parking purposes (note: parking is based on 1 space for each 2 employees on the largest shift – estimated at 4 employees).
  9. If, in the future the owner/applicant requests land uses other than as specified in Condition #8 above (i.e., exceeding 40.52% retail, 10,000-square-foot of procedural medical use, etc.), further California Environmental Quality Act (CEQA) review is required including, but not limited to, traffic and air quality studies with possible improvements to Buena Vista Drive and State Hwy. 59.

10. The developer shall be responsible for providing a parking analysis that shows that adequate parking exists on-site for all users as part of subsequent building permit or business license applications. This could include the addition of parking spaces being provided where previous roll-up doors were located. If it is found that there is inadequate parking for the uses proposed, future tenants may be denied.
11. The applicant shall comply with the current 2007 California Codes including, but not limited to, exiting, access, fire sprinklers, parking, modification of exterior elevations where roll-up doors are affected, kitchen use (where applicable), etc. A landscape/sprinkler plan will also be required for the area around the tenant spaces as they are submitted for building permits.
12. A 15% reduction for parking space calculation for Building #1, Building #2, and the remainder of Building #3 (approximately 11,909 square feet), (excluding food services) per MMC 20.58.410, and a 50% reduction in parking for the proposed dialysis center in Building #3, and a joint use of parking facilities between businesses open from 8:00 a.m. – 5:00 p.m. (i.e., proposed offices in Bldg. #2) and uses with businesses having extended hours (Brenda Athletics, DiCicco’s, etc.) are approved as proposed, contingent on City Council approval of the General Plan Amendment/Site Utilization Plan Revision.
13. Access and circulation shall not be blocked by idling or parked vehicles waiting to drop off or pick up patients in connection with the medical procedural use in Building #3.
14. Additional Parking Lot Trees are required at one tree for each six parking spaces. As such, with ~~274~~ 307 parking spaces proposed, ~~45~~ 51 parking lot trees are required. If parking spaces are provided as a result of eliminating roll-up doors, additional parking lot trees will be required accordingly.
15. Signage shall be limited to that signage approved under Conditional Use Permit #1125 (Planning Commission Resolution #2942) and shall comply with all applicable provisions of the North Merced Sign Ordinance.

16. All landscaping along the west side of Building #1 shall be installed within 6 months of this approval whether or not all tenant spaces have been filled.

n:shared:planning:PC Resolutions:GPA#09-01 & SUP REV#3 to PD #9 Exhibit A