

# CITY OF MERCED

*"Gateway to Yosemite"*



## **WELCOME TO YOUR REGIONAL AIRPORT AUTHORITY MEETING OF THE CITY OF MERCED**

### **AUTHORITY MEMBERS**

Larry Morelock-Chair, Alvin Osborn-Vice-chair, John Sundgren,  
Russ Cowperthwaite, Rodrigo Flores, Ryan Smith and Michael Bodine.

### **AGENDA**

**7:00 pm  
COUNCIL CHAMBERS  
678 WEST 18<sup>th</sup> STREET  
MERCED, CALIFORNIA**

**TUESDAY  
JUNE 17, 2014**

**([www.cityofmerced.org](http://www.cityofmerced.org))**

STAFF REPORTS OR OTHER WRITTEN DOCUMENTATION RELATING TO EACH ITEM OF BUSINESS REFERRED TO ON THE AGENDA ARE ON FILE IN THE AIRPORT ADMINISTRATION OFFICE OF THE AIRPORT SUPERINTENDENT. ANY PERSON WHO HAS QUESTIONS CONCERNING ANY AGENDA ITEM MAY CALL THE AIRPORT SUPERINTENDENT AT (209) 385-6873 TO MAKE INQUIRY REGARDING THE NATURE OF THE ITEM DESCRIBED ON THE AGENDA. PRIOR TO EACH REGULAR REGIONAL AIRPORT AUTHORITY MEETING, A COMPLETE AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE FOYER OUTSIDE THE COUNCIL CHAMBERS AND ON THE CITY'S WEBSITE AT [WWW.CITYOFMERCED.ORG](http://WWW.CITYOFMERCED.ORG). ANY DOCUMENTS PROVIDED TO A MAJORITY OF THE COMMITTEE MEMBERS AFTER THIS AGENDA IS POSTED WILL BE AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK'S OFFICE DURING NORMAL BUSINESS HOURS.

FOR CITIZEN PARTICIPATION INSTRUCTIONS, PLEASE REFER TO THE CITY'S WEBSITE AT [WWW.CITYOFMERCED.ORG](http://WWW.CITYOFMERCED.ORG). A HANDOUT IS ALSO AVAILABLE AT THE MEETING ADJACENT TO THE AGENDA. INDIVIDUAL AGENDA ITEMS MAY BE HEARD IN AN ORDER THAT IS DIFFERENT THAN THEY APPEAR ON THE AGENDA TO ACCOMMODATE MEETING PARTICIPANTS.

**INFORMATION FOR INDIVIDUALS WITH DISABILITIES:**

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk's Office at 209-388-7100.

Assisted Hearing Devices Available for Hearing Impaired  
Teletypewriter (TTY) 209-385-6816

THE PUBLIC HAS THE OPPORTUNITY TO ASK QUESTIONS OR COMMENT AT THE TIME SPECIFIC AGENDA ITEMS ARE CONSIDERED. NORMALLY, EACH AGENDA ITEM WILL HAVE A STAFF PRESENTATION, FOLLOWED BY COMMENTS OR QUESTIONS BY THE AIRPORT AUTHORITY MEMBERS. IF REQUESTED BY AN AUDIENCE MEMBER, THE CHAIRPERSON WILL THEN ALLOW THE PUBLIC TO MAKE COMMENTS OR ASK QUESTIONS. AFTER ANY PUBLIC INPUT, THE AUTHORITY MAY HAVE FURTHER DISCUSSION BEFORE TAKING ACTION TO THE NEXT AGENDA ITEM.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. WRITTEN PETITIONS AND COMMUNICATIONS**
- D. ORAL COMMUNICATIONS**

AT THIS TIME, ANY MEMBER OF THE AUDIENCE MAY COMMENT ON ANY MATTER NOT LISTED ON THE AGENDA. PLEASE STAND AND STATE YOUR NAME AND ADDRESS FOR THE RECORD. THE AUTHORITY WILL NOT TAKE ACTION ON THE ITEM THAT IS BROUGHT TO THEIR ATTENTION THIS EVENING. IF IT REQUIRES ACTION, IT WILL BE REFERRED TO STAFF AND/OR LISTED ON THE NEXT AUTHORITY AGENDA.

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PLEASE BE BRIEF AND TO THE POINT. AVOID REPEATING WHAT PREVIOUS SPEAKERS HAVE SAID. IF TWO OR MORE INDIVIDUALS ARE HERE AS A GROUP AND WISH TO SPEAK ON ONE SIDE OF AN ISSUE, PLEASE SELECT A SINGLE SPOKESPERSON TO PRESENT YOUR VIEWS.

- E. CONSENT CALENDAR**
  - 1. AIRPORT AUTHORITY MINUTES FOR APRIL 16, 2014.**

*Recommendation: Adopt a motion to approve and file.*
- F. REPORTS**
  - 1. ANNUAL ATTENDANCE REPORT**

*Recommendation: For information only.*

**2. MARTIN MARCHELLO – PARACHUTE OPERATIONS REQUEST**

Recommendation: For information only.

**3. STEPHEN STUHMER CORPORATE HANGAR**

Recommendation: For information only.

**4. VERIZON WIRELESS CELL TOWER PROPOSAL**

Recommendation: For information only.

**5. HANGAR BBQ LABOR DAY FLY-IN AUG 29<sup>TH</sup> - SEP 1<sup>ST</sup>**

Recommendation: For information only.

**6. ESSENTIAL AIR SERVICE PROPOSALS**

Recommendation: For information only.

**7. AIRPORT MANAGER'S REPORT**

Recommendation: For information only.

**G. AUTHORITY BUSINESS**

**1. POSSIBLE INCOMPATIBLE LAND USE ACTIVITY**

Recommendation: Discussion as desired by Authority members.

**2. OTHER BUSINESS FROM AUTHORITY MEMBERS**

Recommendation: Discussion as desired by Authority members.

**H. ADJOURNMENT:**

TO THE NEXT AIRPORT AUTHORITY MEETING, TUESDAY JULY 21, 2014 AT 7:00 PM IN THE CITY COUNCIL CHAMBERS, 678 WEST 18<sup>TH</sup> STREET MERCED, CA 95340.

**CITY OF MERCED  
REGIONAL AIRPORT AUTHORITY MINUTES**

**COUNCIL CHAMBERS  
MERCED CIVIC CENTER  
678 WEST 18<sup>TH</sup> STREET  
MERCED, CA**

**TUESDAY  
APRIL 16, 2014**

**A. CALL TO ORDER**

Chair Larry Morelock called the meeting to order at 7:00 P.M.

**B. ROLL CALL**

Members present: Larry Morelock, Alvin Osborn, Rodrigo Flores, John Sundgren, Michael Bodine and Ryan Smith.

Members absent: Russ Cowperthwaite – excused.

Staff Present: Ron Elliott and Jessica Cortright.

**C. WRITTEN PETITIONS AND COMMUNICATION**

None.

**D. ORAL COMMUNICATIONS**

None.

**E. CONSENT CALENDAR**

**1. REGIONAL AIRPORT AUTHORITY MEETING MINUTES FOR MARCH 18, 2014.**

M/S/C –Bodine/Smith motioned to approve and file the minutes for March 18, 2014 as submitted.

**F. REPORTS**

**1. AIRPORT TERMINAL RENOVATIONS**

Ron Elliott shared the plans with the board as information only.

## **2. AG LEASE WITH MR. GURR**

Ron Elliott presented the final lease with John Gurr for an agricultural lease at the Merced Regional Airport. Water use has become an issue this year, so year #2 will be at no charge. This item will be presented to the City Council on May 5.

## **3. AIRPORT MANAGER'S REPORT**

Ron Elliott reviewed the March 2014 monthly report.

## **G. AUTHORITY BUSINESS**

### **1. POSSIBLE INCOMPATIBLE LAND USE ACTIVITY**

None.

### **2. OTHER BUSINESS FROM AUTHORITY MEMBERS**

None.

## **H. ADJOURNMENT**

Larry Morelock called the meeting adjourned at 7:15 PM until the next Regional Airport Authority meeting on Tuesday, May 20, 2014 at 7:00 pm in the Council Chambers at 678 W 18<sup>th</sup> Street, in the Civic Center.

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Larry Morelock, Chair  
Regional Airport Authority

# REGIONAL AIRPORT AUTHORITY

## ATTENDANCE RECORD

April 1, 2013 through March 31, 2014

Total # of Meetings Held During Reporting Year: 8

<u>NAME</u>	<u># of Mtgs Attended *</u>	<u># of Mtgs Held *</u>	<u># of Mtgs Absent **</u>	<u># of Mtgs Excused</u>	<u>% of Mtgs Attended</u>
BODINE, M (Appt. 12/20/13)	3	3	0	0	100%
COWPERTHWAITTE, R (full year)	7	8	1	1	100%
FLORES, R (full year)	6	8	2	2	100%
MORELOCK, L (full year)	8	8	0	0	100%
OSBORN, A (full year)	6	8	2	2	100%
SMITH, R (appt. 8/2/13)	6	6	0	0	100%
YOUNG, J (Term'd 7/1/13)	1	2	1	1	100%
FRANCO, J (Term'd 7/1/13)	2	2	0	0	100%
SUNDGREN, J. (full year)	8	8	0	0	100%
KING, W (appt 7/1/13, resigned 9/30/13)	2	2	0	0	100%

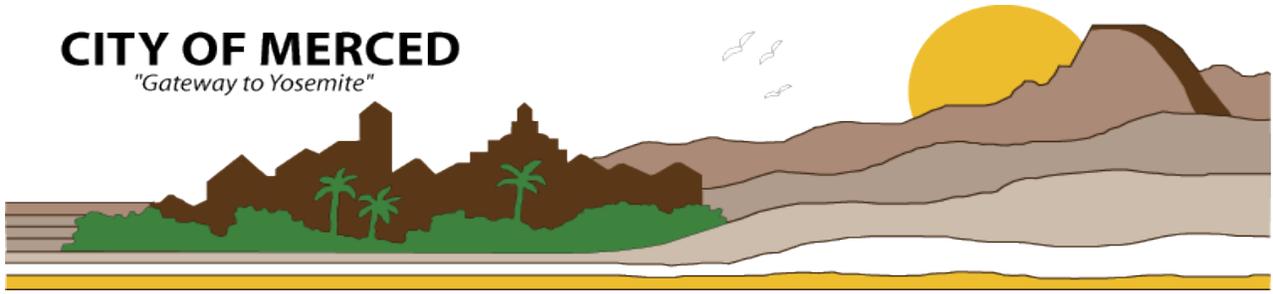
\* If a member less than full year, please indicate # of meetings held since appointment.

\*\* This # includes excused meetings.

Formulas for computing percentage of meetings attended:

- a. Member for full year - # of meetings attended (include excused) divided by total total # of meetings held
- b. Member for partial year - # of meetings attended (include excused) divided by total # of meetings held since appointment.

**CITY OF MERCED**  
"Gateway to Yosemite"



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Merced Regional Airport

Office 209/385-6873

Fax 209/388-8994

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June 2, 2014

Stephen S. Stuhmer  
26 Macready Drive  
Merced, CA 95340

**RE: Lease of Land at the Merced Regional Airport**

Dear Mr. Stuhmer:

We are please to extend the following to you as a non-binding letter of intent between you and the City of Merced, pertaining to the lease of certain property for the purpose of building a personal use hangar at Merced Regional Airport.

**Parties:** Lessor: The City of Merced, 678 W 18<sup>th</sup> Street, Merced, California 95340  
Lessee: Stephen Stuhmer, 26 Macready Drive, Merced, California 95340: or an entity to be formed for this purpose.

**Premises:** The Premises will consist of a total of 6400 square feet (approx) and is a portion of APN 059-420-014. The site is illustrated in Attachment 1.

**Area:** Consists of one 80' X 80' area (6,400 square feet), just east of existing corporate hangar #42

**Term:** The Term of the Lease shall be thirty (30) years, commencing as specified in Payments of Rents below.

**Option for Extension:** The Term of the Lease may be extended at the Option of the Lessee for one additional period of fifteen (15) years beyond the original Term, provided that Lessee gives written notice of the intent to exercise the Option not less than one year prior to the expiration of the original Term.

**Improvements:** Lessee shall fund all costs of development of Lessee's improvements, including architecture and engineering, site preparation, building construction, extension or relocation of utilities if and as required, fees and permits associated with Lessee's construction, and financing costs directly related to Lessee's construction. Lessee shall not allow or suffer the filing of any construction or

materials liens upon the Premises. Lessee understands and agrees that Lessor will pay no costs whatsoever for the development of the Premises.

**Design:** The Lessee shall coordinate receive written approval from the Lessor for all hangar designs, construction materials, and any and all improvements on the Premises.

**Required Improvements:** Not more than 4 months from the Commencement Date of the Lease, Lessee shall commence construction of a corporate style hangar; design, materials, and plans approved by the Airport Manager of not less than 3,600 square feet. Final construction will be a high-quality corporate hangar. Said improvements shall be completed no later than 360 days after commencement of construction.

**Schedule for Improvements:** Any improvements not commenced or completed within the time specified, due to Lessee's failure to perform, will be considered a material breach of the lease. Construction commencement will be considered evidenced by site grading and preparation; and construction completion will be considered evidenced by a Certificate of Occupancy.

**Rent:** The Annual Rent for the Premises shall be \$.28 per square foot (\$1,792 annually\*) during each of the first ten years of the Lease, \$.33 per square foot (\$2,112 annually\*) for Years Eleven through Twenty of the Lease, and \$.39 per square foot (\$2,496 annually\*) for the leased Premises during Years Twenty-Six through Thirty of the Lease. Rent for the Option Extension years, Thirty-Six through Fifty, shall be equal to the immediately prior year, plus an amount equal to the average of the previous 5 years CPI index.

**Payment of Rents:** Lessee shall pay Rents in advance, with the first Year's payment due within five days of the execution of the Lease by both parties, and such date of payment becoming the Commencement Date of the Lease and the Annual Anniversary Date.

**Deposits:** Mr. Stuhmer shall make a Good Faith Deposit of \$10,000 upon approval of the proposed Lease by the Merced City Council and receipt of a Phase One inspection indicating there are no environmental issues related to the proposed lease premises. \$5,000 of the original \$10,000 will be returned once a "certificate of occupancy" is issued, and the remaining \$5,000 will be held until the lease is terminated or reverted back to the City.

**Compliance with Rules and Commercial Operator's Permit:** Lessee shall at all times comply with all rules and regulations of the Airport.

**Due Diligence:** At Lessee's sole discretion, and Lessee's sole expense, Lessee may conduct a Phase One inspection of the proposed lease area prior to execution of the lease agreement. In the event Lessee's environmental assessment reveals issues requiring a Phase Two or greater level of assessment, Lessee may in its sole discretion elect not to enter into the Lease and any monies deposited with the city of Merced will be returned to Lessee within 10 days of written notice of Lessee's

election not to proceed. Lessee's failure to perform an environmental assessment of the premises prior to execution of the Lease will be deemed Lessee's acceptance of the lease area in an "as-is" condition.

**Condition of Site on Lease:** Premises are leased "as-is", and Lessor makes no representations as to the environmental condition of the Premises.

**Survey:** If Lessee desires a survey of the Premises, such survey shall be conducted at Lessee's expense.

**Uses:** The leased Premises shall be used for the purpose of constructing a personal use executive/corporate-quality hangar. The Premises shall not be used for storage of non-aviation items or equipment, or other business purposes not related to aviation. Uses may be subject to Federal Aviation Administration rules and restrictions.

**Maintenance:** Lessee shall keep the Premises and all improvements in good repair and condition following the completion of improvement.

**Net Lease/Taxes:** Lease is "triple-net." Lessee shall pay all maintenance; insurance, and property taxes, liens or assessments.

**Reversion:** All improvements shall revert to the ownership of the Lessor at no cost to the Lessor at the termination of the Lease for any reason, whether expiration or default.

**Other:** Other provisions shall be included in the Lease, covering nondiscrimination, notices, defaults, and cure of defaults, FAA requirements, Force Majeure, and others.

**Broker:** Neither party is represented by a broker in this transaction.

**Conditions:** Lease Agreement is subject to the approval of the Regional Airport Authority, Merced City Council and the consent of the Federal Aviation Administration.

If these terms are acceptable, please indicate by signing below. This will allow us to then proceed to the drafting of the full Lease agreement, which may include additional provisions. If you need any additional information or have questions, please contact me at (209) 385-6873.

Thank you.

Sincerely,

Ronald K. Elliott, A.A.E.  
Manager, Merced Regional Airport

Accepted:

Stephen S. Stuhmer



Tony Whitehurst	Chairman
Frederick Honore	Vice Chairman
Gail McCullough	Commissioner
Scott Malta	Commissioner
Ron Elliott	Commissioner
Larry Morelock	Commissioner
Ty Cotta	Commissioner

Oksana Newmen, Acting Secretary  
www.co.merced.ca.us

**MERCED COUNTY AIRPORT LAND USE COMMISSION  
STAFF REPORT AND RECOMMENDATION**

**DATE:** JUNE 5, 2014

**TO:** AIRPORT LAND USE COMMISSION

**FROM:** OKSANA NEWMEN, ACTING ALUC SECRETARY 

**ACTION:** TO MAKE A CONSISTENCY DETERMINATION ON A PROPOSED CELL PHONE TOWER IN THE MERCED REGIONAL AIRPORT INFLUENCE AREA

**REFERRED BY:** VERIZON WIRELESS c/o SAC WIRELESS

**I. PROPOSAL**

Verizon Wireless is proposing placing a 100 foot tall cell phone tower on a 6.06 acre site located at 503 Thornton Road, approximately 500 feet south of Hawk Drive in the Merced area. The site is immediately adjacent to the City of Merced city boundary. Maps of the project site and its relation to the Airport Compatibility Zones are attached to this Staff Report.

**II. DISCUSSION**

Because this school site is located within the Merced Regional Airport Influence Area, it must be reviewed by the Commission for a determination as to project consistency with the Merced County Airport Land Use Compatibility Plan. Policy 1.4.3(k) of the Compatibility Plan defines any proposed object (including buildings, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Administration as a "major land use action" subject to review by the Commission. The purpose of this review is to determine consistency of the project's proposed land use with the specific policies and compatibility requirements of the Compatibility Plan.

As identified in the attached Compatibility Map for the Merced Regional Airport, the proposed project lies within Compatibility Zone C. The proposed location of the tower is approximately 2,600 feet southwest of the mid-point of the runway. The western portion of the property also lies within the General Aircraft Traffic Pattern Envelope (Compatibility Factors Map, Exhibit MER 4, ALUCP), though the cell tower is not proposed in this area.

Table 2A "Basic Compatibility Criteria" provides a summary list of population densities and land uses which are either allowed or prohibited within the Compatibility Zones. (A copy of Table 2A is attached to this Report). Under the list of "Conditional Uses" within

Zone C are “Communications Facilities: emergency communications, broadcast and cell towers.” Conditional uses are those where the use is compatible if the indicated usage intensity, lot coverage, and other listed conditions are met. Cell towers in Zone C are allowed only if a site outside the zone would not serve the intended public function. Further policy direction is contained under Compatibility Plan Policy 5.3.2, which is listed in Subsection 5.3 “Airspace Protection Criteria” of Chapter 2 “General Policies” which reads:

*Policy 5.3.2 Measures of Hazards to Airspace -*

*In evaluating the airspace protection compatibility of proposed development near an airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic:*

*(a) Three types of physical hazards are a concern to aviation.*

*1. The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.*

As described above, the proposed cell tower, at 100 feet high, may be considered a physical hazard as a result of its height. However, a cell tower is not firmly inconsistent with the Compatibility Zone C allowed land uses, if it can be shown that locating the site out of this zone will not serve the intended use.

The applicant has submitted information showing cell coverage for other areas which may have been considered for installation of a cell tower, however, these alternate sites do not appear to meet the need for coverage that would be met with placement of the cell tower in this location. Additionally, the applicant has submitted a “Determination of No Hazard to Air Navigation” from the Federal Aviation Administration for the site, which states that an aeronautical study completed for the structure revealed that the tower does not exceed obstruction standards and would not be a hazard to air navigation, provided construction documentation is submitted within 5 days of the structure reaching its highest height.

Section 5.3.4, *Airspace Obstruction Criteria*, defines the criteria for determining the acceptability of a project with respect to height shall be based on the FAA Federal Aviation Regulations (FAR) Part 77, Subpart C and applicable airport design standards published by the FAA. Section 5.3.4 further notes that results of an FAA aeronautical study shall be taken into account by the ALUC and local agency.

For the case of the Merced Regional Airport, the horizontal surface elevation is at 306 feet over this property location. Since the height of the tower will only reach 247 feet about mean sea level (site elevation 147 feet, plus 100 foot tower height), this tower would not exceed the horizontal protection surface.

According to Section 2.3.4 of the Compatibility Plan, the Commission can reach one of three conclusions following its review:

1. Find the project consistent with the Compatibility Plan;
2. Find the project consistent with the Compatibility Plan, subject to compliance with such conditions as the Commission may specify.
3. Find the project inconsistent with the Compatibility Plan.

The proposed cell tower location within Compatibility Zone C is not prohibited, but the

Compatibility Plan does urge caution for this type of use in this zone. The use, if located elsewhere, may not serve its intended purpose. Based on the FAA determination of no hazard, Staff finds that alternative 2 would be appropriate for the Commission, finding the project consistent with the Compatibility Plan, subject to compliance with the FAA permit and construction requirements, which may include an extension to the expiration date of the FAA finding of no hazard.

#### **IV. STAFF RECOMMENDATION**

Staff is recommending the Commission make a determination that the proposed cell phone tower is consistent with regard to Policies 5.3.2 and 5.3.4, and Compatibility Zone C of the ALUC Compatibility Plan and direct the ALUC Secretary to submit a letter informing the applicant of the Commission's determination.

#### **V. ATTACHMENTS**

1. Site Plans
2. Application for Major Land Use Action Review
3. Alternate Site Coverage Analysis
4. FAA Determination of No Hazard to Air Navigation
5. ALUCP Compatibility Map – Merced Airport
6. Compatibility Factors Map
7. Table 2A of ALUC Compatibility Plan

cc: Rebekah Anderson, SAC Wireless  
Kim Espinosa, Planning Manager, City of Merced Planning Department  
Ron Elliott, Airport Manager, City of Merced  
Richard Flores, ALUC Counsel

REV	DATE	DESCRIPTION	BY
0	10/20/12	100% ZONING	DM
1	10/20/12	100% ZONING	DM
2	10/20/12	100% ZONING	DM
3	10/20/12	100% ZONING	DM
4	10/21/12	REVISION TO IMPROVE LAYOUT	DM
5	10/21/12	REVISION TO IMPROVE LAYOUT	DM
6	10/21/12	100% ZONING	DM
7	10/21/12	100% ZONING	DM
8	10/21/12	REVISION TO IMPROVE LAYOUT	DM
9	10/21/12	100% ZONING	DM



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2755 MITCHELL DRIVE, BLDG 9  
 WALNUT CREEK, CA 94598

WEST MERCED  
 PSL # 250329  
 503 THORNTON RD  
 MERCED, CA 95341

SHEET TITLE:  
 TITLE SHEET

T-1

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**WEST MERCED**  
**PSL # 250329**  
 503 THORNTON RD  
 MERCED, CA 95341

SHEET	DESCRIPTION	REV
T-1	TITLE SHEET	1
G-1	SITE SURVEY	3
G-2	SITE SURVEY	3
A-1	SITE PLAN & UNLAWFUL SITE PLAN	7
A-2	ZONING & ZONING LAYOUT	7
A-3	EAST & WEST ELEVATIONS	8
A-4	WEST & EAST ELEVATIONS	8

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**GENERAL CONTRACTOR NOTES**  
 DO NOT SCALE DRAWINGS IF NOT FULL SIZE (24x36)  
 CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING CONDITIONS AND CONDITIONS OF THE PROJECT BEFORE PROCEEDING WITH THE WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

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DATE	SIGNATURE	DATE

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DATE	SIGNATURE	DATE

DATE	SIGNATURE	DATE

**PROJECT SUMMARY**  
 APPLICANT/LESSEE: Verizon Wireless  
 PROJECT: 503 THORNTON RD, MERCED, CA 95341  
 PROJECT TYPE: CELL TOWER  
 PROJECT VALUE: \$1,000,000  
 PROJECT START DATE: 10/20/12  
 PROJECT END DATE: 10/20/12  
 PROJECT STATUS: IN PROGRESS  
 PROJECT CONTACT: [REDACTED]  
 PROJECT PHONE: [REDACTED]  
 PROJECT FAX: [REDACTED]  
 PROJECT EMAIL: [REDACTED]  
 PROJECT WEBSITE: [REDACTED]

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 PROJECT EMAIL: [REDACTED]  
 PROJECT WEBSITE: [REDACTED]

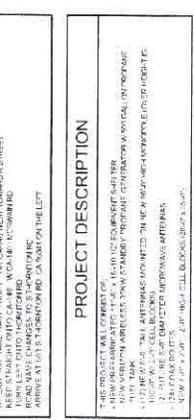
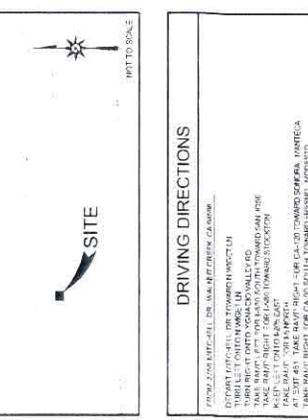
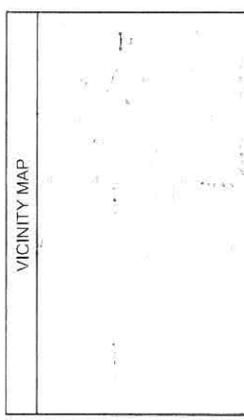
**PROJECT SUMMARY**  
 APPLICANT/LESSEE: Verizon Wireless  
 PROJECT: 503 THORNTON RD, MERCED, CA 95341  
 PROJECT TYPE: CELL TOWER  
 PROJECT VALUE: \$1,000,000  
 PROJECT START DATE: 10/20/12  
 PROJECT END DATE: 10/20/12  
 PROJECT STATUS: IN PROGRESS  
 PROJECT CONTACT: [REDACTED]  
 PROJECT PHONE: [REDACTED]  
 PROJECT FAX: [REDACTED]  
 PROJECT EMAIL: [REDACTED]  
 PROJECT WEBSITE: [REDACTED]

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 PROJECT EMAIL: [REDACTED]  
 PROJECT WEBSITE: [REDACTED]



DATE	SIGNATURE	DATE

DATE	SIGNATURE	DATE

DATE	SIGNATURE	DATE

DATE	SIGNATURE	DATE



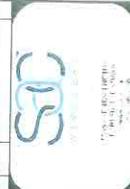






**ISSUE STATUS**

REV.	DATE	DESCRIPTION	BY
1	11/11/10	ISSUE FOR PERMITS	RL
2	11/11/10	ISSUE FOR PERMITS	RL
3	11/11/10	ISSUE FOR PERMITS	RL
4	11/11/10	ISSUE FOR PERMITS	RL
5	11/11/10	ISSUE FOR PERMITS	RL
6	11/11/10	ISSUE FOR PERMITS	RL
7	11/11/10	ISSUE FOR PERMITS	RL



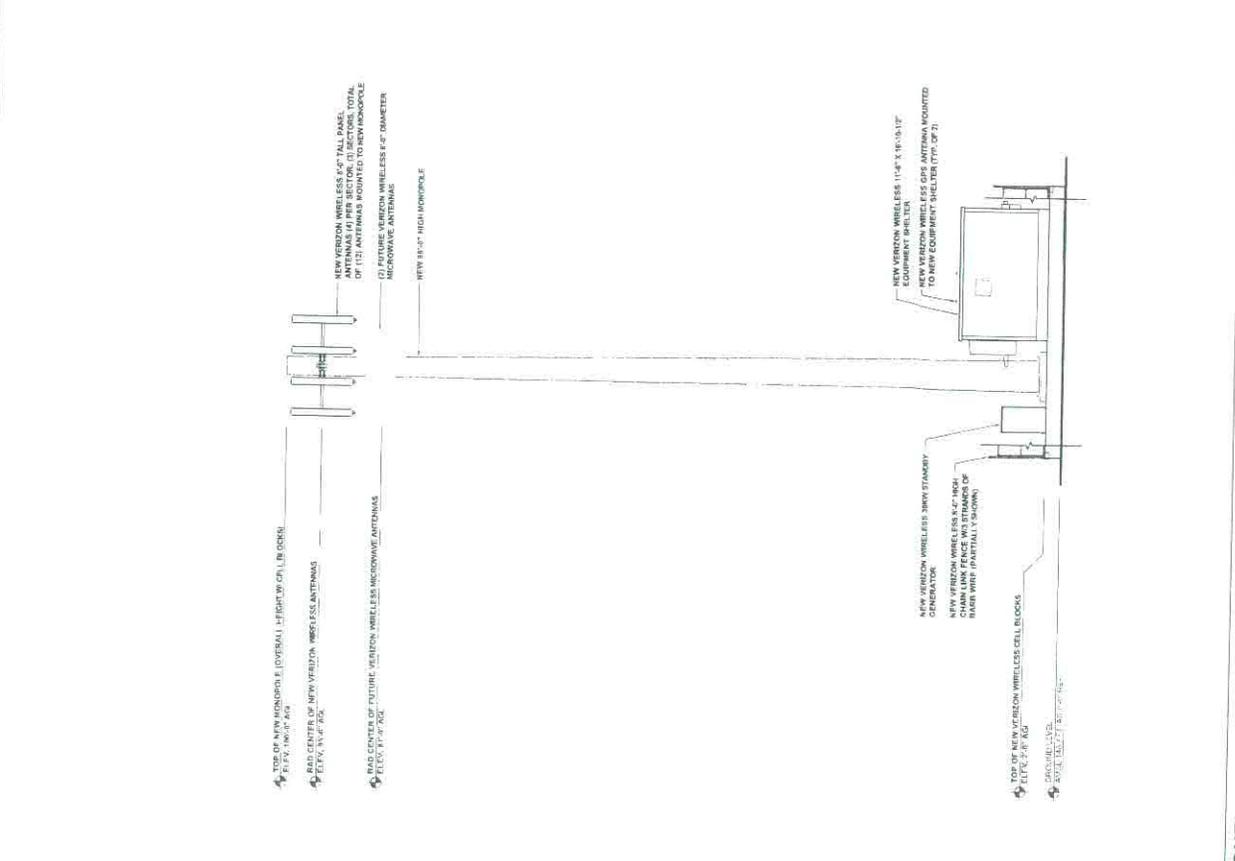
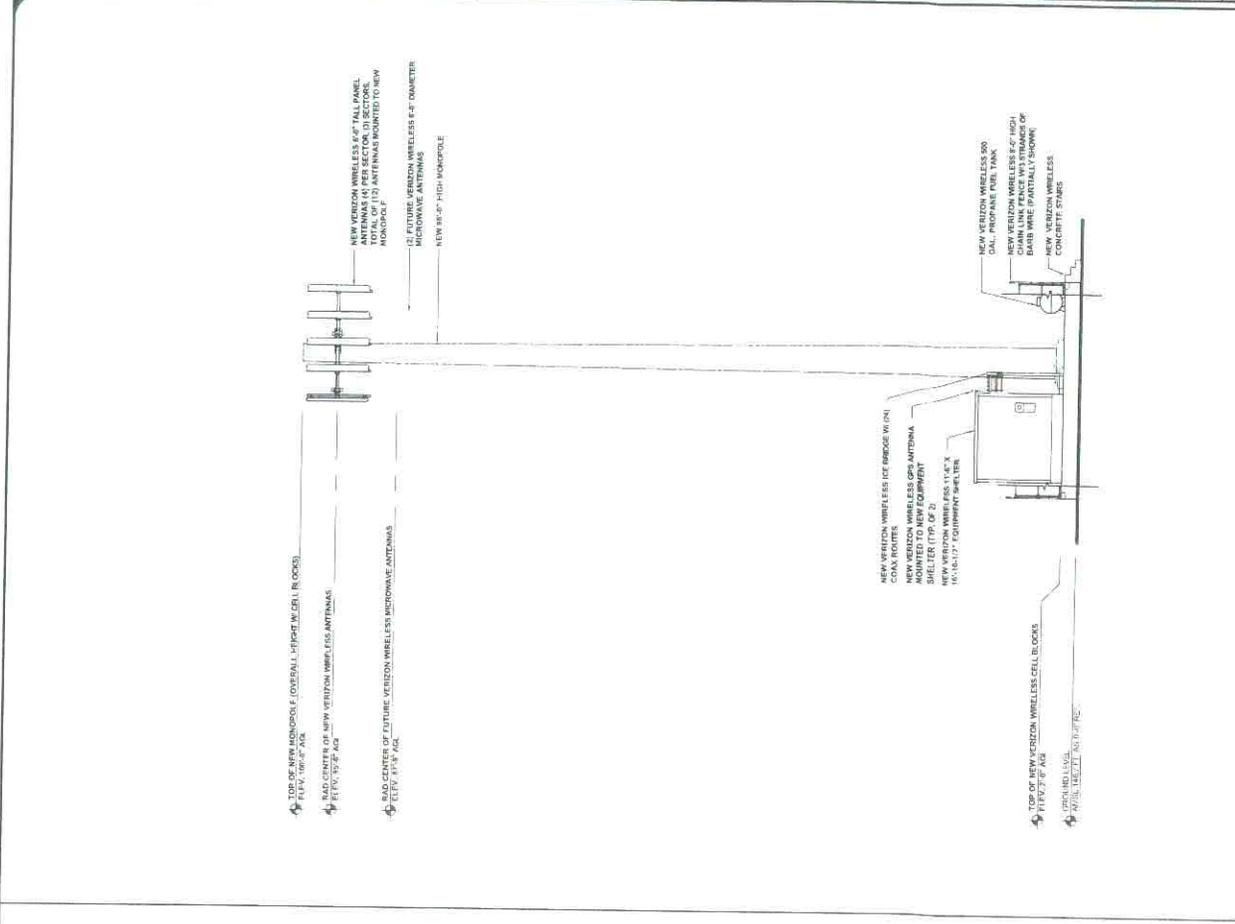
**PROPRIETARY INFORMATION**  
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**Verizon wireless**  
 2785 MITCHELL DRIVE, BLDG 9  
 WALNUT CREEK, CA 94598

**WEST MERCED**  
 PSL # 250329  
 503 THORNTON RD  
 MERCED, CA 95341

SHEET TITLE:  
**SOUTH & EAST ELEVATIONS**

**A-3**



**SOUTH ELEVATION**

SCALE: 1/8" = 1'-0" (3/16")  
 (OR) 1/16" = 1'-0" (1/32")

**1**

**EAST ELEVATION**

SCALE: 1/8" = 1'-0" (3/16")  
 (OR) 1/16" = 1'-0" (1/32")

**2**

REV	DATE	DESCRIPTION	BY
1	10/14/17	ISSUE FOR PERMITS	AM
2	10/14/17	ISSUE FOR PERMITS	AM
3	10/14/17	ISSUE FOR PERMITS	AM
4	10/14/17	ISSUE FOR PERMITS	AM
5	10/14/17	ISSUE FOR PERMITS	AM
6	10/14/17	ISSUE FOR PERMITS	AM
7	10/14/17	ISSUE FOR PERMITS	AM
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9	10/14/17	ISSUE FOR PERMITS	AM
10	10/14/17	ISSUE FOR PERMITS	AM



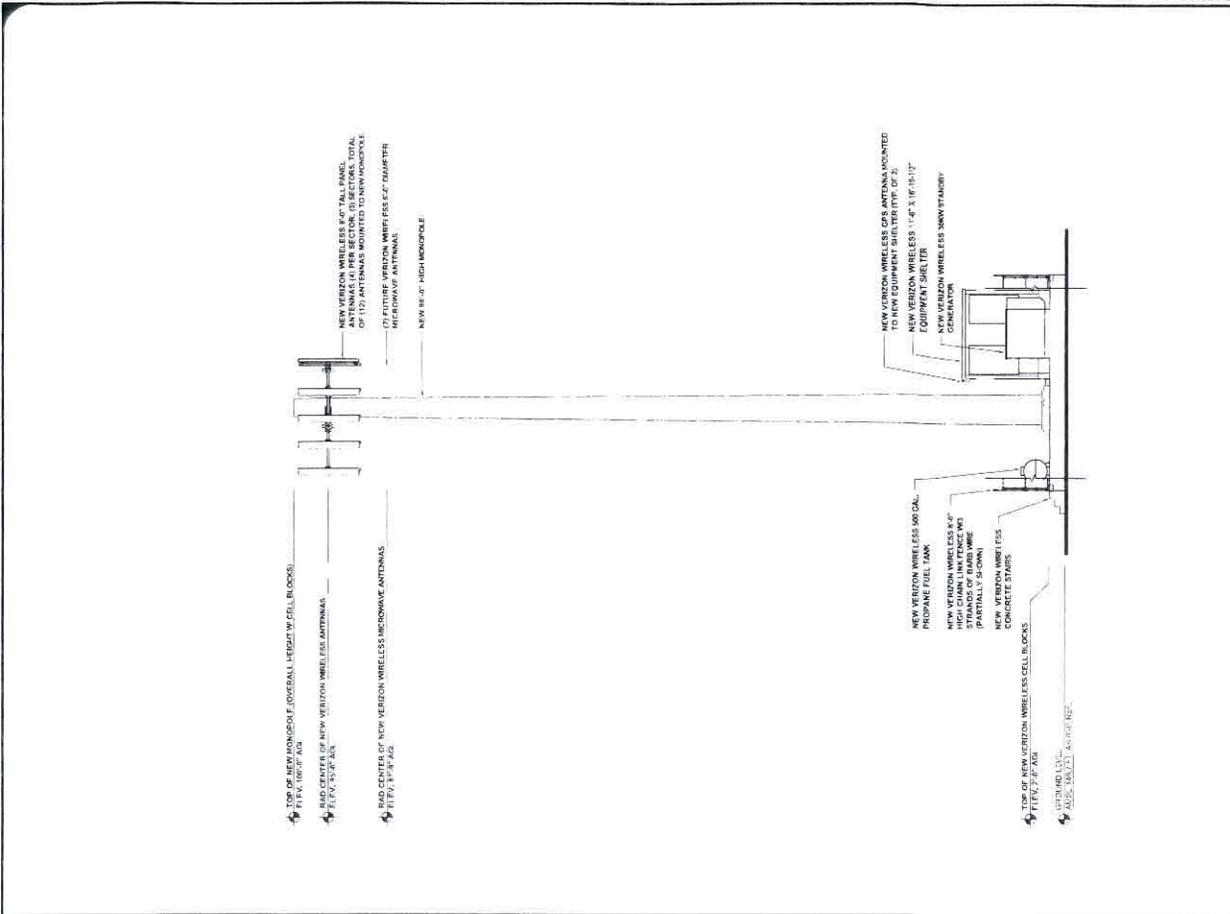
**PROPRIETARY INFORMATION**  
 THIS DOCUMENT IS THE PROPERTY OF ISS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ISS.



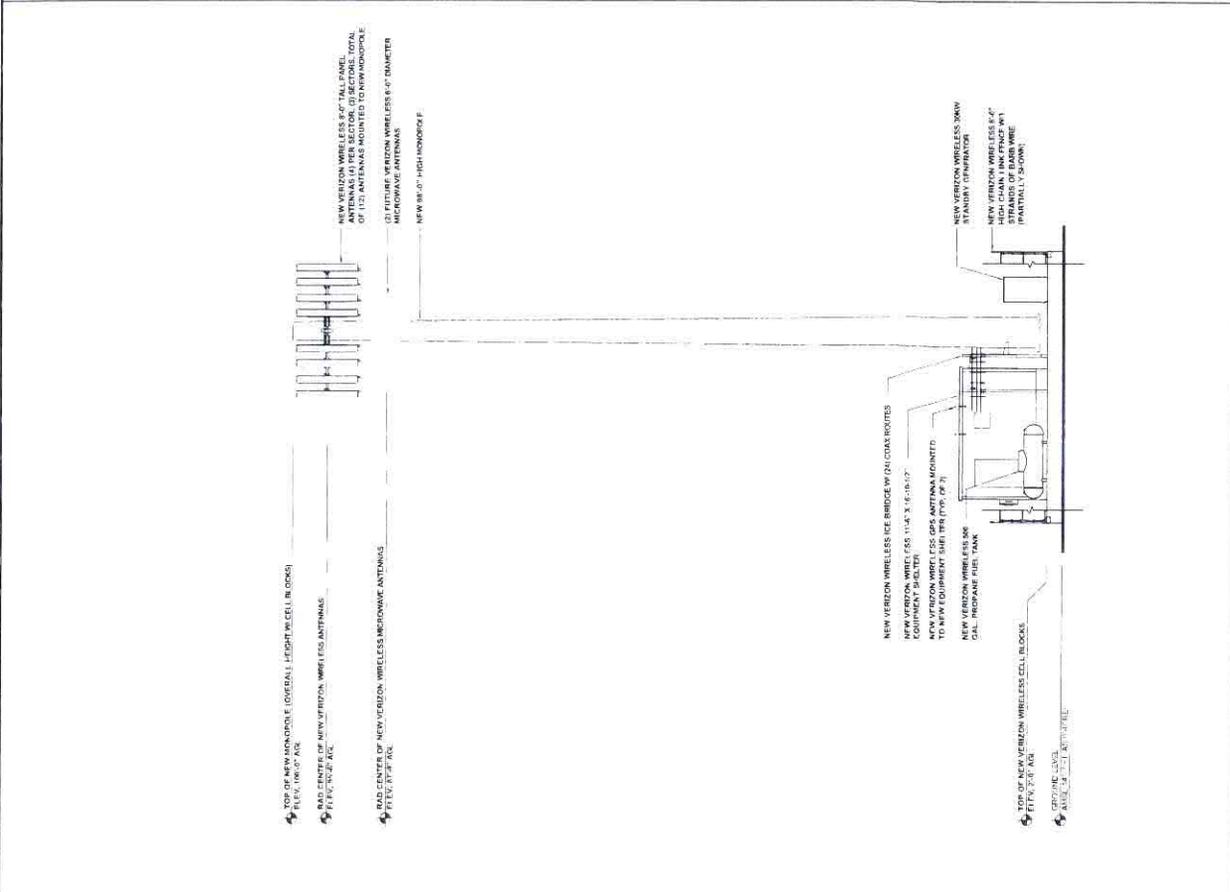
WEST MERCED  
 PSL # 250329  
 503 THORNTON RD  
 MERCED, CA 95341

SHEET TITLE:  
 NORTH & WEST  
 ELEVATIONS

**A-4**



SCALE: 1/8" = 1'-0" (PLAN)  
 (CON) 1/16" = 1'-0" (ELEV)  
**2**



SCALE: 1/8" = 1'-0" (PLAN)  
 (CON) 1/16" = 1'-0" (ELEV)  
**1**

**NORTH ELEVATION**

**WEST ELEVATION**

## Project Referral Form

**APPLICATION FOR MAJOR LAND USE ACTION REVIEW  
MERCED COUNTY AIRPORT LAND USE COMMISSION**

ALUC Identification No.

**PROJECT PROPONENT** (TO BE COMPLETED BY APPLICANT)

Date of Application 5/12/14  
 Property Owner Bruce I. Erickson and Deborah A. Erickson, Trustees Phone Number \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Agent (if any) Verizon Wireless, c/o Rebekah Anderson for SAC Wireless Phone Number 916-205-3100  
 Mailing Address PO Box 2088, West Sacramento, CA 95691  
 \_\_\_\_\_  
ra@andersonwsa.com

**PROJECT LOCATION** (TO BE COMPLETED BY APPLICANT)

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address 503 Thornton Rd, Merced, CA 95341  
 \_\_\_\_\_  
 Assessor's Parcel No. 059-230-012 Parcel Size 6.06 Acres  
 Subdivision Name \_\_\_\_\_ Zoning \_\_\_\_\_  
 Lot Number \_\_\_\_\_ Classification M-1 Light Manufacturing

**PROJECT DESCRIPTION** (TO BE COMPLETED BY APPLICANT)

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use Industrial/Misc  
 (describe) \_\_\_\_\_  
 \_\_\_\_\_

Proposed Land Use New Verizon Wireless facility (Site Name: West Merced).  
 (describe) \_\_\_\_\_  
 \_\_\_\_\_

For Residential Uses Number of Parcels or Units on Site (exclude secondary units) \_\_\_\_\_  
 For Other Land Uses Hours of Use 24/7  
 Number of People Maximum Number 1 per month  
 On Site... Method of Calculation \_\_\_\_\_

Height Data Height above Ground or Tallest Object (including antennas and trees) 100' ft.  
 Highest Elevation (above sea level) of Any Object or Terrain on Site 247 AGL ft.

Flight Hazards Does the project involve any characteristics which could create electrical Interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?  Yes  
 No  
 If yes, describe \_\_\_\_\_  
 \_\_\_\_\_

**REFERRING AGENCY** (TO BE COMPLETED BY AGENCY STAFF)

Date Received	_____	Type of Project
Agency Name	_____	<input type="checkbox"/> General Plan Amendment
Staff Contact	_____	<input type="checkbox"/> Zoning Amendment or Variance
Phone Number	_____	<input type="checkbox"/> Subdivision Approval
Agency's Project No.	_____	<input type="checkbox"/> Use Permit
		<input type="checkbox"/> Public Facility
		<input type="checkbox"/> Other _____

**ALUC REVIEW** (TO BE COMPLETED BY ALUC SECRETARY)

Application Receipt	Date Received	_____	By	_____
	Is Application Complete?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If no, cite reasons	_____		

Airport	<input type="checkbox"/> Castle	<input type="checkbox"/> Gustine	<input type="checkbox"/> Los Banos
	<input type="checkbox"/> Merced	<input type="checkbox"/> Turlock	
	<input type="checkbox"/> Other location (describe) _____		

Primary Criteria Review	Compatibility Zone(s)	<input type="checkbox"/> A	<input type="checkbox"/> B1	<input type="checkbox"/> B2	<input type="checkbox"/> C	<input type="checkbox"/> D
	Allowable (not prohibited) Use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____		
	Density/Intensity Acceptable?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____		
	Open Land Requirement Met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____		
	Height Acceptable?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____		
	Easement/Deed Notice Provided?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____		

Special Conditions	Infill Parcel?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Other (describe)	_____	

Supplemental Criteria Review	Noise	_____
	Safety	_____
	Airspace Protection	_____
	Overflight	_____

**ACTIONS TAKEN** (TO BE COMPLETED BY ALUC SECRETARY)

ALUC Secretary's Action	<input type="checkbox"/> Approve	Date	_____
	<input type="checkbox"/> Refer to ALUC		

ALUC Action	<input type="checkbox"/> Consistent	Date	_____
	<input type="checkbox"/> Consistent with Conditions (list conditions/attach additional pages if needed)	_____	
	<input type="checkbox"/> Inconsistent (list reasons/attach additional pages if needed)	_____	



**UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
ANTENNA STRUCTURE REGISTRATION**



OWNER: California RSA No. 4 Limited Partnership

FCC Registration Number (FRN): 0001838671

<b>ATTN: Network Regulatory</b> <b>California RSA No. 4 Limited Partnership</b> <b>1120 Sanctuary Pkwy, #150 GASA5REG</b> <b>Ste 150 MC: GASA5REG</b>	<b>Antenna Structure Registration Number</b> <p align="center">1286256</p>						
	<b>Issue Date</b> <p align="center">07/31/2013</p>						
<b>Location of Antenna Structure</b> <b>503 Thornton Road (61125051 / Ensite 12355)</b> <b>Merced, CA 95340</b>  <b>County: MERCED</b>	<b>Ground Elevation (AMSL)</b> <p align="right">44.8 meters</p>						
	<b>Overall Height Above Ground (AGL)</b> <p align="right">30.5 meters</p>						
<table border="0"> <tr> <td align="center"><b>Latitude</b></td> <td align="center"><b>Longitude</b></td> <td align="center"><b>NAD83</b></td> </tr> <tr> <td align="center">37° 16' 47.9" N</td> <td align="center">120° 31' 14.9" W</td> <td></td> </tr> </table>	<b>Latitude</b>	<b>Longitude</b>	<b>NAD83</b>	37° 16' 47.9" N	120° 31' 14.9" W		<b>Overall Height Above Mean Sea Level (AMSL)</b> <p align="right">75.3 meters</p>
<b>Latitude</b>	<b>Longitude</b>	<b>NAD83</b>					
37° 16' 47.9" N	120° 31' 14.9" W						
<b>Center of Array Coordinates</b> <p align="center">N/A</p>	<b>Type of Structure</b> <p align="center">MTOWER Monopole</p>						
<b>Painting and Lighting Requirements:</b> <b>FAA Chapters NONE</b>							
<b>Conditions:</b>							

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to <http://wireless.fcc.gov/antenna>. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

**You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and display your Registration Number at the site. See reverse for important information about the Commission's Antenna Structure Registration rules.**

You must comply with all applicable FCC obstruction marking and lighting requirements, as set forth in Part 17 of the Commission's Rules (47 C.F.R. Part 17). These rules include, but are not limited to:

**Posting the Registration Number:** The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure. Exceptions exist for certain historic structures. See 47 C.F.R. 17.4(g)-(h).

**Inspecting lights and equipment:** The obstruction lighting must be observed at least every 24 hours in order to detect any outages or malfunctions. Lighting equipment, indicators, and associated devices must be inspected at least once every three months.

**Reporting outages and malfunctions:** When any top steady-burning light or a flashing light (in any position) burns out or malfunctions, the outage must be reported to the nearest FAA Flight Service Station, unless corrected within 30 minutes. The FAA must again be notified when the light is restored. The owner must also maintain a log of these outages and malfunctions.

**Maintaining assigned painting:** The antenna structure must be repainted as often as necessary to maintain good visibility.

**Complying with environmental rules:** If you certified that grant of this registration would not have a significant environmental impact, you must nevertheless maintain all pertinent records and be ready to provide documentation supporting this certification and compliance with the rules, in the event that such information is requested by the Commission pursuant to 47 C.F.R. 1.1307(d).

**Updating information:** The owner must notify the FCC of proposed modifications to this structure; of any change in ownership; or, within 30 days of dismantlement of the structure.

You can find additional information at [\[insert link\]](#) or by calling (877) 480-3201 (TTY 717-338-2824).



# Alternative Analysis for West Merced

Prepared by:

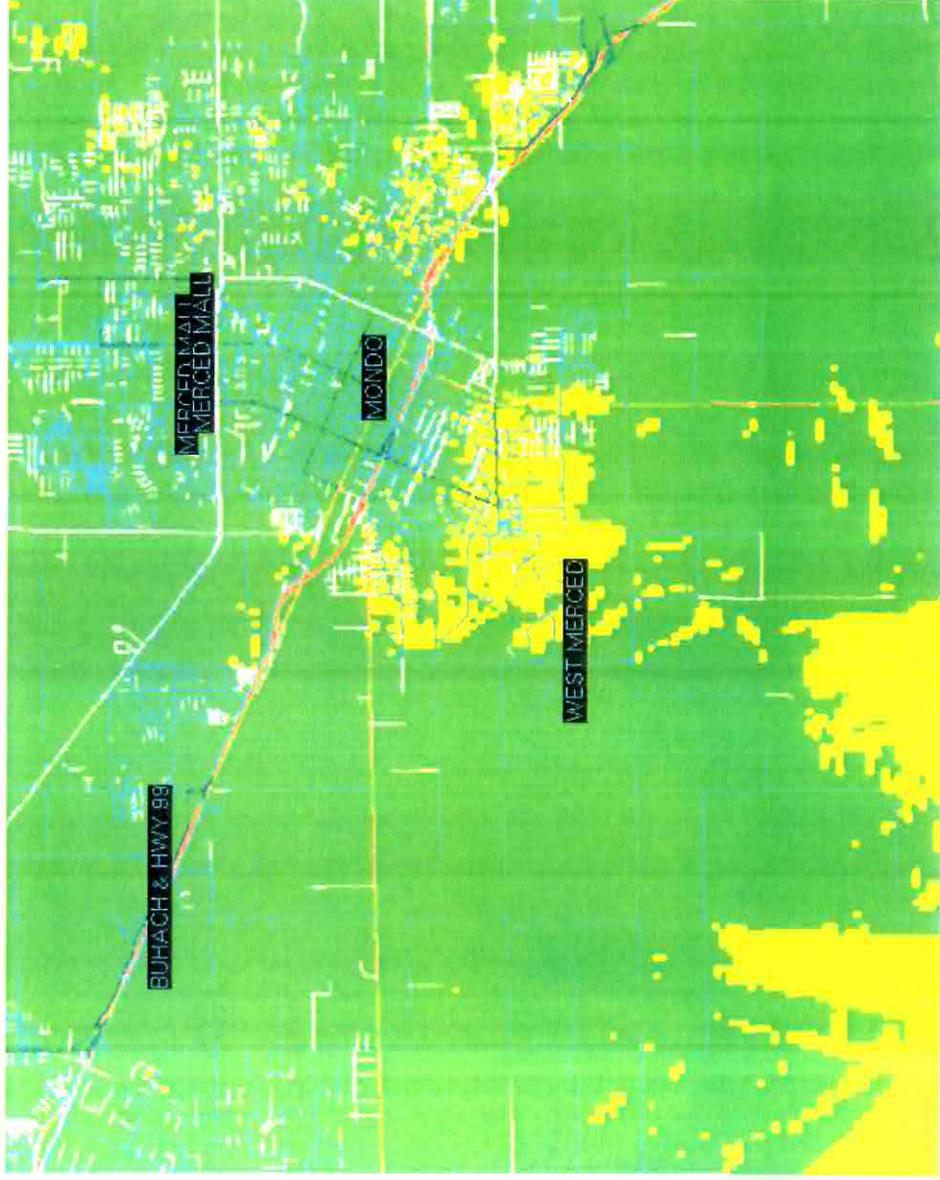
**Dewayne Bonham**

**RF Design Engineer**

1/6/2014



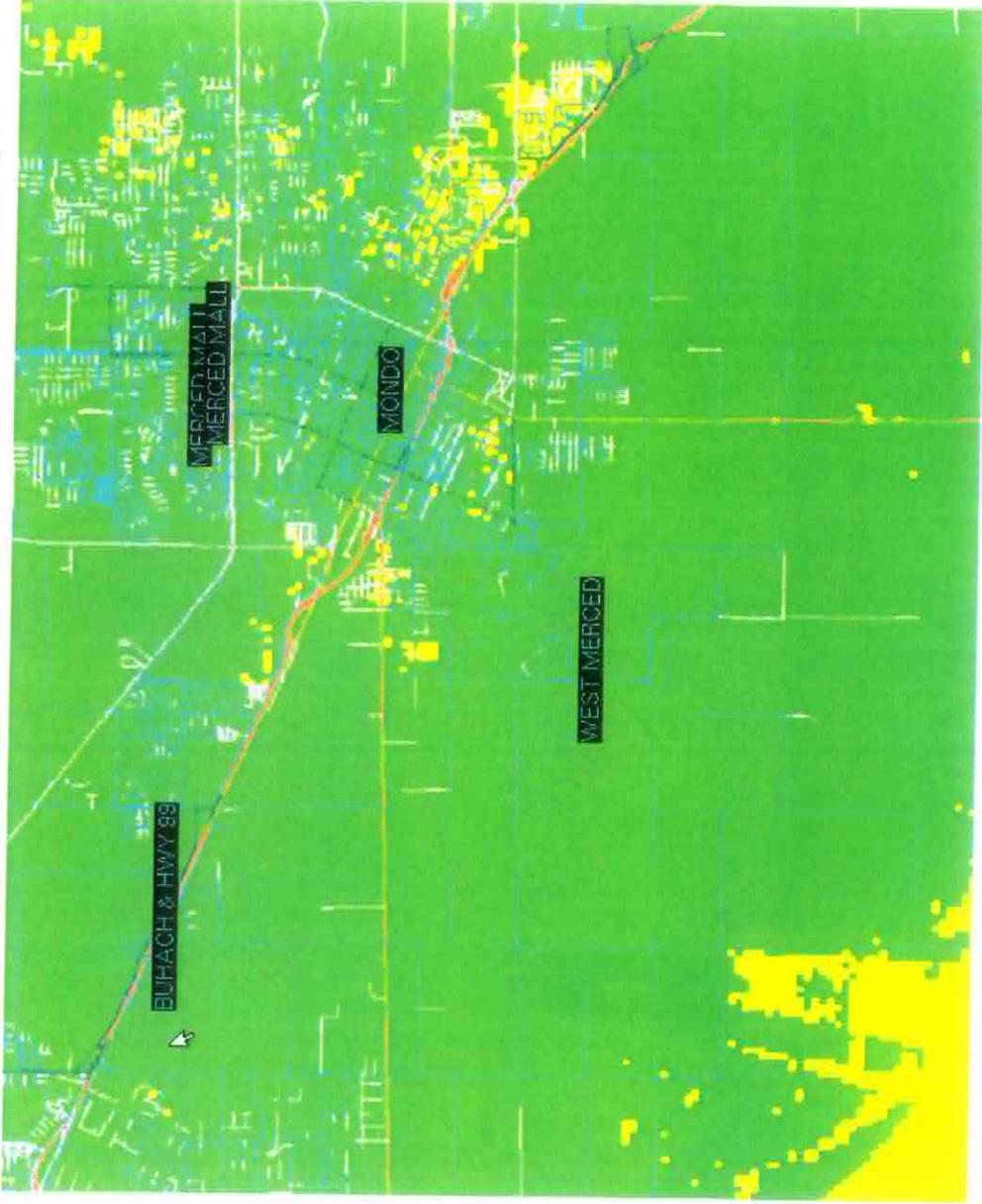
# West Merced Alternatives



Existing Coverage Gap – Note Yellow (Poor In-Building)



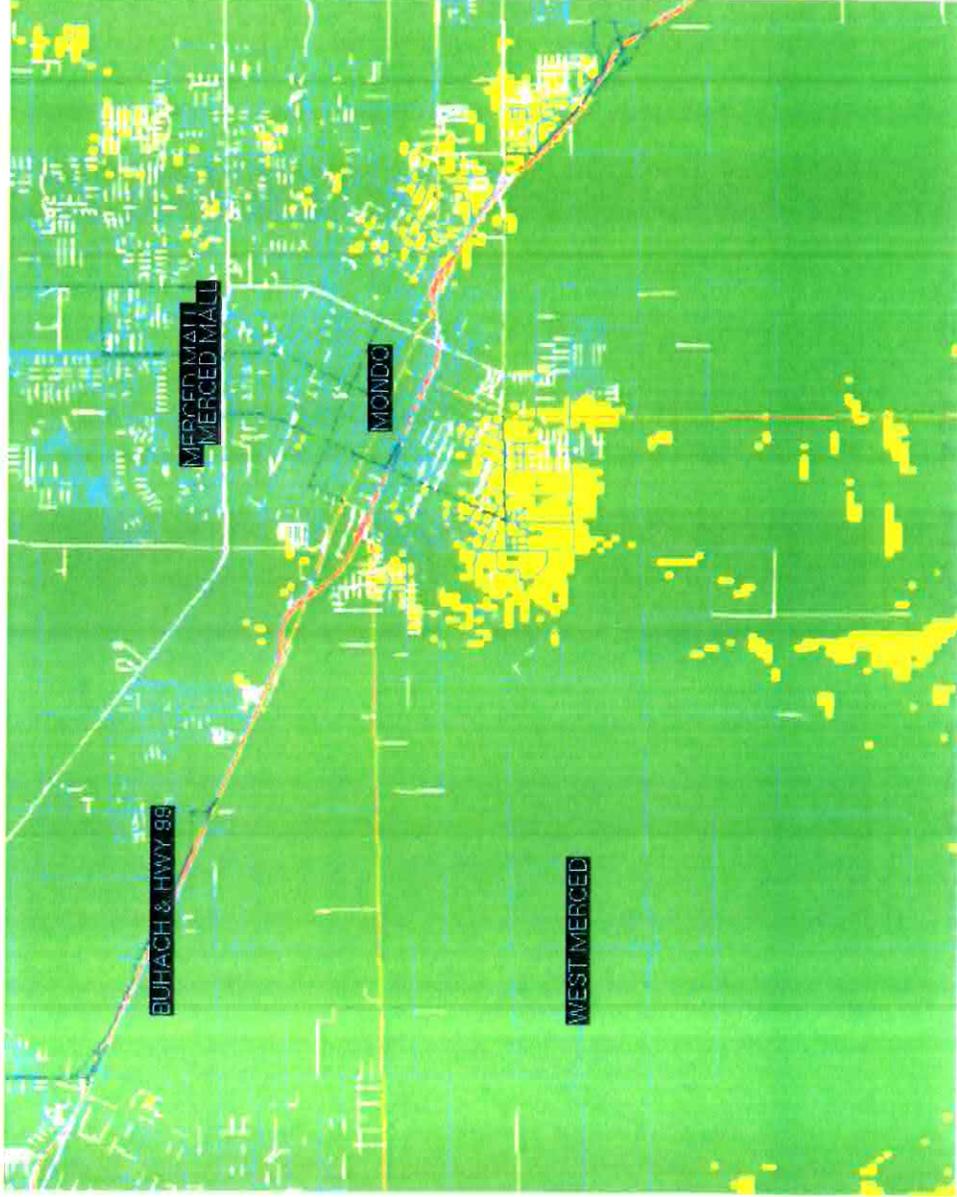
# West Merced Alternatives



Coverage with current West Merced Candidate.



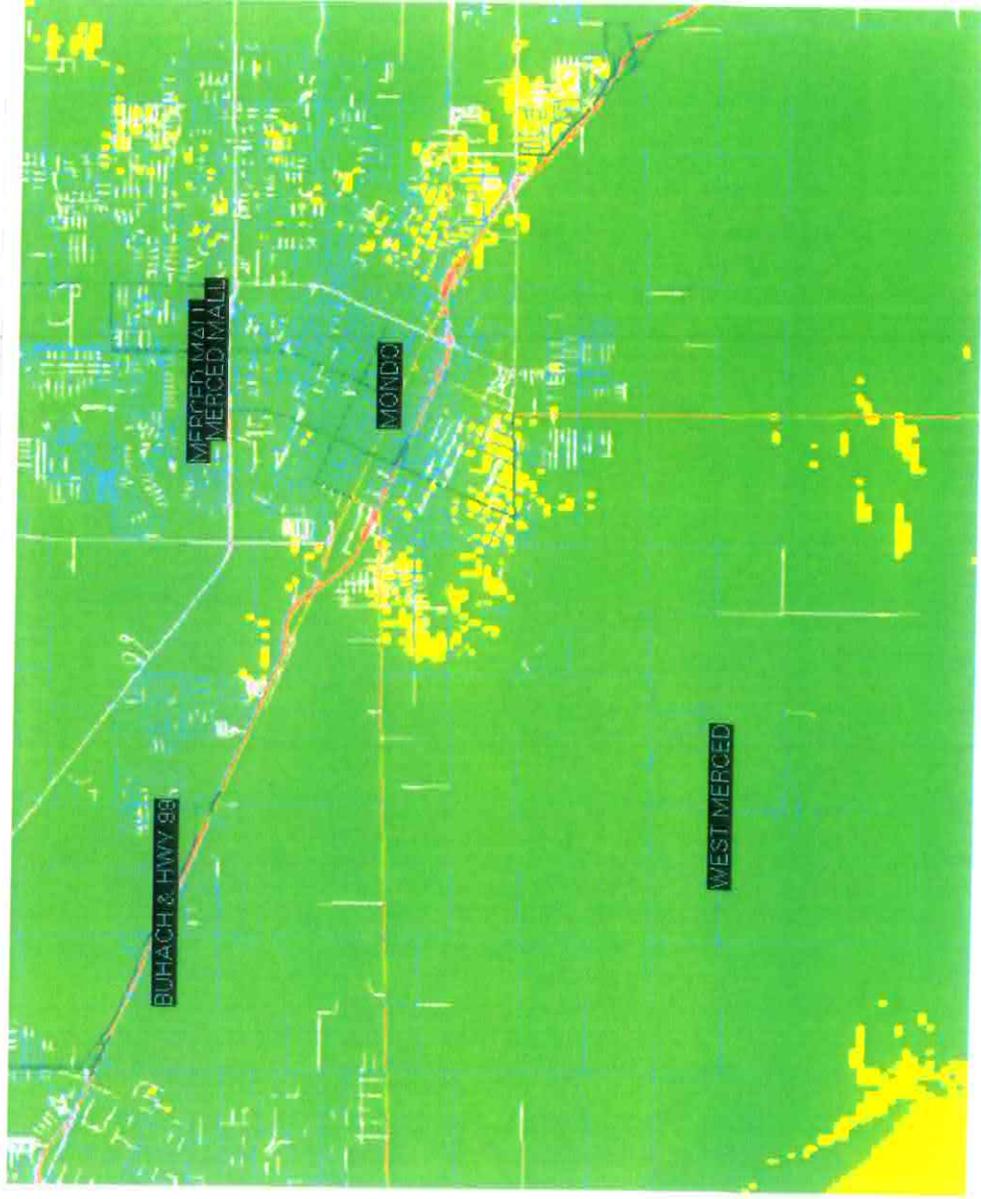
# West Merced Alternatives



Alternative A (Oak Ave/Gurr Rd) Note no improvement in West Merced.



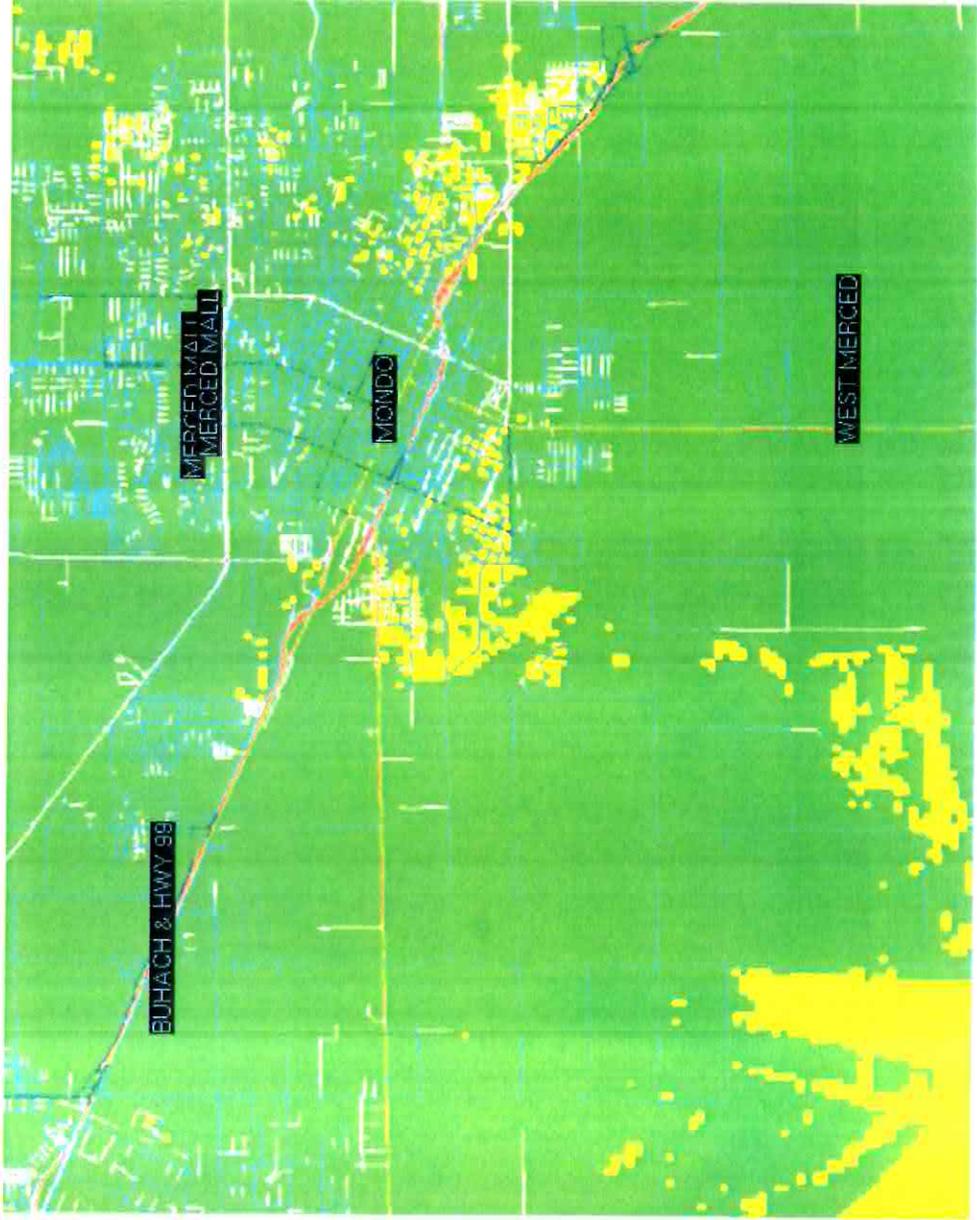
# West Merced Alternatives



Alternative B (Jerry Collins Ave at El Capitan School Rd. Minimal improvement.



# West Merced Alternatives



Alternative C (Owens Creek) Minimal improvement.



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 2601 Meacham Boulevard  
 Fort Worth, TX 76137

Aeronautical Study No.  
 2012-AWP-7858-OE

Issued Date: 11/15/2012

Mikhail Raznobriadsev  
 California RSA No. 4 Limited Partnership  
 1120 Sanctuary Prkwy  
 Suite 150 GASA5REG  
 Alpharetta, GA 30004

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole West Merced
Location:	Merced, CA
Latitude:	37-16-47.90N NAD 83
Longitude:	120-31-14.90W
Heights:	147 feet site elevation (SE) 100 feet above ground level (AGL) 247 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part I)
- Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 05/15/2014 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 321-7760. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2012-AWP-7858-OE.

**Signature Control No: 175027596-177070664**

( DNE )

Joan Tengowski  
Technician

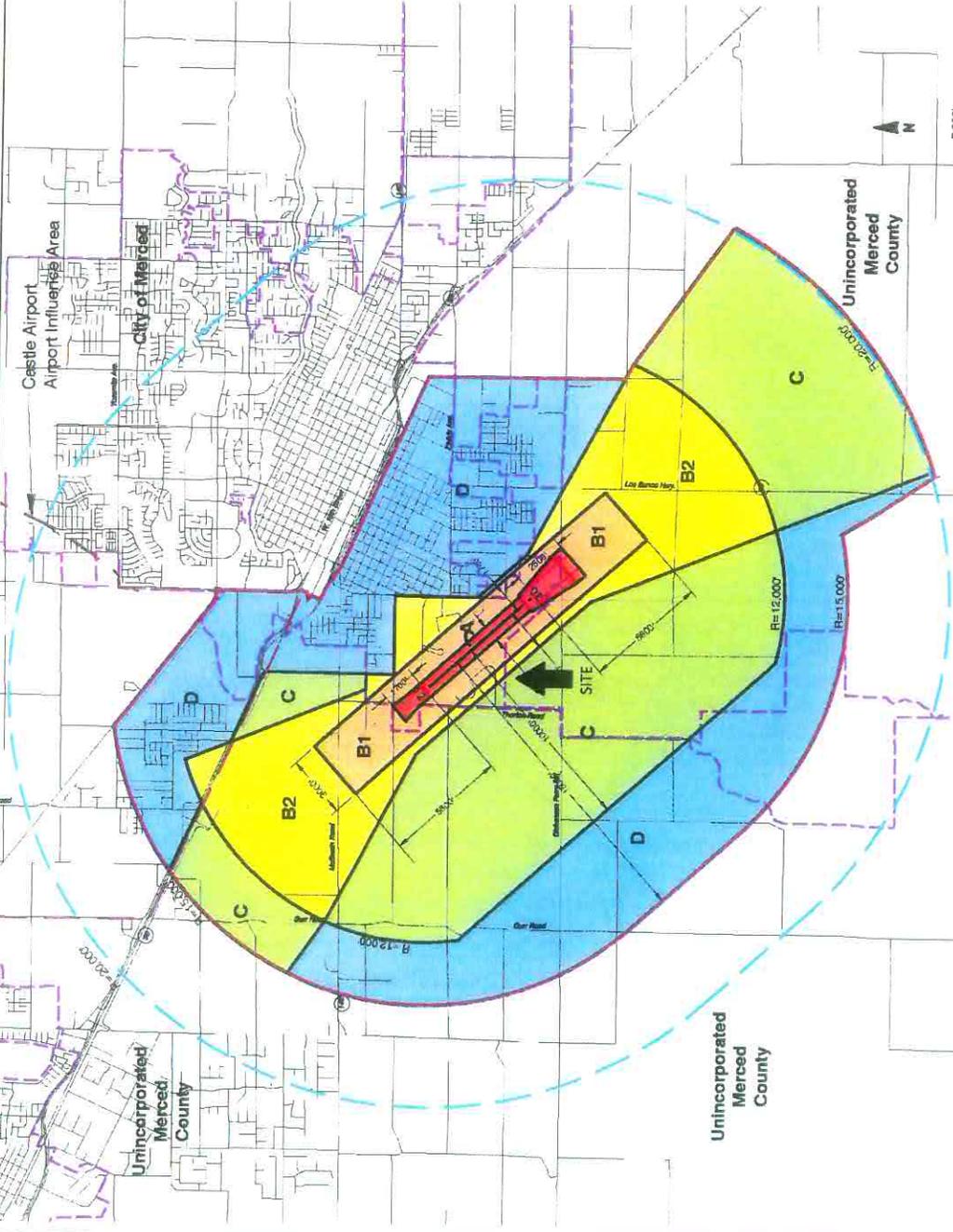
Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

Frequency Data for ASN 2012-AWP-7858-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W





- Legend**
- Boundary Lines
    - City Limits
    - Airport Property Line
    - Existing Runway (5,903 ft. length)
    - Future Runway (6,450 ft. length)
    - Runway Protection Zone (RPZ)
    - Object Free Area (OFA)
    - Airport Influence Area
    - FAA Height Notification Surface<sup>3</sup>
  - Compatibility Zones
    - Zone A - Runway Protection Zone and within Object Free Area
    - Zone B1 - Inner Approach/Departure Area and Adjacent to Runway
    - Zone B2 - Inner Turning Zone and Outer Approach/Departure Area
    - Zone C - Extended Approach/Departure Area and Primary Traffic Patterns
    - Zone D - Other Overflight Areas

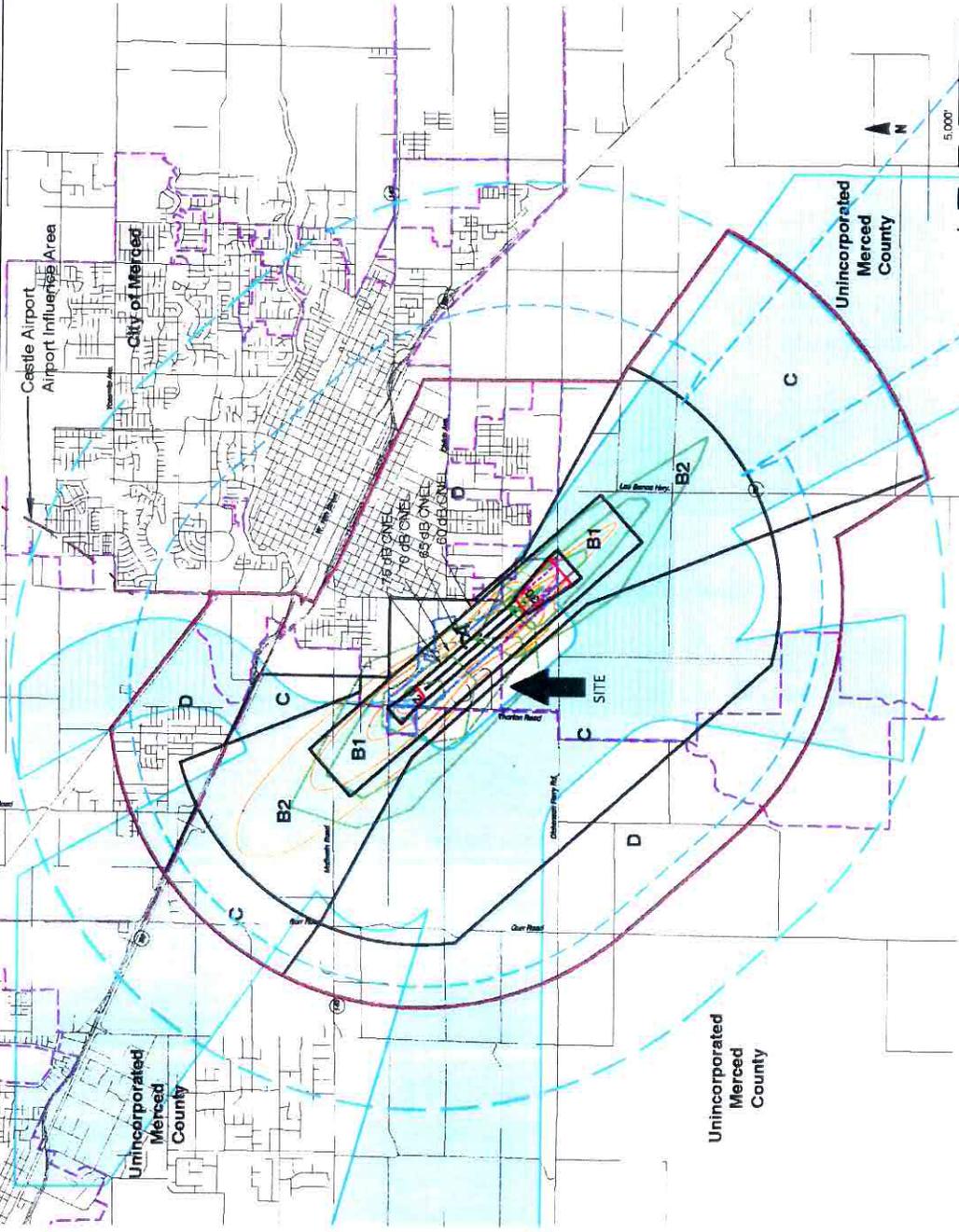
- Notes**
1. See Chapter 2, Table 2A, Basic Compatibility Criteria.
  2. Longitudinal dimensions measure from end of primary surface, 200' from runway end.
  3. FAA Height Notification Surface boundary provided for information only. See Policy 5.3.6 (a).

**Merced Regional Airport  
Land Use Compatibility Plan**  
(Adopted June 21, 2012)

Map MER 1

**Compatibility Policy Map**  
Merced Regional Airport

Prepared By: Mead & Hunt



**Legend**

- Boundary Lines**
- City Limits
  - Airport Property Line
  - Existing Runway (6,903 ft. length)
  - Future Runway (6,450 ft. length)
  - Airport Influence Area
- Compatibility Zone Factors**
- Runway Protection Zone (RPZ) <sup>1</sup>
  - Object Free Area (OFA) <sup>1</sup>
  - CNEL Noise Contours <sup>1</sup>
  - Arrival Accident Risk Contours <sup>2</sup>
  - Departure Accident Risk Contours <sup>2</sup>
  - FAA Part 77, Support C, Outer Imaginary Surfaces <sup>3</sup>
  - FAA Part 77, Support B, FAA Height Notification Surfaces <sup>3</sup>
  - General Aircraft Traffic Pattern Envelope <sup>4</sup>

**Compatibility Zone Delineation**

- Compatibility zones represent a composite of noise, overflight, safety and airspace impacts. See Chapter 3, Table 3A, Compatibility Zone Factors, for general concepts used to develop zone boundaries.
- Airport-specific considerations include: projection of future 550-foot runway extension to southeast; future activity by regional jet or turboprop aircraft (25-seats); lack of traffic pattern east of airfield; low flying aircraft using straight-in precision instrument approach to runway 30; proximity of Castle Airport to northeast; and existing urban development east of airport.

**Notes**

- Source: Merced Regional Airport Master Plan (Sept. 2009). Noise contours reflect forecast of 110,400 annual operations by 2035.
- Source: California Airport Land Use Planning Handbook published by California Department of Transportation, Division of Aeronautics (October 2011). The accident risk contours depict where an aircraft accident is most likely to happen when one occurs. The contours represent highest concentration of accident points in 20% increments.
- Source: Federal Aviation Regulation (FAR) Part 77, Safe Eminent Use, and Preservation of Navigable Airspace (January 2011).
- Source: Mead & Hunt, Inc. based on input from airport staff.

**Merced Regional Airport  
Land Use Compatibility Plan  
(Adopted June 21, 2012)**

Exhibit MER 4

**Compatibility Factors Map**  
Merced Regional Airport

Land Use Category <sup>1</sup>	Compatibility Zones					Criteria for Conditional Uses <sup>2</sup>
	A	B1	B2	C	D	
> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table <b>Max. Sitewide Average Intensity (people/acre)<sup>3</sup></b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	> Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) > Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i> ) > Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone > Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) > Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i> )
<b>Open Land Requirement</b> <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
<b>General Characteristics</b>						
Any use having more than 3 habitable floors	Red	Red	Green	Green	Green	
Any use having structures or trees up to 100 feet in height	Red	Yellow	Green	Green	Green	B1: Ensure airspace obstruction does not occur (see Airspace Protection Plans)
Any use having structures or trees more than 100 feet in height	Red	Yellow	Yellow	Yellow	Yellow	B1, B2, C, D: Ensure airspace obstruction does not occur(see Airspace Protection Plans)
Any use having the potential to cause an increase in the attraction of birds or other wildlife	Red	Yellow	Yellow	Yellow	Yellow	B1, B2, C, D: Mitigation must be provided consistent with FAA rules and regulations <sup>4</sup>
Any use creating visual or electronic hazards to flight <sup>5</sup>	Red	Red	Red	Red	Red	
Natural Land Areas: woods, brush lands, desert	Yellow	Yellow	Green	Green	Green	A: Objects above runway elevation not allowed in OFA <sup>6</sup> B: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs	Yellow	Yellow	Yellow	Yellow	Yellow	A: Objects above runway elevation not allowed in OFA <sup>6</sup> All: Avoid new features that attract more birds
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land	Yellow	Yellow	Yellow	Yellow	Yellow	A: Not allowed in OFA <sup>6</sup> A, B1, B2, C: ensure airspace obstruction does not occur (see Airspace Protection Plans) All: Avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables	Red	Yellow	Yellow	Yellow	Green	B1, B2, C: Avoid uses that attract birds B1, B2, C: Exercise caution with uses involving noise-sensitive animals <sup>7</sup>
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos	Red	Red	Red	Red	Yellow	D: Allowed only if alternative site outside zone would not serve intended function
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas	Red	Red	Yellow	Yellow	Green	B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges	Red	Yellow	Yellow	Green	Green	B1, B2, C: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds	Red	Red	Yellow	Green	Green	B2, C: Allowed only if alternative site outside zone would not serve intended function, ensure intensity criteria met
Camping: campgrounds, recreational vehicle/motor home parks	Red	Red	Yellow	Yellow	Green	B2, C: Ensure intensity criteria met
Cemeteries (except chapels)	Red	Green	Green	Green	Green	

Table 2A

## Basic Compatibility Criteria

Land Use Category <sup>1</sup>	Compatibility Zones					Criteria for Conditional Uses <sup>2</sup>
	A	B1	B2	C	D	
› Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table <b>Max. Sitewide Average Intensity (people/acre)<sup>3</sup></b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	› Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) › Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i> ) › Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) › Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i> )
<b>Open Land Requirement</b> <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
<b>Residential and Lodging Uses</b>						
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns						B1, B2: Portions of parcel including accessory buildings can be in zone; dwelling must be outside of zone B1: Max. 1 d.u./5 acres B2: Max. 1 d.u./acre C: Max. 8 d.u./acre B1, B2: CNEL 45 dB max. interior noise level
Multi-Family Residential						C: Max. 8 d.u./acre
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories						C: Ensure intensity criteria met
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities						C: Ensure intensity criteria met
<b>Educational and Institutional Uses</b>						
Family day care homes (≤14 children)						B2, C: Only small family care homes (≤8 children) as permitted by state law <sup>8</sup> B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children); school libraries						B2, C: Limited expansion on existing sites; no new sites (see <i>Policy 5.5.2(c)(2)</i> ) B2: CNEL 50 dB max. interior noise level
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.18		B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level
Community Libraries [approx. 100 s.f./person]						C: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas						
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.07		C: Ensure intensity criteria met
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]			0.14	0.28		B2, C: Ensure intensity criteria met
In-Patient Medical: hospitals, mental hospitals						C: No new sites or land acquisition; replacement/expansion of existing facilities limited to existing size

Table 2A, continued

Land Use Category <sup>1</sup>	Compatibility Zones					Criteria for Conditional Uses <sup>2</sup>
	A	B1	B2	C	D	
> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table <b>Max. Sited Average Intensity (people/acre)<sup>3</sup></b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	> Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) > Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i> ) > Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone > Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) > Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i> )
<b>Open Land Requirement</b> <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	1.10		
Penal Institutions: prisons, reformatories						B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level
Public Safety Facilities: police, fire stations						C: Ensure intensity criteria met
						B1: Allowed only if airport serving B2: Allowed only if alternative site outside zone would not serve intended public function B2: CNEL 50 dB max. interior noise level for office areas
<b>Commercial, Office, and Service Uses</b>						
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]				0.51		C: Ensure intensity criteria met; capacity <1,000 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.78		B2, C: Ensure intensity criteria met; capacity <150 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area B2: CNEL 50 dB max. interior noise level for office areas
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]			0.14	0.28		B2, C: Ensure intensity criteria met; capacity <500 people per bldg B2: CNEL 50 dB max. interior noise level for office areas
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]		0.29	0.57	1.15		B1: Design site to place parking inside and bldgs outside of zone if possible B1, B2, C: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]		0.25	0.49	0.99		B1, B2, C: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met B2: CNEL 50 dB max. interior noise level for office areas
Fueling Facilities: gas stations, trucking & transportation terminals						B1: All fuel storage placed underground B1, B2: Ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas

Table 2A, continued

Land Use Category <sup>1</sup>	Compatibility Zones					Criteria for Conditional Uses <sup>2</sup>
	A	B1	B2	C	D	
> Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table <b>Max. Sitewide Average Intensity (people/acre)<sup>3</sup></b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>applicable to all nonresidential development</i>	10	50	100	200	no limit	> Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) > Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i> ) > Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone > Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability) > Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i> )
<b>Open Land Requirement</b> <i>(see Policy 5.2.12)</i>	all remaining	30%	30%	15%	no requirement	
<i>Industrial, Manufacturing, and Storage Uses</i>						
Hazardous Materials Production: oil refineries, chemical plants						
Heavy Industrial						C, D: Avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]			0.46	0.92		B2, C: Ensure intensity criteria met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B2: CNEL 50 dB max. interior noise level for office areas
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.40	0.80			B1, B2: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1, B2: CNEL 50 dB max. interior noise level for office areas
Research & Development [approx. 300 s.f./person]		0.34	0.69	1.38		B1, B2, C: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1, B2: CNEL 50 dB max. interior noise level for office areas
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.14				B1: Ensure intensity criteria are met B1, B2 (green): CNEL 50 dB max. interior noise level for office areas
Outdoor Storage: public works yards, automobile dismantling						
Mining & Extraction						
<i>Transportation, Communication, and Utilities</i>						
Airport Terminals: airline, general aviation						
Rail & Bus Stations						B1, B2: Allowed only if site outside zone would not serve intended public function; ensure intensity criteria met B1, B2: CNEL 50 dB max. interior noise level for office areas

Table 2A, continued

Land Use Category <sup>1</sup>	Compatibility Zones					Criteria for Conditional Uses <sup>2</sup>
<ul style="list-style-type: none"> <li>Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</li> </ul>	A	B1	B2	C	D	<ul style="list-style-type: none"> <li>Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green)</li> <li>Nonresidential development must satisfy both sitewide and single-acre intensity limits (see <i>Policy 5.2.5</i>)</li> <li>Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone</li> <li>Numbers in Conditional cells are Floor Area Ratio (FAR) limits (see <i>Policy 5.2.9</i> for applicability)</li> <li>Up to 10% of total floor area may be devoted to an ancillary use (see <i>Policy 3.1.2(d)</i>)</li> </ul>
<p><b>Max. Sitewide Average Intensity (people/acre)<sup>3</sup></b>  <b>Max. Single-Acre Intensity (people/acre)</b>  <i>applicable to all nonresidential development</i></p>	10	50	100	200	no limit	
<p><b>Open Land Requirement</b>  <i>(see Policy 5.2.12)</i></p>	all remaining	30%	30%	15%	no requirement	
<p>Transportation Routes: road &amp; rail rights-of-way, bus stops</p>	Yellow	Green	Green	Green	Green	A: Not allowed in OFA <sup>6</sup> ; avoid road intersections if traffic congestion occurs
<p>Auto Parking: surface lots, structures</p>	Yellow	Green	Green	Green	Green	A: Not allowed in OFA <sup>2</sup> ; allowed only if site outside zone would not serve intended function
<p>Communications Facilities: emergency communications, broadcast &amp; cell towers</p>	Red	Red	Yellow	Yellow	Green	B2, C: Allowed only if site outside zone would not serve intended public function B2: CNEL 50 dB max. interior noise level for office areas
<p>Power Plants</p>	Red	Red	Red	Red	Yellow	D: Allowed only if site outside zone would not serve intended public function
<p>Electrical Substations</p>	Red	Red	Yellow	Yellow	Green	B2, C: Allowed only if site outside zone would not serve intended public function
<p>Wastewater Facilities: treatment, disposal</p>	Red	Yellow	Yellow	Green	Green	B1, B2: Avoid new features that may attract birds
<p>Solid Waste Disposal Facilities: landfill, incineration</p>	Red	Red	Red	Red	Red	
<p>Solid Waste Transfer Facilities, Recycle Centers</p>	Red	Red	Red	Red	Yellow	D: Avoid new features that may attract birds

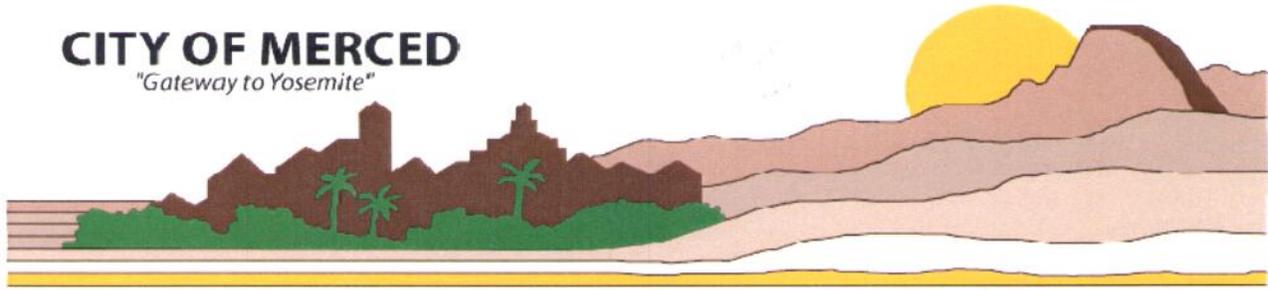
Table 2A, continued

Land Use Acceptability	Interpretation/Comments
	<p><i>Normally Compatible</i> Normal examples of the use are compatible with noise, safety, and airspace protection criteria. Atypical examples may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.</p>
	<p><i>Conditional</i> Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.</p>
	<p><i>Incompatible</i> Use should not be permitted under any circumstances.</p>
<p><b>Notes</b></p>	
<p><sup>1</sup> Land uses not specifically listed shall be evaluated using the criteria for similar uses. Assumed occupancy levels (square feet / person) cited for many listed uses can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use. Multiple land use categories and compatibility criteria may apply to a project.</p> <p><sup>2</sup> Dedication of an avigation easement is required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following: within Compatibility Zones A or B1; or, as defined by FAR Part 77 and shown on the airport's Airspace Protection Map in Chapter 3, an area (1) within the primary surface, (2) beneath the approach or transitional surfaces to where the latter surfaces intersect with the horizontal surface or (3) situated at an elevation that penetrates or is less than 35 feet below any other airspace protection surface. Recorded overflight notification is required for all residential development in the remainder of the airport influence area. See <i>Policies 5.4.4 and 5.5.6</i>.</p> <p><sup>3</sup> Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. Local agencies may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. See <i>Policy 5.2.9 and 5.5.4</i>.</p> <p><sup>4</sup> No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites on or Near Airports, and Advisory Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.</p> <p><sup>5</sup> Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. See <i>Policy 5.3.5</i>.</p> <p><sup>6</sup> Object Free Area (OFA): Shown on the Airport Layout Plan (see Chapter 3) and the Compatibility Plan in this chapter; dimensions are established by FAA airport design standards for the runway.</p> <p><sup>7</sup> This caution is directed at the project proponent and is not intended to preclude approval of the project.</p> <p><sup>8</sup> Small family day care homes provide family day care for eight or fewer children (Health and Safety Code Section 1596.78).</p>	

Table 2A, continued

# CITY OF MERCED

"Gateway to Yosemite"



Merced Regional Airport

Office 209/385-6873

Fax 209/388-8994

May 30, 2014

Mr. Kevin Schlemmer  
Chief, EAS & Domestic Analysis Division, X-53  
Office of Aviation Analysis, Room W86-309  
U.S. Department of Transportation  
1200 New Jersey Ave SE  
Washington, DC 20590

RE: DOT 2014-5-9, DOCKET OST-1998-3521  
Essential Air Service (EAS) Program Proposals for Merced, California

Dear Mr. Schlemmer,

The US Department of Transportation (DOT) has issued a Request for Proposals for EAS service to Merced, California. Great Lakes Airlines has been providing this service since September 2008.

The City of Merced welcomes proposals from all airlines and is ready to work with airlines in the development of their proposals.

If directed by the DOT, the City wishes to have a seamless transition of air service if a different air service provider is selected. To assist in this, we are providing each potential proposer (that we know of) with identical information on the lease of the Merced Regional Airport Terminal; a cost which should be reflected in their formal EAS proposals.

The lease cost for the Merced terminal is \$5,100 monthly or \$61,200 annually. In the event that a proposer includes different lease rate information in their proposal, the Department is advised that information is inaccurate. Due to local economic conditions, our lease rates have not risen in over four years.

Please contact our Airport Manager, Ron Elliott at [elliotr@cityofmerced.org](mailto:elliotr@cityofmerced.org) or 209-385-6873 with any questions or concerns. We look forward to a smooth and seamless transition.

Sincerely,

  
John M. Bramble  
City Manager

Terms Sheet for Lease, Merced Regional Airport Terminal

**Parties:** Lessor: The City of Merced, 678 West 18<sup>th</sup> Street, Merced, California 95340 (“City”)

Lessee: TBD

**Premises:** The leased Premises are located at the Merced Regional Airport Terminal, 20 Macready Drive, Merced, CA, and consist of approximately 834 square feet of offices and counters for Lessee’s exclusive use, 768 square feet (approximately) of modular building space and approximately 1,250 square feet of common area for Lessee’s non-exclusive use, including restrooms and lobby. Lessee also receives non-exclusive rights to use of the Airport and its aviation improvements, including aprons, taxiways, and runways.

**Term:** The Term of the Lease shall be a minimum of two (2) years.

**Commencement Date:** Commencement Date of the Lease shall be \_\_\_\_\_.

**Rent:** The Monthly Rent is: \$5,100 monthly.

**Payment of Rents:** Lessee shall pay Rents each month in advance, with the first month’s payment due within five days of the execution of the Lease by both parties.

**Deposits:** Lessee shall make a Good Faith Deposit of \$5,000 upon execution of the Lease by the parties, in the form of cash.

**Uses:** The leased Premises shall be used for the purpose of commercial passenger aviation, including passenger assembly, ticketing and sales, and waiting. Uses may be subject to Federal Aviation Administration rules and restrictions.

**Maintenance:** Lessee shall keep the Premises and all improvements in good repair and condition.

**Common Area Maintenance and Utilities:** Lessee acknowledges that Lessor provides common area maintenance and janitorial service to non-exclusive use areas of the Premises, and utilities (electricity and natural gas) to both exclusive and non-exclusive use areas of the Premises. As compensation, Lessee shall pay \$850.00 per month in Common Area Maintenance charges.

**Landing Fees:** Notwithstanding any other policy or rate established for use of the Merced Regional Airport, Lessee shall pay to City \$18.00 for each landing at the Airport.

**Taxes:** Lessee shall pay all property taxes, liens or assessments when due, without offset or reduction by Lessor.

**Other:** Other provisions shall be included in the Lease, covering nondiscrimination, notices, defaults, and cure of defaults, FAA requirements, and others.

**Broker:** Neither party is represented by a broker in this transaction.

**Conditions:** Any Lease Agreement is subject to the approval of the Merced City Council, and may be subject to the consent of the Federal Aviation Administration.



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 21<sup>st</sup> day of May, 2014

Essential Air Service at

**MERCED, CALIFORNIA  
VISALIA, CALIFORNIA**

**DOCKET DOT-OST-1998-3521  
DOCKET DOT-OST-2004-19916**

Under 49 U.S. C. § 47131 *et seq.*

## **ORDER REQUESTING PROPOSALS**

### **Summary**

By this Order, the Department is requesting proposals from air carriers interested in providing Essential Air Service (“EAS”) at Merced and/or Visalia, California, for a new two-year period, with or without subsidy support. Proposals are due June 27, 2014. (See Appendix A for a map.)

### **Background**

By Order 2012-9-9, issued on September 10, 2012, the Department re-selected Great Lakes Aviation, Ltd. (“Great Lakes”) to provide subsidized EAS at Merced and Visalia using 9- and 19-passenger Beechcraft aircraft, for the two-year period from October 1, 2012, through September 30, 2014. Under that contract, Great Lakes has provided Merced with 12 weekly nonstop round trips to Los Angeles (LAX), and/or to Las Vegas (LAS), at an annual subsidy rate of \$1,698,878. At Visalia, Great Lakes has provided 12 weekly nonstop round trips to LAX and/or LAS, at an annual subsidy of \$1,697,929.

That Order, as well as the complete public file for EAS at Merced and Visalia, may be accessed online through the Federal Docket Management System at <http://www.regulations.gov>, by entering “DOT-OST-1998-3521” for Merced and “DOT-OST-2004-19916” for Visalia in the “SEARCH for: Rules, Comments, Adjudications or Supporting Documents:” field.

### **Request for Proposals**

As the end of the rate term approaches, we are here requesting proposals from air carriers interested in providing EAS at Merced and/or Visalia, with or without subsidy support, for the two-year period beginning October 1, 2014. Air carriers should file their proposals no later than June 27, 2014. After that date, our staff will docket the proposals, thereby making them public.

Additionally, we request each air carrier serve a copy of its proposal on the civic parties at Merced and Visalia and on the other applicants. Shortly afterwards, we will provide a summary of the proposals to the communities and ask them to submit any formal comments on this carrier-selection case. We will give full consideration to all proposals that are timely filed.<sup>1</sup>

We are here providing interested air carriers with some basic information to serve as guidance when they prepare their proposals, but we will not prescribe a precise format for their proposals. We expect proposals to adequately describe the service being proposed and the annual amount of subsidy being requested. The applicants can make their own judgments as to the level of detail they wish to present; however, we recommend they include information concerning proposed schedules and projected block hours. In addition, applicants are encouraged to provide financial data supporting their subsidy requests, including information on their projected expenses and revenues. We strongly encourage clear, well-documented proposals that will facilitate their evaluation by the affected community and the Department.<sup>2</sup>

The Department expects proposals that are consistent with what the above communities currently receive. At Merced and Visalia, Great Lakes currently provides 12 weekly nonstop round trips to LAX from each community, using 19-seat aircraft, and, as of May 1, some flights are operating with 9-seat aircraft. We encourage proposals consisting of 12 weekly nonstop round trips with 19-seat or larger aircraft to a large or medium hub. If 9-seat aircraft are contemplated, we will consider additional frequencies. Air carriers are also welcome to propose more than one service option, if they choose. They also need not limit themselves to these requirements if they envision other, potentially more attractive service possibilities -- different hubs or length of contract, for example -- with subsidy requirements that remain competitive.

Interested air carriers should prepare their proposal with every expectation that their initial proposal will also be their *final* and *only* proposal. We retain the discretion to negotiate proposals with air carriers when we deem it desirable; in such cases we will give all applicants the same opportunity. We also retain the discretion to reject outright all unreasonable or unrealistic proposals and solicit a new round of proposals. However, we anticipate that negotiation or rejection will remain only occasional exceptions to the rule.

In order to assist air carriers in developing traffic and revenue projections for their proposals, we have summarized historical passenger levels at each of the communities in Appendix B. In the

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1 Air carriers should not expect the Department to accept late filings. In cases where a carrier proposes to provide EAS without subsidy and we determine that service can be reliably provided without such compensation, we usually do not proceed with the carrier-selection case. Instead, we simply rely on that carrier's subsidy-free service as proposed.

2 In selecting a carrier to provide subsidized EAS for an eligible place not in Alaska, 49 U.S.C. § 41733(c)(1) directs us to consider five factors: (a) service reliability; (b) contractual and marketing arrangements with a larger carrier at the hub; (c) interline arrangements with a larger carrier at the hub; (d) community views, giving substantial weight to the views of the elected officials representing the users; and (e) whether the carrier has included a plan in its proposal to market its service to the community. In addition, the Consolidated and Further Continuing Appropriations Act, 2012, Public Law No. 112-55, and continued by the Full-Year Continuing Appropriations Act, 2013, Public Law No. 113-6, and the Continuing Appropriations Act, 2014, Public Law No. 113-46, provides that when selecting a carrier to provide EAS, the Department may consider the relative subsidy requirements, thus codifying a factor that we have considered since the inception of the program.

most recent 12-month period for which data are available (October 1, 2012, through September 30, 2013) Merced generated 4,810 total origin and destination passengers, or an average of 7.7 enplanements per day.<sup>3</sup> For that same period, Visalia generated 6,762 total origin and destination passengers, or an average of 10.8 enplanements per day.

### **Special discussion regarding Merced**

We note that 49 U.S.C. § 41731(a)(B) requires that EAS communities within 175 driving miles of a large or medium hub have an average of 10 enplanements per service day or more, as determined by the Secretary, during the most recent fiscal year beginning after September 30, 2012. Communities that do not enplane an average of 10 or more enplanement per service day are not eligible for EAS support, barring a waiver from the Secretary. The Secretary has the authority to waive the 10-enplanement standard, on an annual basis, if the community can demonstrate that the reason the location averaged fewer than 10 enplanements per day is due to a temporary decline in enplanements.<sup>4</sup>

As noted above, Merced did not meet the 10-enplanement threshold, and the Department issued Order 2014-4-26, on April 24, 2014, which directed interested parties to show cause as to why the Department should not terminate the eligibility of the those communities that enplaned fewer than 10 passengers per day. Those objections were due May 14, 2014, and will be addressed in a subsequent Order, which will also include procedures for applying for a waiver. Prospective applicants for service at Merced should be aware of this development as Merced would need a waiver from the Secretary in order to continue to be eligible for subsidized EAS. Staff will be available to answer any questions.

### **Discussion Regarding Eligibility**

The Department of Transportation and Related Agencies Appropriations Act, 2000, prohibits the Department from subsidizing EAS to communities located within the 48 contiguous States receiving per passenger subsidy amounts exceeding \$200, unless the communities are located more than 210 miles from the nearest large or medium hub.<sup>5</sup> Merced and Visalia are both located within 210 miles of a large or medium hub airport, and therefore subject to the \$200 cap. Merced is approximately 107 miles from Mineta San Jose International Airport (SJC), a medium hub, and Visalia is approximately 178 miles from Burbank Bob Hope Airport (BUR), a medium hub. The Department fully expects both Merced, if granted a waiver from the 10-enplanement requirement, and Visalia to work cooperatively with prospective applicants to ensure subsidy rates remain below the \$200 per passenger level to remain eligible for the EAS program.<sup>6</sup>

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<sup>3</sup> In calculating enplanements per day, our longstanding practice is to take total annual origin and destination passenger numbers for each fiscal year. We then divided by two to get passengers in one direction (enplanements at the EAS community), and then by 313 days to get average daily enplanements at the EAS community.

<sup>4</sup> See 49 U.S.C. § 41731(e).

<sup>5</sup> Congress first established the \$200 ceiling under P.L. 101-164 for fiscal year 1990, and reestablished it in fiscal years 1994-1999. The ceiling was made permanent by P.L. 106-69, the Department of Transportation and Related Agencies Appropriations Act of 2000.

<sup>6</sup> On May 1, 2014, a Notice of Proposed Enforcement Policy on the \$200 per passenger subsidy cap was published in the Federal Register (Volume 79, Issue 84) outlined the Department's proposed policy on this issue, which would use traffic data from October 1, 2014, through September 30, 2015 to measure compliance. The Department has solicited public comments on the policy and they are due June 30, 2014. Refer to [www.regulations.gov](http://www.regulations.gov) and search "DOT-OST-2014-0061" for more information.

### **Other Air Carrier Requirements**

The Department is responsible for implementing various Federal statutes governing lobbying activities, drug-free workplaces and nondiscrimination.<sup>7</sup> Consequently, all air carriers receiving Federal subsidy to support EAS must certify that they are in compliance with Department regulations regarding drug-free workplaces and nondiscrimination, and those air carriers whose subsidies exceed \$100,000 over the life of the rate term must also certify that they are in compliance with the regulations governing lobbying activities. All air carriers that plan to submit proposals involving subsidy should submit the required certifications along with their proposals. Interested air carriers requiring more detailed information regarding these requirements, as well as copies of the certifications, should contact the Office of Aviation Analysis at (202) 366-5903. The Department is prohibited from paying subsidy to air carriers that do not submit these documents.<sup>8</sup>

### **Community Comments**

Civic officials and the State are welcome to submit comments at any time. We encourage prospective applicants to contact the community before they submit their proposals so that they can tailor them to the community's needs, as they will not be able to amend them after the due date. As noted earlier, we will provide a copy of the proposals to the civic parties and ask them to submit their final comments shortly after June 27, 2014, the due date for air carrier proposals.

This Order is issued under authority delegated in 49 CFR Part 1.25a(b) and re-delegated to the Director, Office of Aviation Analysis.

### **ACCORDINGLY,**

1. We request that air carriers interested in providing Essential Air Service at Merced and/or Visalia, California, submit their proposals, with or without subsidy requests, no later than June 27, 2014. The proposals should be emailed to: [EAS@dot.gov](mailto:EAS@dot.gov) with the title "Proposal to Provide Essential Air Service at Merced and/or Visalia, California," with the docket number corresponding to the comminutes as show on the first page of this Order;<sup>9</sup>
2. Dockets DOT-OST-1998-3521 and DOT-OST-2004-19916 will remain open until further Order of the Department; and

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<sup>7</sup> The regulations applicable to these areas are: (1) 49 CFR Part 20 – New restrictions on lobbying; (2) 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of title VI of the Civil Rights Act of 1964; 49 CFR Part 27 – Nondiscrimination on the basis of disability in programs and activities receiving or benefiting from Federal financial assistance; and 14 CFR Part 382 – Nondiscrimination on the basis of disability in air travel; and (3) 49 CFR Part 29 – Government-wide debarment and suspension (non-procurement) and government-wide requirements for drug-free workplace (grants).

<sup>8</sup> The certifications are also available on the web at <http://www.dot.gov/policy/aviation-policy/small-community-rural-air-service/essential-air-service>

<sup>9</sup> Questions regarding filings in response to this Order should be directed to Mr. Scott Faulk at [scott.faulk@dot.gov](mailto:scott.faulk@dot.gov) or (202) 366-9967.

3. The Department will serve copies of this Order on the civic officials of Merced and Visalia, California; the Managers of Merced Regional Airport/Macready Field and Visalia Municipal Airport; Great Lakes Aviation, Ltd.; and the service list for this docket.

Persons entitled to petition the Department for review of this Order under the Department's Regulations, 14 CFR Part 385.31(a), must file such petitions within seven (7) days after the date of service of this Order.

This Order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

**TODD M. HOMAN**  
Director  
Office of Aviation Analysis

*An electronic version of this document is available  
online at [www.regulations.gov](http://www.regulations.gov).*

AREA MAP



Historical passenger Traffic at Merced, CA<sup>1</sup>

<u>Year</u>	<u>Quarter</u>	<u>Enplanements</u>	<u>Deplanements</u>	<u>Total</u>	<u>Avg. Daily Enplanements</u>
2010	4	640	615	1255	
2011	1	487	481	968	
2011	2	805	808	1613	
2011	3	<u>925</u>	<u>939</u>	<u>1864</u>	
		<b>2857</b>	<b>2843</b>	<b>5700</b>	<b>9.1</b>
2011	4	947	929	1876	
2012	1	795	797	1592	
2012	2	924	963	1887	
2012	3	<u>921</u>	<u>984</u>	<u>1905</u>	
		<b>3587</b>	<b>3673</b>	<b>7260</b>	<b>11.6</b>
2012	4	614	604	1218	
2013	1	471	469	940	
2013	2	632	590	1222	
2013	3	<u>730</u>	<u>700</u>	<u>1430</u>	
		<b>2447</b>	<b>2363</b>	<b>4810</b>	<b>7.7</b>

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<sup>1</sup> Source: Bureau of Transportation Statistics; Schedule T-100.

Historical passenger Traffic at Visalia, CA<sup>1</sup>

<u>Year</u>	<u>Quarter</u>	<u>Enplanements</u>	<u>Deplanements</u>	<u>Total</u>	<u>Avg. Daily Enplanements</u>
2010	4	474	503	977	
2011	1	425	435	860	
2011	2	711	630	1341	
2011	3	<u>941</u>	<u>932</u>	<u>1873</u>	
		<b>2551</b>	<b>2500</b>	<b>5051</b>	<b>8.1</b>
2011	4	903	832	1735	
2012	1	768	695	1463	
2012	2	905	908	1813	
2012	3	<u>985</u>	<u>1,025</u>	<u>2010</u>	
		<b>3561</b>	<b>3,460</b>	<b>7021</b>	<b>11.2</b>
2012	4	686	728	1414	
2013	1	688	640	1328	
2013	2	996	1,011	2007	
2013	3	<u>975</u>	<u>1,038</u>	<u>2013</u>	
		<b>3345</b>	<b>3,417</b>	<b>6762</b>	<b>10.8</b>

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<sup>1</sup> Source: Bureau of Transportation Statistics; Schedule T-100.

Example of General Terms and Conditions for Essential Air Service

The air carrier understands that it may forfeit its compensation for any flights that it does not operate in conformance with the terms and stipulations of the rate Order, including the service plans outlined in the Order and any other significant elements of the required service, without prior approval. The air carrier understands that an aircraft take-off and landing at its scheduled destination constitutes a completed flight; absent an explanation supporting subsidy eligibility for a flight that has not been completed, such as certain weather cancellations, only completed flights are considered eligible for subsidy. In addition, if the air carrier does not schedule or operate its flights in full conformance with the Order for a significant period, it may jeopardize its entire subsidy claim for the period in question. If the air carrier contemplates any such changes beyond the scope of the Order during the applicable period of these rates, it must first notify the Office of Aviation Analysis in writing and receive written approval from the Department to be ensured of full compensation. Should circumstances warrant, the Department may locate and select a replacement air carrier to provide service on these routes. The air carrier must complete all flights that can be safely operated; flights that overfly points for lack of traffic will not be compensated. In determining whether subsidy payment for a deviating flight should be adjusted or disallowed, the Department will consider the extent to which the goals of the program are met and the extent of access to the national air transportation system provided to the community.

If the Department unilaterally, either partially or completely, terminates or reduces payments for service or changes service requirements at a specific location provided for under this Order, then, at the end of the period for which the Department does make payments in the stipulated amounts or at the stipulated service levels, the air carrier may cease to provide service to that specific location without regard to any requirement for notice of such cessation. Those adjustments in the levels of subsidy and/or service that are mutually agreed to in writing by the Department and air carrier do not constitute a total or partial reduction or cessation of payment.

Subsidy contracts are subject to, and incorporate by reference, relevant statutes and Department regulations, as they may be amended from time to time. However, any such statutes, regulations, or amendments thereto shall not operate to controvert the foregoing paragraph.

Funds may not be available for performance under this Order beyond [DATE]. The Government's obligation for performance under this Order beyond [DATE], is subject to the availability of funds from which payment for services can be made. No legal liability on the part of the Government for any payment may arise for performance under this Order beyond [DATE], until funds are made available to the Department for performance. If sufficient funds are not made available for performance beyond [DATE], the Department will provide notice in writing to the carrier.

All claims for payment, including any amended claims, must be submitted within 90 days of the last day of the month for which compensation is being claimed. For example, claims for service provided in July must be filed by October 31<sup>st</sup>; August claims must be submitted by November 30<sup>th</sup>, and so on.



# Merced Regional Airport

Manager's Report May 2014

## OPERATIONS

Great Lakes Airlines enplaned 203 total passengers for the month of May. Airline revenue enplanements were up 55 percent from April. In comparison to May 2013, enplanements were down 12 percent. There were 3 cancellations this month out of the 57 scheduled departures. Compared to the previous few months this is a drastic improvement. Of the 3 cancelled flights, all were cancelled for lack of crew availability. The Federal Aviation Administration (FAA) instituted a new rule requiring First Officers to have a minimum of 1,500 flight hours to fly for a commercial airline. Since this new rule has gone into effect Great Lakes Airlines has lost over 200 of their pilots. Great Lakes Airlines has been hiring and training pilots, and their schedule is starting to show the benefit.

## CAPITAL PROJECTS AND CONSTRUCTION

Grant 21, Wildlife Hazard Assessment Study has been approved and funded by the FAA. A "kick-off" meeting was held in September 2013 to start the yearlong Wildlife Hazard Assessment. This item will remain open for the next 12 to 18 months. No additional information will be made available until the Airport Biologist completes his data collection.

The FAA has approved Grant 22 for pavement rehab to the west side of the FBO maintenance hangar. However, since only discretionary funds were available, the FAA approved only the design portion of the grant. Total funding available for design was \$87K. Actual construction, using entitlement funds, will occur in 2014. The "design" scope of work has been approved and RS&H is currently working on the project. The pavement rehab design plans are complete and the project is out for bid. This Grant will be closed in the next few months.

Airport staff has been working on the FAA Grant 23 application for Pavement Construction. This is the follow-on Grant for Grant 22; which covered the design work for this area. In April the project went out for bid and two companies, Rolfe Construction and George Reed Construction responded with bids. In May the City Council approved the Grant Application and we are currently waiting on funding. Once funding is secured Airport Staff will go back to City Council for approval to award the contract to Rolfe Construction and work will begin.

The Department of Transportation issued a "show cause" letter regarding Merced's Essential Air Service. We have been requested to "show cause" as to why the Department should not terminate EAS eligibility. Based on criteria passed by Congress in the FAA Modernization and Reform Act of 2012 (Public Law No. 112.95), Merced did not meet the minimum 10-enplanement per day criterion. In the fiscal year referenced, October 1, 2012 through September 30, 2013, Merced averaged 7.7 enplanements per day. We have been given 20 days to respond...a letter has been completed and sent to DOT. We are currently waiting on a response. Additionally, Senator Boxer and Congressman Costa have submitted letters of support.

The Department of Transportation has issued a Request for Proposal (RFP) for a new Essential Air Service provider at Merced Regional Airport. The current contract with Great Lakes Airlines expires on September 30, 2014. Proposals are due June 27, 2014. The City of Merced will have the opportunity to recommend which commercial service provider is preferred, but the Department of Transportation will make the final selection.

## OTHER

Legal and Airport staff are working with Gateway Air Center on consolidating numerous lease amendments into one lease. The Airport Manager, Ron Elliott, and Past Regional Airport Authority Chairperson, Janet Young, met with the President of Gateway Air Center, Tom Lopes, on February 26, 2013, to review and discuss the new lease. In November, Mr. Lopes has submitted a letter requesting the lease not be renegotiated, but has requested changes be made so he can obtain financing against the lease. Airport Staff has requested Mr. Lopes identify (in writing) these desired changes. No correspondence has been received from Mr. Lopes responding to this matter.

To: Regional Airport Authority  
From: Ronald K. Elliott, Airport Manager  
Date: June 17, 2014  
**Re: Possible Incompatible Land Use Activity**

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No activity this month.

To: Regional Airport Authority  
From: Ronald K. Elliott, Airport Manager  
Date: June 17, 2014  
**Re: Other Business from the Authority**

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Discussion as desired by authority members.