

CITY OF MERCED
Planning & Permitting Division

STAFF REPORT: #16-01

AGENDA ITEM: 4.1

FROM: Kim Espinosa,
Planning Manager

PLANNING COMMISSION
MEETING DATE: Jan. 6, 2016

PREPARED BY: Julie Nelson,
Associate Planner

SUBJECT: **Conditional Use Permit #1208**, initiated by Golden Valley Engineering, on behalf of LJ Steiner, LLC, property owner. This application involves a request to construct a 128-unit apartment complex with 1, 2, and 3 bedroom units on a portion of a 10.42 acre parcel, generally located at the southeast corner of Pacific Drive and Horizons Avenue. This parcel is located within Planned Development (P-D) #46 and has a Village Residential (VR) General Plan designation. *PUBLIC HEARING*

ACTION: Approve/Disapprove/Modify

- 1) Environmental Review #15-37 (CEQA Section 15162 Findings)
- 2) Conditional Use Permit #1208

SUMMARY

The project site is located at the southeast corner of Pacific Drive and Horizons Avenue (Attachment A). The site is shaped similar to a backwards “L” and has frontage on Pacific Drive, Horizons Avenue, Stinson Drive, and Compass Pointe Avenue (refer to the location map Attachment A). The applicant is proposing to construct a 128-unit two-story apartment complex with a mixture of one, two, and three bedroom units (Attachment B - site plan, Attachment C – elevations, and Attachment D – floor plan). The complex would include 16 buildings, required parking spaces, basketball courts, picnic areas, a running path with ten workout stations, a tennis court, a swimming pool, a fitness center, and a sand volleyball court. The complex would be completely gated with the main vehicular access on Horizons Avenue near Pacific Drive. Secondary vehicular access would be provided on Stinson Drive and Compass Pointe Avenue (Attachment E). The project will be available to students as well as being offered as market rate apartments to the general public.

The site is located within Planned Development (P-D) #46 and has a Village Residential (VR) General Plan designation which allows development of multi-family units. The site is also located within the Fahrens Creek Specific Plan area. Although multi-family development is allowed on this site, a Conditional Use Permit (CUP) is required prior to construction to review the project design and potential impacts on the area. Staff is recommending approval subject to conditions.

RECOMMENDATION

Planning staff recommends that the Planning Commission approve Environmental Review #15-37 (CEQA Section 15162 Findings) and Conditional Use Permit #1208 (including the adoption of the Resolution at Attachment J), subject to the following conditions:

- *1) The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (elevations), and Exhibit 3 (floor plans) -- Attachments B, C, and D, except as modified by the conditions.
- *2) All conditions contained in Resolution #1249-Amended ("Standard Conditional Use Permit Conditions") shall apply.
- *3) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- *4) The Project shall comply with the conditions set forth in Resolution #3050 for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project, including all mitigation measures required by the Mitigation Monitoring Program for General Plan Amendment #14-04 and the Fahrens Creek Annexation (Attachment G of Staff Report #16-01 and Exhibit B of Planning Commission Resolution).
- *5) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- *6) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

- *7) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- *8) Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval or the issuance of the first building permit. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
- *9) At the time of building permit submittal, a hydrology study prepared by a registered professional engineer or hydrologist shall be submitted showing the impacts of and any required mitigation measures for development within the area designated as a Floodway on the Flood Insurance Rate Map (FIRM). Any development of this area is subject to approval of the City Engineer and Development Services Director (Mitigation Measure H-9 of the Mitigation Monitoring Program for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project). In addition, sufficient documentation and plans shall be provided to demonstrate to the satisfaction of the City Engineer and Development Services Director/Chief Building Official that all structures on the site are located outside the Floodway area.
- *10) All missing public improvements along the property frontage shall be installed. This includes, but is not limited to, streets, sidewalks, curbs, gutters, street lights, and water and sewer lines. All improvements shall be constructed per City Standards.
- *11) The developer shall pay for any improvements installed by prior developments that are eligible for reimbursement by this development.
- *12) All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 "To Adopt an Emergency Regulation for Statewide Urban Water Conservation" or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system.
- *13) At the building permit stage, proper documentation shall be provided to the satisfaction of the City Engineer, showing how storm water will be managed on the site and directed to the City's storm water system. Storm water shall be collected on-site and metered into the City's system. The developer shall provide calculations to confirm there is capacity in the existing storm water system to serve the proposed project. If there is not sufficient capacity, the developer shall provide an alternative to using the existing lines and drainage basin.

- *14) A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.
- *15) Bicycle parking shall meet the minimum requirements of the California Green Building Code.
- *16) All driveways shall comply with the City of Merced Standard for commercial driveways and are to be reviewed by the Fire Department as part of the review of the improvement plan submittals. A minimum of 20-feet of stacking room outside the gate shall be provided at all driveway entrances.
- *17) Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Division if required.
- *18) The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
- *19) Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60) and all state-mandated drought restrictions.
- *20) Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces. The documentation provided to allow parking within the flood area shall address the use of trees in the flood area. If trees are not allowed because they may have a negative effect on the floodway, the requirement for parking lot trees shall not apply within the floodway area only.
- *21) All buildings shall be designed to include commercial fire sprinklers ("13-system") as required by the California Fire Code. Eight-foot wide access-ways to the buildings through the parking lots shall be provided; handicapped loading zones may not be used for this purpose. Details will be worked out with Staff at the building permit review stage.
- *22) A Knox-box with "click-to-enter" technology for the Fire Department shall be provided at all entrance driveways. Details to be reviewed by the Fire Department as part of the review of the building permit submittals.
- *23) The project shall comply with all requirements of the California Building Code and the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage (Mitigation Measure H-8 of the Mitigation Monitoring Program adopted for General Plan #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project).
- *24) All mechanical equipment shall be screened from public view.
- *25) Containers for refuse and recycled goods shall be stored in enclosures that are designed

with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City's Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks.

- *26) The project shall comply with the City's Multi-Family Design Standards in Merced Municipal Code Section 20.54.290.
- *27) The project shall comply with the North Merced Sign Ordinance and requirements of Merced Municipal Code Section 17.36.572 regarding signing for apartments and condominiums.
- 28) Sufficient lighting shall be provided throughout the parking area to provide a safe environment for tenants and visitors. If lighting cannot be provided in the floodway area and sufficient parking cannot be provided elsewhere on the site, the number of units would need to be reduced to comply with the parking requirements. Based on 135 parking spaces, 85 units could be constructed. All lighting shall comply with Mitigation Measure G-1 of the Mitigation Monitoring Program for the Fahrens Creek Annexation.
- 29) Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
- 30) All private outdoor walking and vehicle and bicycle parking areas shall be properly lighted with ground-mounted lights.
- 31) Pedestrian access gates shall be provided along each street frontage to allow residents access to the public sidewalk as well as to the City's bike path system.

(*) Denotes non-discretionary conditions.

PROJECT DESCRIPTION

The project request is to construct a 128-unit apartment at the southeast corner of Pacific Drive and Horizons Avenue (Attachment A). The apartment complex would have 16 two-story buildings with 8 units in each building. In addition, there would be an office/community building. The project would provide a mix of one, two, and three bedroom units for a total of 272 bedrooms. A minimum of 263 parking spaces would be provided with the potential to add an additional 59 stalls, if needed which would bring the total number of parking spaces to 322. Several amenities are proposed as described on page one of this report. All amenities proposed in the floodway area are subject to approval based on the information provided regarding the floodway. The project also proposes a connection to the City bike path at the southeast corner of the site (refer to the site plan at Attachment B).

Surrounding Uses
(Attachment A)

Surrounding Land	Existing Use of Land	Zoning Designation	City General Plan Land Use Designation
North	Single-Family Residential (across Pacific Drive)	P-D #46	Low Density Residential (LD)
South	Dog Park (across Fahrens Creek)	P-D #46	Open Space/Recreation (OS)
East	Vacant	P-D #46	Low Density Residential (LD)
West	Future Apartment Complex (across Horizons Avenue)/ Vacant and Single-Family Residential (across Compass Pointe Avenue)	P-D #46	Village Residential (VR)/Neighborhood Commercial Office (CN)

BACKGROUND

The project site was annexed into the City in January 2003, as part of an approximately 273.6-acre area that created the Fahrens Creek Specific Plan and established Planned Development (P-D) #46. The Fahrens Creek Specific Plan includes the area bounded by Highway 59 to the west, Lehigh Drive (extended) to the north, R Street to the east, and Yosemite Avenue to the south (with the exception of the northeast corner of Highway 59 and Yosemite Avenue which remains in the County) (Attachment H). Planned Development (P-D) #46 is within those same boundaries.

In May 2015, the Planning Commission reviewed a General Plan Amendment, a Revision to the Fahrens Creek Specific Plan, and Site Utilization Plan (SUP) Amendment #4 for Planned Development (P-D) #46. These applications changed the designations for a portion of the project site from Low Density Residential to Village Residential paving the way for the development currently proposed. The City Council approved the General Plan Amendment, Specific Plan Amendment, and Site Utilization Plan Amendment on July 20, 2015.

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Village Residential and the zoning designation of Planned Development (P-D) #46.

The proposed project would achieve the following General Plan land use policies:

- Land Use 1.2.a: Encourage higher-density residential developments within walking distance (approximately ¼ mile) of commercial centers.
- Land Use 2.8.e: Preserve the existing housing stock and build a mix of new higher density housing.
- Land Use 3.1.c: Plan areas for higher density development within ¼ mile of locations identified as transit hubs and commercial centers.

Land Use 3.1.d: Encourage higher densities in areas served by the full range of urban services. Consider higher housing densities for areas around existing and planned transit hubs.

Housing H-1.1: Support increased densities in residential areas.

Traffic/Circulation

- B) The project consists of 128 apartments and is located at the southeast corner of Pacific Drive (Collector Road) and Horizons Avenue (Local road). The project also has frontage along Stinson Drive (Local road) between Compass Pointe Avenue (Collector Road) and Horizons Avenue (refer to location map at Attachment A). Access to the site would be from the main driveway on Horizons Avenue near Pacific Drive or from one of two secondary entrances on Stinson Drive and Compass Pointe Avenue (Attachment E).

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual (8th Edition), the Average Daily Trips (ADT's) for Apartments is 6.65 trips per unit. Based on this rate, the project would generate 851 Average Daily Trips. Peak Hour Trips (PHT's) for one hour between 4 and 6 p.m. are calculated at a rate of 0.62 trips per unit, resulting in 79 PHT's.

Level of Service (LOS)

The major roadways surrounding the site are R Street to the east, North Highway 59 to the west, and Yosemite Avenue to the south. According to Table 4.4 (Merced SUDP/SOI Arterial Street System Traffic Volume & Level of Service) of the *Merced Vision 2030 General Plan*, R Street and Yosemite Avenue are currently operating at an acceptable level of service. The General Plan designates a Level of Service (LOS) D as an acceptable level for traffic flow. Based on projections for 2030 (General Plan Buildout), R Street would be operating at a LOS F between Olive Avenue and Yosemite Avenue and would be operating at a LOS C+ from Yosemite Avenue to Cardella Road. Yosemite Avenue is expected to maintain its current level of service of C+ at General Plan Buildout. North Highway 59 is currently operating at a LOS F from Olive Avenue to Yosemite Avenue which is below the acceptable level of service (LOS) established by the General Plan. According to the projections for 2030, this roadway segment is expected to improve to an acceptable level of LOS D.

Although the level of service for R Street is expected to drop below an acceptable level at General Plan Buildout, it would not be due to this proposed change. Therefore, this project is not responsible for any future improvements to R Street beyond payment of Public Facilities Impact Fees. The same is true for North Highway 59. Even though it currently operates at an unacceptable level (LOS F), this project is not responsible for any improvements to this roadway. The proposed project would not generate enough traffic on any of the City's major roadways to reduce the level of service below an acceptable level. The Public Facilities Impact Fees and Regional Transportation Impact Fees for the project will pay for its impacts to regional and City roadways.

It should also be noted that a bus stop will be constructed on Compass Pointe Avenue as part of the Compass Pointe Apartments project. This will provide an alternative

transportation method within close proximity to the proposed project site. This should help reduce some of the traffic in the area.

Parking

- C) Parking requirements for apartments are 1.75 spaces for each unit up to 30 units and 1.5 spaces for each unit thereafter. Based on this ratio, the proposed apartments would be required to provide 200 parking spaces. The proposed site plan shows 263 parking spaces. Of those spaces, 128 spaces are located within the floodway area which would make it likely they could not be covered and may not be able to be provided with lighting. In the event lighting is not allowed in the floodway, the number of units would need to be reduced to comply with the parking requirements (refer to Condition #28). The site plan also shows an additional 59 parking spaces as “potential” spaces. If these spaces are needed or required by the City, these spaces would be in the floodway and would be subject to Condition #28 as well.

Because there is a potential of having students in this complex which may increase the parking demand, staff calculated the parking requirements based on the Draft Zoning Ordinance as a comparison for reference. Based on the Draft Zoning Ordinance, a 128 apartment complex with 44 3-bedroom units would be required to provide 222 parking spaces (based additional 0.50 spaces per bedroom over 2 bedrooms). The proposed number of spaces (263 with the potential of having 322 spaces) exceeds the requirement of the current and proposed Zoning Ordinance.

Bicycle storage areas and bicycle racks are also provided on the site. Bicycle racks are provided on the north side of the community/office building and an enclosed bicycle storage area is provided just south of the swimming pool. Condition #15 requires bicycle parking be provided in accordance with the California Green Code requirements.

Public Improvements/City Services

- D) Water

An 8-inch water line exists in Horizons Avenue near Pacific Drive. There is also an 8-inch line in Compass Pointe Avenue and a 16-inch water line in Pacific Drive. The development would be able to connect to any of these locations to provide water service to the site.

Wastewater

Sewer lines are also located in these same streets. There is sufficient capacity within these lines to serve the proposed development.

Storm Drainage

Storm drain lines exist in Pacific Drive and Compass Pointe Avenue. The project would be required to provide storage of storm water on the site and meter it into the City’s storm drain system. The developer would be required to provide calculations to confirm there is capacity in the existing system to serve the proposed project. If there is not sufficient capacity, the developer would be required to provide an alternative to using the existing lines. Condition #13 addresses these requirements.

Streets

The project would be required to install all missing street improvements, including streets, sidewalk, curb, gutter, and street trees along the property frontage. Currently, Stinson Drive and the portion of Horizons Avenue south of Pacific Drive do not exist. These roadways would be installed with the Compass Pointe Apartment project to the west, but the proposed project on this site would be responsible for reimbursing the owners of the Compass Pointe Apartments for a portion of the road and for installing curb, gutter, sidewalk, street lights, street trees, and any other required improvements along the property frontage (Condition #10).

Flood Zone/Floodway

- E) The project site has three different flood zones (Attachment F). The northern portion of the site (approximately 6.9 acres) is located outside the 100 year flood plain and is designated as a Flood Zone X on the Flood Insurance Rate Map (FIRM), revised December 2, 2008. Approximately 0.33 acres located along Compass Pointe Avenue are designated as Flood Zone AE (EL 170), and approximately 2.6 acres are designated as Floodway making it undevelopable for structures. However, per Merced Municipal Code Section 17.48.190 (A), with proper documentation from a registered professional engineer or architect, certain improvements may be constructed within the floodway. Condition #9 requires documentation to be submitted at the building permit stage for approval by the City Engineer and Development Services Director.

The construction of the apartment buildings would be within the X, and AE designated areas. A portion of the parking and all of the recreation area would be located within the floodway. In order to ensure the construction of the parking and recreation areas would not affect the floodway and increase the risk of flooding to the area, the developer would be required to provide certification as required by MMC Section 17.48.190. In addition, all other mitigation measures approved with the annexation of the site would be implemented (Attachment G). Some of the residential structures would be constructed within a flood zone. All measures required by the California Building Code (CBC) and the Federal Emergency Management Agency (FEMA) would be required to ensure the finished floor of the residential structures are above the flood level.

Building Design

- F) The proposed apartment buildings would be two-stories and have stucco and brick veneer finish. The roof will be a tile roof and the proposed color palette consists of brown and beige tones. The architectural features include arched openings around the balconies and stairways as well as trim around the windows. The use of these features along with the brick veneer gives the buildings a very appealing look. The community/office building incorporates the same features and colors. Colored elevations of both the apartment buildings and community/office building are provided at Attachment C.

Each building will contain 8 units. There are a mix of 1, 2, and 3 bedroom units proposed. The table below shows the breakdown and number of each type of unit and number of bedrooms. The floor plans can be found at Attachment D.

Bedroom and Unit Count

Bedrooms	Number of Units	Number of Bedrooms
3 Bedroom	44	132
2 Bedroom	56	112
1 Bedroom	28	28
Total	128	272

Site Design

- G) The project site has frontage along Pacific Drive, Horizons Avenue, Stinson Drive, and Compass Pointe Avenue (Attachment B). The site will have three driveway entrances: 1) Horizons Avenue (main entrance); 2) Stinson Avenue; and, 3) Compass Pointe Avenue. The complex will be enclosed by a 6-foot tall wrought iron fence with access gates at each entrance. To ensure sufficient room is provided for vehicle stacking, Condition #16 requires a minimum of 20 feet of stacking room for the driveway on Horizons Avenue and Compass Pointe Avenue. Because the driveway on Stinson Drive is expected to have less traffic, this entrance is allowed a minimum of 10 feet of stacking room.

Parking is provided near each of the buildings with additional parking provided at the southern area of the site. The community/office building is located directly in front of the main entrance on Horizons Avenue near Pacific Drive with a swimming pool adjacent to the community/office building. Sidewalks are proposed throughout the site connecting the units to the parking areas, other buildings, and recreation areas. A connection to the City’s bike path is proposed at the southeast corner of the site. Condition #31 requires pedestrian access be provided along all frontages to allow tenants access to the public sidewalks.

A recreation area consisting of basketball and tennis courts, a sand volleyball court, a jogging path, and picnic areas is provided at the southern end of the site.

Landscaping

- H) The project site will have landscaping throughout the site and in the park strips along the project frontage. Parking lot trees are required at a ratio of one tree for every six parking spaces, with the exception of parking within the floodway (refer to Condition #20). Condition #19 requires all landscaping to be consistent with the City’s Water Efficient Landscaping and Irrigation Ordinance and all state mandated drought restrictions.

Neighborhood Impact/Interface

- I) The site is surrounded primarily by residential development. Single-family residential is located to the north (across Pacific Drive) and to the west (across Compass Pointe Avenue). Another apartment complex is approved to the west (across Horizons Avenue) and should be starting construction within the next year. There is also approximately 15.5 acres of vacant land designated for commercial development to the west across Compass Pointe Avenue. The property to the east is designated for multi-family development as well. An application has been submitted for a Senior Housing project in this area, but staff is waiting for additional information that is needed prior to processing the application. The City’s

Dog Park is located to the south of the site. Please refer to the map at Attachment A for the location of these developments.

Currently, there are no uses adjacent to the site, but the Compass Pointe Apartments (96 units) will begin construction in the near future. There are single-family dwellings to the north of the site across Pacific Drive and to the west across Compass Pointe Avenue.

Given the roadway design, there would only be three buildings visible from Pacific Drive and two on Compass Pointe Avenue (Attachment B). All the buildings would be two-story buildings, but are separated from the single-family homes by a roadway. All the houses along Pacific Drive would be at least 100 feet from the nearest apartment building. The nearest building to the homes along Compass Pointe Avenue would be approximately 88 feet away.

Although there is a parcel to the east that is designated for Low-Density Residential development, an application has been submitted requesting a change to the land use designation for that property to also allow a multi-family senior housing development. If approved, there would be no single-family dwellings adjacent to this site.

The proposed project would add traffic to the area, but given the fact that traffic would not have to enter the surrounding single-family neighborhoods to access the project site, the impact from traffic would be mostly limited to Pacific Drive and Compass Pointe Avenue. Pacific Drive is a Collector Street and intended to carry a larger volume of traffic. Given the fact that the primary entrance is closer to Pacific Drive than Compass Pointe and the fact that only right turns could be made on Yosemite Avenue from Compass Pointe Avenue, it's anticipated that the majority of the traffic would be using Pacific Drive.

Prior to the public hearings for the previous General Plan Amendment, Specific Plan Amendment, and Site Utilization Plan Revision, the applicants held a neighborhood meeting to discuss the project. This meeting was held on January 22, 2015. Notices regarding the meeting were sent to all property owners within 300 feet of the site, but no one attended the meeting. There were also public hearing notices sent out regarding these applications prior to the Planning Commission meeting and the City Council meeting. No one spoke in opposition to the request, but two letters were received in opposition.

Prior to the public hearing for this Conditional Use Permit, public hearing notices were sent out again to all property owners within 300 feet of the site. To date, staff has not received any comments or concerns regarding this project.

Signage

- J) No signing has been proposed at this point. All signing is required to comply with the North Merced Sign Ordinance and Merced Municipal Code Section 17.36.572 – Apartments or Condominiums.

Environmental Clearance

- K) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #15-37 is a second tier environmental document, based upon

the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 (Initial Study #14-26 for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 adopted by City Council on July 20, 2015). A copy of the Section 15162 Findings can be found at Attachment I.

Attachments:

- A) Location Map
- B) Site Plan
- C) Building Elevations
- D) Floor Plan
- E) Site Access
- F) Flood Map
- G) Mitigation Monitoring Program for General Plan Amendment #14-02, et al
- H) Fahrens Creek Specific Plan Area and P-D #46 Boundary
- I) CEQA Section 15162 Findings
- J) Draft Planning Commission Resolution



SINGLE-FAMILY

PACIFIC

SINGLE-FAMILY

MULTI-FAMILY
(Compass
Pointe Apts)

HORIZONS

VACANT
SINGLE-FAMILY

MULTI-FAMILY

R

COMPASS POINTE

STINSON

SUBJECT
SITE

VACANT
COMMERCIAL

DOG PARK

YOSEMITE

SIMPLY
SPACE

SINGLE-FAMILY

ATTACHMENT A



GOLDEN VALLEY
ENGINEERING & SURVEYING
405 West 19th Street #8340
Menlo Park, CA 94024
Tel: (650) 722-3294
Fax: (650) 722-3294

PROJECT NO.: 2013-001

DATE: OCTOBER 20, 2013

DESIGNED BY: J.K.

CHECKED BY: R.C.F.

DRAWN BY: R.C.F.

JOB NO.: 15122

SHEET NUMBER

CITY OF MERCED

APARTMENT COMPLEX
SITE PLAN
APN: 206-070-006

C1.0



VICINITY MAP

PHASE 2 UNITS TABULATION			10.42 Acres
BUILDING TYPE	# OF BLDGS	# OF UNITS	
3 & 3 Bedroom	2	16	
3 & 2 Bedroom	4	32	
3 & 1 Bedroom	3	24	
2 & 2 Bedroom	3	24	
2 & 1 Bedroom	4	32	
SITE TOTAL	16	128	

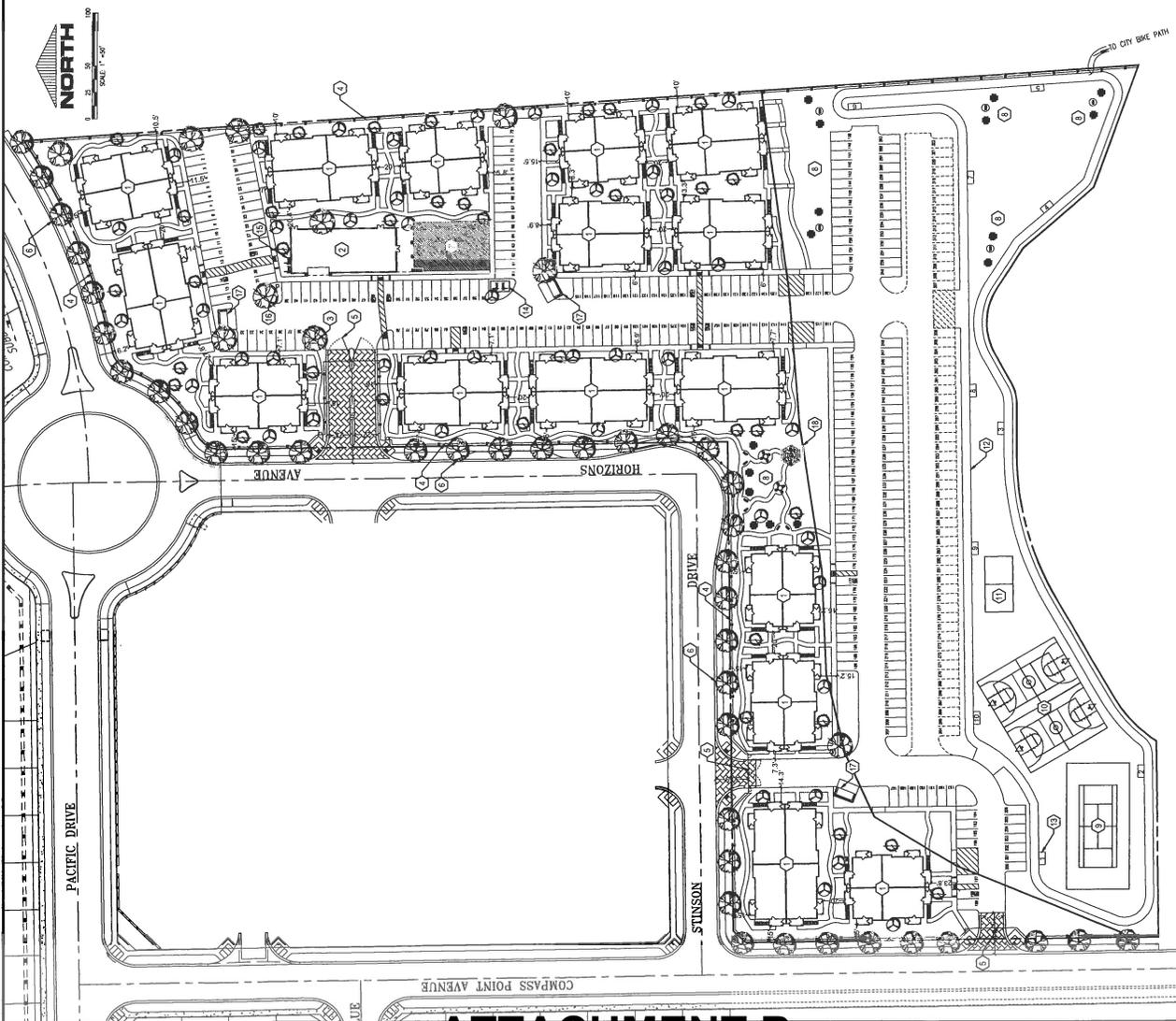
TYPE	# OF UNITS	TOTAL SQ.FT.
3 Bedroom	44	132
2 Bedroom	56	112
1 Bedroom	28	28
SITE TOTAL	128	272

PARKING ANALYSIS EACH PARCEL:

TOTAL PARKING REQUIRED:
 53 spaces
 30 units - 1.25 x 80 sq ft
 120 spaces
 200 spaces
 Total Required -

TOTAL PARKING PROVIDED:
 Total Parking - 263 spaces (ADA spaces included)
 Accessible Parking - 10 spaces
 Potential Additional Stalls - 59 spaces
 Total Potential Stalls - 322 spaces (ADA spaces included)

- KEYNOTES:**
- 1) 2-STORY APARTMENT UNIT (8 UNITS EA. BLDG)
 - 2) 2-STORY OFFICE/COMMERCIAL BUILDING
 - 3) COMMUNITY MAILBOX
 - 4) 6' WROUGHT IRON FENCE
 - 5) GATED ENTRANCE
 - 6) CITY STREET TREES @ 47' O.C.
 - 7) SWIMMING POOL
 - 8) PICK-UP AREA
 - 9) TENNIS COURT
 - 10) BASKETBALL COURTS
 - 11) SAND VOLLEYBALL COURT
 - 12) RUNNING TRACK
 - 13) TYPICAL WORKOUT STATION (10 TOTAL)
 - 14) COVERED BICYCLE STORAGE
 - 15) BICYCLE RACK
 - 16) ELECTRIC CAR CHARGING STATION
 - 17) TRASH ENCLOSURES
 - 18) FLOODWAY



ATTACHMENT B

Front & Back Elevation - 2 & 2 Bedroom



ATTACHMENT C

Compass Pointe Apartments

Front Elevation - Community Building



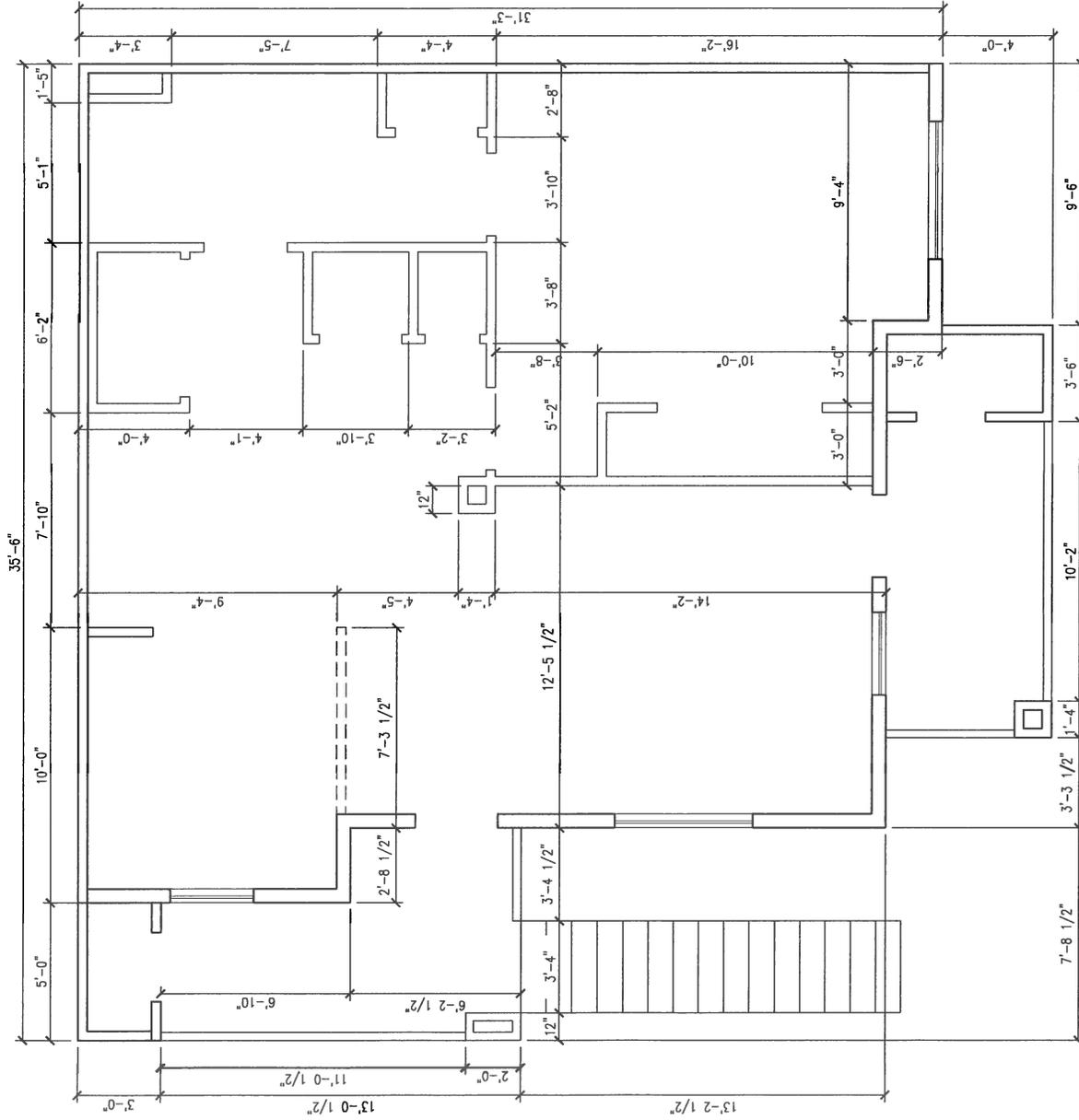
ATTACHMENT C



STEINER DEVELOPMENT, INC.

Compass Pointe Apartments ~ Phase 2

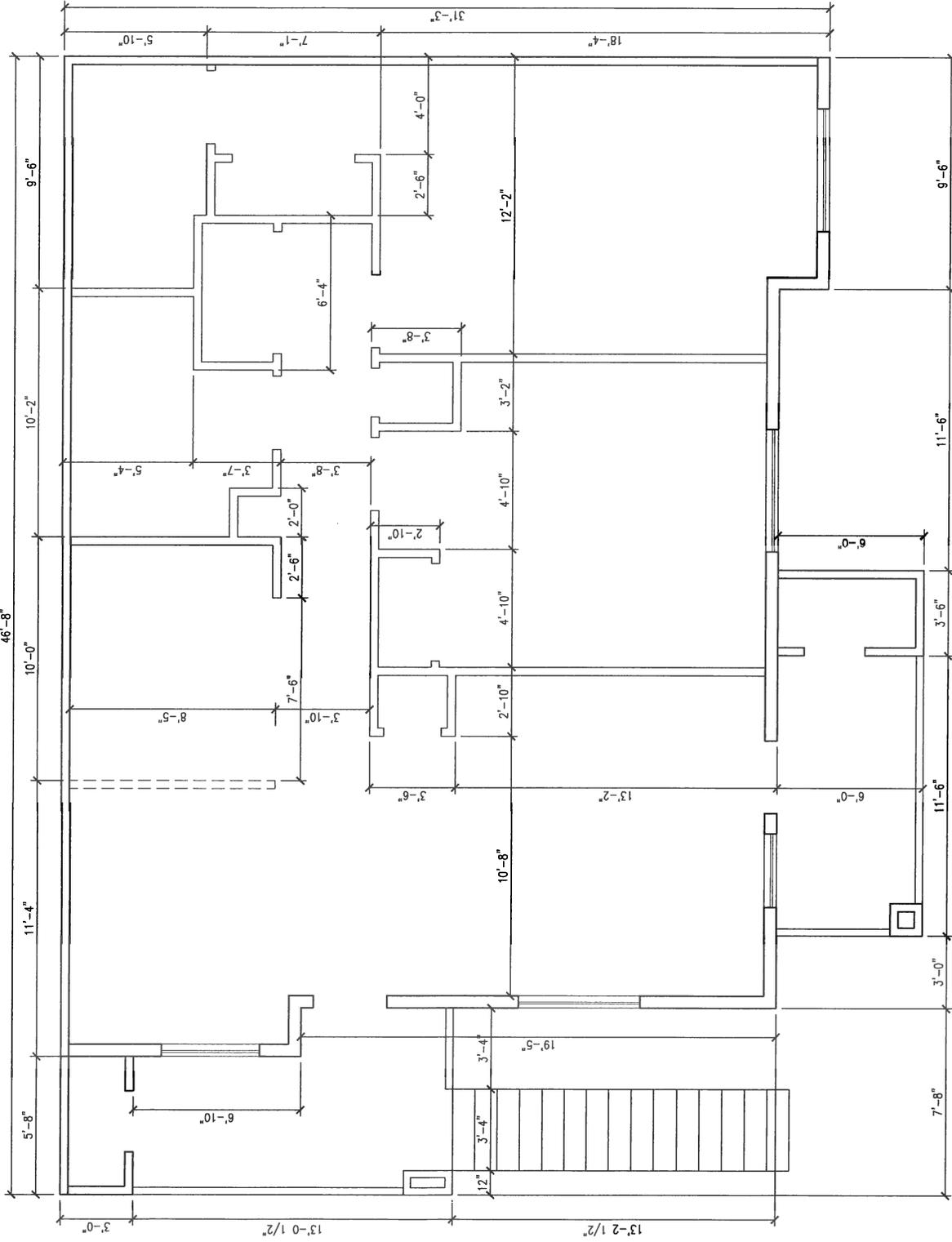
GV
GOLDEN VALLEY
INSURING & SURVEYING
405 W. 100th Street • P.O. Box 141 • Abie, IL 60211
Phone: 815.291.7222 • Fax: 815.291.7223



1-BEDROOM PLAN

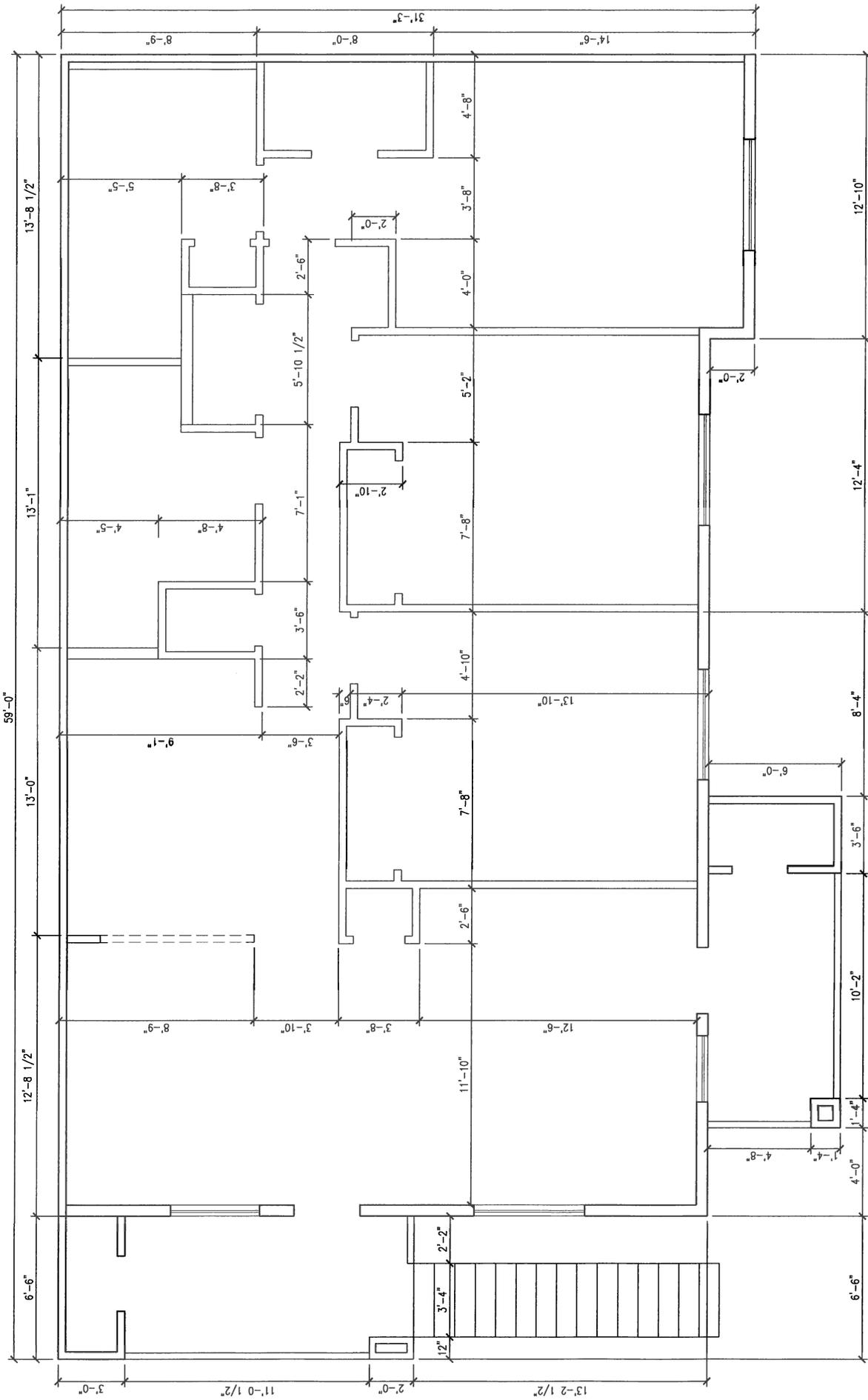
SCALE: 1/4"=1'-0"

859 S.F. LIVING SPACE



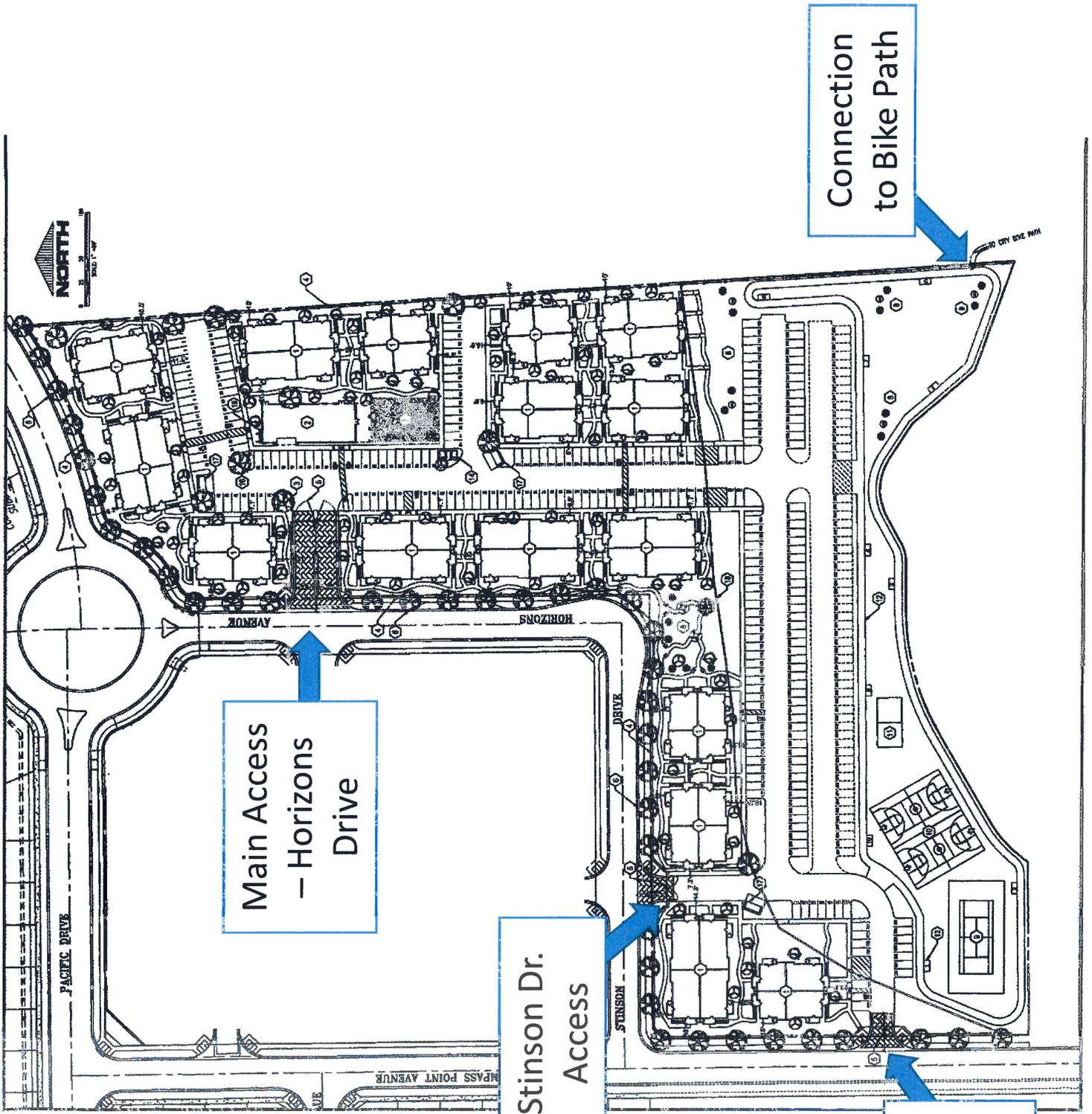
2-BEDROOM PLAN

SCALE: 1/4"=1'-0"
 1179 S.F. LIVING SPACE



3-BEDROOM PLAN

SCALE: 1/4"=1'-0"
1561 S.F. LIVING SPACE



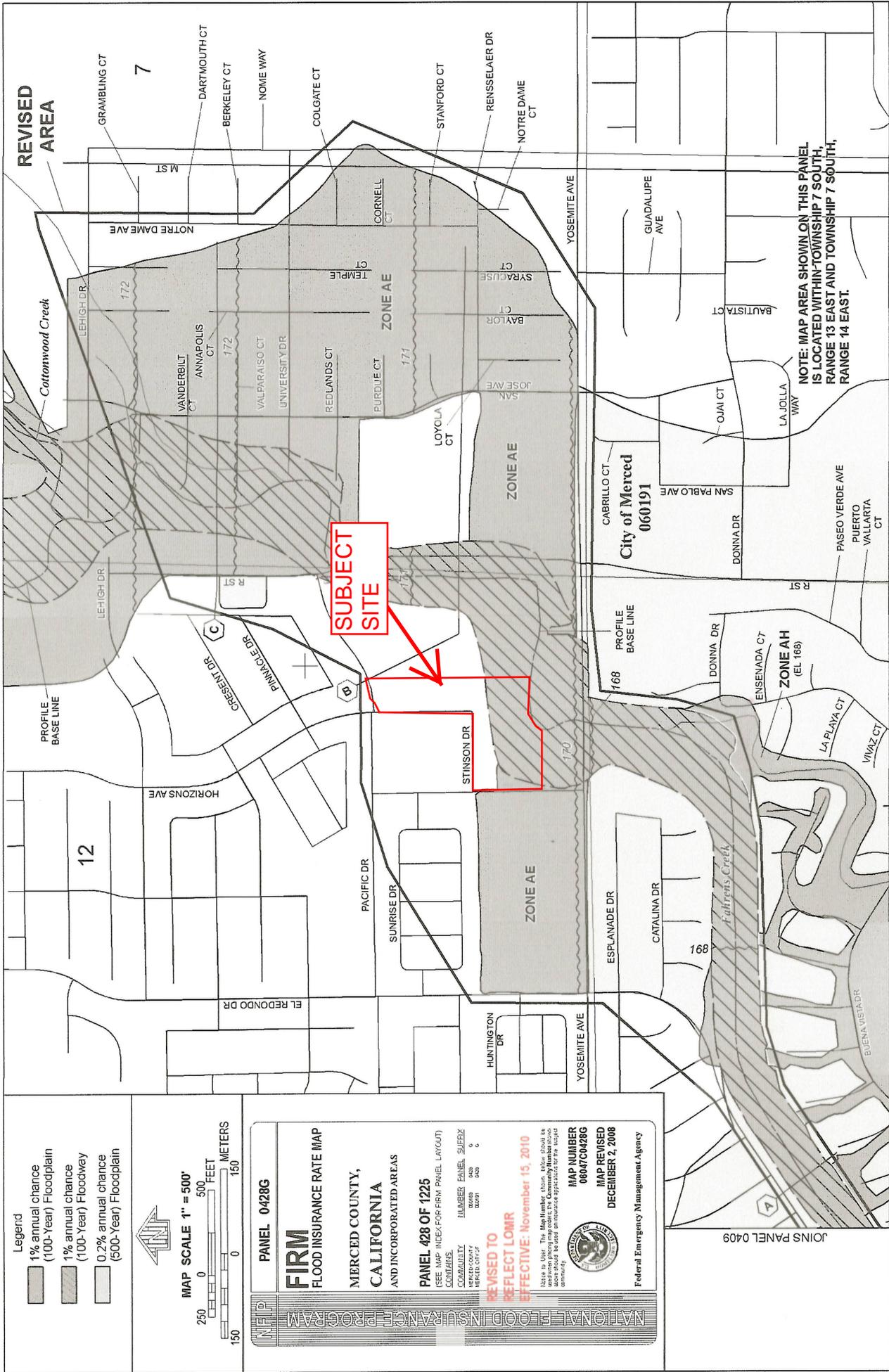
Main Access
- Horizons
Drive

Stinson Dr.
Access

Compass
Pointe Ave.
Access

Connection
to Bike Path

ATTACHMENT E



ENVIRONMENTAL REVIEW #14-26
Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

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

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

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #14-26 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

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

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46. The columns within the tables are defined as follows:

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

**General Plan Amendment #14-04/Revision 32 to the Fahrens Creek Specific Plan/
 Site Utilization Plan Revision #4 to Planned Development (P-D) #46
 Mitigation Monitoring Checklist**

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

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

C) Air Quality				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
C-1	C-1) The project applicant shall submit an Indirect Source Review (ISR) to the San Joaquin Air Pollution Control Board in compliance with District Rule 9510 and shall comply with all other applicable District Rules. The San Joaquin Valley Air Pollution Control District recommends this application be submitted as early as possible or prior to the final discretionary approval.	Prior to Conditional Use Permit (CUP) approval	Planning Department	
C-1	C-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A)	Building Permit Issuance / CUP approval	Inspection Services / Planning Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
C-2	C-3) Compliance with Mitigation Measures C-1 and C-2 above would reduce this impact to a less than significant level.	Building Permit Issuance / CUP approval	Inspection Services / Planning Department	
D) Biological Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
D1	D-1) If any development takes place during the Swainson's Hawk nesting season (late March through July), a pre-construction survey shall be conducted by a qualified biologist to determine whether nesting activities are taking place within the area. If it is found that nesting activities are taking place, the project shall take necessary actions, including delaying the start of construction, to ensure the species is not disturbed.	Building Permit	Planning Department CA. Dept. of Fish and Wildlife	
D1	D-2) With regard to the Giant Garter Snake, for any development taking place in proximity to Fahrens Creek corridor, from the west edge of R Street to the north edge of Yosemite Avenue the following actions shall be taken: a) Provide environmental awareness training to contractors doing work in this area; b) Restrict construction along the Creek to only the snake's active season (May 1 through September 30); and, c) Have a qualified biologist conduct pre-construction surveys 24 hours in advance of construction activities.	Building Permit	Planning Department CA. Dept. of Fish and Wildlife	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
D1	D-3) No development shall occur within 50 feet of the centerline of the creek (or 25 feet from the crown, whichever is greater).	Building Permit	Planning Department	
D1	D-4) The project shall comply with all applicable mitigation measures for Expanded Initial Study (EIS) #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09. Refer to the Mitigation Monitoring Program prepared for EIS #00-31 at Attachment A.	Building Permit	Planning Department	
D2	D-5) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
D4	D-6) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
D5	D-7) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
E) Biological Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
E1	E-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Planning Department	
E2	E-2) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
E3	E-3) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	
E4	E-4) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	
F) Geology and Soils				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
F2	F-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.	Building Permit	Inspection Services	
H) Hydrology and Water				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
H-1	H-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-2	H-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
H-3	H-3) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-4	H-4) The project developer shall provide calculations to the City Engineer verifying the capacity of the existing storm drain line as well as the capacity of the basin into which the water would ultimately drain.	Building Permit	Engineering	
H-4	H-5) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-5	H-6) The project developer shall provide calculations to the City Engineer verifying the capacity of the existing storm drain line as well as the capacity of the basin into which the water would ultimately drain.	Building Permit	Engineering	
H-5	H-7) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
H-7	H-8) The project shall comply with all requirements of the California Building Code and the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.	Building Permit	Inspection Services / Engineering	
H-7	H-9) At the time of submittal for a Conditional Use Permit (CUP), the developer shall provide a hydrology study demonstrating the effects of constructing a portion of the parking area within the flood way. This document shall be reviewed and approved by the Development Services Director.	Building Permit	Inspection Services / Planning Department / Engineering	
K) Noise				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
K-1	K-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
K-2	K-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

O. Transportation/Traffic				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
O-1	O-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

Certificate of Completion:

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

 Environmental Coordinator

 Date

**EXPANDED INITIAL STUDY #00-31
for
FAHRENS CREEK ANNEXATION
TO THE CITY OF MERCED**

Appendix C
Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the Fahrens Creek Annexation shall run with the real property that is the subject of Annexation Application #00-31 to the City of Merced. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

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

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

Fahrens Creek Annexation to the City of Merced Expanded Initial Study #00-31: Mitigation Monitoring Program (2)

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, the *Expanded Initial Study for the Fahrens Creek Annexation to the City of Merced* incorporates some mitigation measures adopted as part of the *Merced Vision 2015 General Plan Program Environmental Impact Report* (SCH# 95082050), as mitigation for potential impacts of the Project. Therefore, following the Fahrens Creek Annexation Mitigation Monitoring Checklist (starting on page A-15) is a list of these relevant General Plan mitigation measures along with the General Plan Mitigation Monitoring Checklists (Forms A and B) to be used to verify that the General Plan mitigation measures have been met.

NONCOMPLIANCE COMPLAINTS

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

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for the Fahrens Creek Annexation. The columns within the tables are defined as follows:

Mitigation Measure: Summarizes the Mitigation Measure (referenced by number) identified in Expanded Initial Study #00-31.

Timing: Identifies at what point in time or phase of the project that the mitigation measure will be completed.

Agency/Department Consultation: This column references any public agency or City department with which coordination is required to satisfy the identified mitigation.

Verification: These columns will be initiated and dated by the individual designated to verify adherence to the project specific mitigation.

Fahrens Creek Annexation Mitigation Monitoring Checklist

Project Name: _____
 File Number: _____
 Approval Date: _____
 Project Location: _____

Brief Project Description: _____

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

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
A. EARTH			
A-1 Grading and excavation shall be conducted according to City of Merced standards to reduce the effects of disruptions, displacement, compactions, and over-covering of soils.	Building Permits	City Inspection Services, Engineering, & Public Works	
A-2 The Project applicants shall prepare grading plans for individual projects for review and approval by the City of Merced Inspection Services, Engineering, and Public Works Departments prior to approval of building permits. The grading plans shall include the nature and extent of work proposed, phasing, and minimize the effects of disruptions, displacement, compaction, and over-covering of soils.	Building Permits	City Inspection Services, Engineering, & Public Works	
A-3 Prior to approval of any improvement or building plans, the City shall review plans for drainage and storm water run-off control systems and their component facilities, as required, to ensure that these systems are non-erosive in design.	Tentative Map Building Permit	City Engineering & Public Works	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
A-4 Upon completion of construction, subsequent Projects shall re-vegetate all exposed soil surfaces within 30 days, or as otherwise approved by the City, to minimize potential topsoil erosion. Reasonable alternatives to re-vegetation may be employed, especially during peak high temperature periods, subject to the approval of the City.	Certificate of Occupancy	City Inspection Services	
A-5 Projects under review shall be required to submit temporary erosion control plans for construction activities.	Building Permits	City Inspection Services	
A-6 Prior to the issuance of a building permit, the applicant shall design all structures according to the Uniform Building Code Seismic Section 3.	Building permits	City Inspection Services	
A-7 A soils report shall be prepared by a qualified soils or civil engineer, consistent with the provisions of the State Subdivision Map Act, prior to approval of a final subdivision map or building permit, if applicable as required by Merced Municipal Code.	Final Maps	City Engineering & Public Works	
A-8 Building plans shall be reviewed by a registered engineer specializing in geo-technical assessments to ensure that the soils can support the load.	Building Permits	City Inspection Services, Engineering, & Public Works	
B. AIR			
B-1 All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Where feasible, reclaimed water shall be used.	Building Permits	City Inspection Services	
B-2 All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	Building Permits	City Inspection Services	
B-3 All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	Building Permits	City Inspection Services	
B-4 The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident, if construction time frames warrant.	Building Permits	City Inspection Services	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
B-5 Construction site vehicle speeds shall be limited to 15 miles per hour.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-6 If used, petroleum-based dust palliatives shall meet the road oil requirements of the District's rule regarding Cutback Asphalt Paving Materials.	<i>Building Permits</i>	SJVUAPCD	
B-7 Streets adjacent to the Project site shall be swept as needed to remove silt and/or mud that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-8 All internal combustion engine-driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-9 When reasonably available and economically feasible, diesel powered or electric equipment shall be utilized in lieu of gasoline powered engines.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-10 Construction activities shall minimize obstruction of through traffic lanes adjacent to the site and a flag person shall be retained to maintain safety adjacent to existing roadways.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-11 Prior to issuance of a grading permit, the project will be required to comply with District Regulation VIII. Specifically, the rules that apply to this project are: Rule 8010 (Administrative Requirements) and Rule 8020 (Construction, Demolition, Excavation, and Extraction Activities). Additional rules that may apply to this project depending on construction practices employed are: Rule 8030 (Handling and Storage of Bulk Materials), Rule 8060 (Paved and Unpaved Roads), and Rule 8070 (Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas).	<i>Building Permits</i>	SJVUAPCD	
B-12 At the City Planner's discretion, subsequent projects within the Project boundaries may be required to submit an air quality analysis to the City prior to construction. Such studies shall outline any impacts associated with specific processes or activities to be present on-site.	<i>Site Plan Approval</i>	<i>City Planning</i>	
(B-13) (General Plan I-d) Development construction activity shall implement appropriate dust (PM10) suppression techniques as required by the SJVRAPCD.	<i>Building Permit/Construction</i>	<i>City Inspection Services</i>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p>C. WATER</p>			
<p>C-1 Prior to approval of a Final Map or subsequent development projects, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and that improvements are consistent with the <i>Merced County Critical Area Flooding and Drainage Plan</i> and any updates.</p>	<p><i>Tentative Maps</i></p>	<p>City Engineering & Public Works</p>	
<p>C-2 Prior to alteration or removal of the existing elevated YVRR roadbed in the eastern portion of the project area, the property owner shall demonstrate, through competent analysis acceptable to the City of Merced, what effect removal of the roadbed will have on area flood waters delineated in the Special Flood Hazard Area identified on the east side of the roadbed, including impacts to other properties.</p>	<p><i>Tentative Maps</i> <i>Building Permits</i> <i>Conditional Use Permits/Site Plan Approvals</i></p>	<p>City Engineering & Public Works</p>	
<p>C-3 Prior to approval of subsequent development projects, the applicants shall demonstrate to the City that temporary erosion control measures will be followed during construction.</p>	<p><i>Building Permits</i></p>	<p>City Inspection Services</p>	
<p>C-4 As individual projects are determined, the applicants shall provide detailed information to the City regarding projected water usage. The applicants shall provide all water system needs (including wells, water mains, etc.) for individual projects or pay equivalent fees to insure the construction of the necessary water infrastructure.</p>	<p><i>Building Permits/ Parcel Maps</i></p>	<p>City Engineering & Public Works</p>	
<p>C-5 Industrial users shall recycle their own water if feasible and implement water conservation measures and techniques as determined for individual projects.</p>	<p><i>Building Permits</i></p>	<p>City Engineering & Public Works</p>	
<p>C-6 Areas within 100-year flood plains will be required to comply with all pertinent provisions of the City's Flood Damage Prevention Ordinance (MMC 17.48) and all updates. (C-7) (General Plan 2-a) When site-specific development proposals with direct discharge into the area's surface water system are submitted to the City for review and action, Best Management options should be evaluated to determine need and feasibility.</p>	<p><i>Building Permits</i> <i>Subdivision maps/Parcel maps/ Building permits</i></p>	<p>City Inspection Services & Engineering Engineering</p>	
<p>(C-8) (General Plan 2-b) Water conservation policy of the City should be periodically reviewed to determine need, appropriateness, and feasibility of implementing conservation practices suggested in the Merced Water Supply Plan.</p>	<p><i>Subdivision maps/Parcelmaps/ Conditional Use Permits</i></p>	<p>Engineering/Public Works/ City Planning</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>E. ANIMAL LIFE</p> <p>E-1 If any future development takes place during the Swainson's Hawk nesting season (late March through July), a pre-construction survey should be conducted by a qualified biologist to determine whether nesting activities are taking place within appropriate portions of the project area covered by this species assessment (Appendix A) (Fahrens Creek corridor from the west edge of "R" Street to the north edge of Yosemite Avenue).</p>	<p>Final Maps</p> <p>Building Permits</p>	<p>City Planning</p> <p>CA Dept of Fish & Game</p>	
<p>E-2 With regard to the Giant Garter Snake, for any development taking place in proximity to the Fahrens Creek corridor, from the west edge of "R" Street to the north edge of Yosemite Avenue: a) provide environmental awareness training to contractors doing work in this area; b) restrict construction along the Creek to only the snake's active season (May 1 through September 30); and c) have a qualified biologist conduct pre-construction surveys 24 hours in advance of construction activities.</p>	<p>Final Maps</p> <p>Building Permits</p>	<p>City Planning</p> <p>CA Dept of Fish & Game</p>	
<p>F. NOISE</p>			
<p>F-1 A 6 foot or higher sound wall or earthen berm (or combination of both), or some other acceptable method for achieving comparable noise reduction, may need to be constructed to meet the City's outdoor noise level standards of DNL 60dB for new residential development adjacent to perimeter arterials (Yosemite Avenue and "R" Street). Depending upon the DNLs and the acoustical shielding provided by the first row of buildings (if any), existing and new residential development located a greater distance from the perimeter arterials may require lower sound walls or a combination of sound attenuation measures. As an alternative to sound walls, new dwelling units may be oriented so that the outdoor use areas would be shielded by the building.</p> <p>As necessary detailed noise projections should be prepared to corroborate earlier noise studies/projections and actual height requirements for sound walls, prior to recordation of final maps for each phase of residential development falling within applicable noise zones.</p>	<p>Final Maps</p> <p>Building Permits</p>	<p>City Planning</p>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p>F-2 Project residential developments constructed within pertinent noise zones in proximity to Yosemite Avenue and "R" Street would require sound-rated windows, as well as sound-rated exterior wall assemblies where necessary, or other acceptable methods of sound attenuation to achieve comparable noise reductions, to be consistent with the 45 dB interior noise level maximum.</p>	<p><i>Final Maps</i> <i>Building Permits</i></p>	<p><i>City Planning</i></p>	
<p>F-3 Trucks used for the development of Fahrens Creek will be required to use the City's designated truck routes, to be demonstrated by the project applicant through the submittal of a construction traffic plan to the City Engineer prior to the issuance of grading permits.</p>		<p><i>City Planning</i> <i>City Inspection Services</i></p>	
<p>F-4 All construction activity shall be conducted in accordance with City of Merced standards for times of operation.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>F-5 Grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.) in areas where noise sensitive receptors are located.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>F-6 In noise sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>G. LIGHT AND GLARE</p> <p>G-1 The applicants shall utilize lighting fixtures of minimal wattage necessary to provide adequate lighting for security, industrial operations, and circulation. Light spill shall be controlled by baffles, cut-off lenses, and fixture height necessary to minimize spill-over onto adjacent properties. Prior to building permit approvals, lighting plans shall be submitted for review by the City which specifies lighting type, location, and methods for minimizing spill.</p>	<p>Building Permits</p>	<p>City Planning</p>	
<p>M. TRANSPORTATION /CIRCULATION</p>			
<p>M-1 The Project shall pay all fees as required under the City's Public Facilities Impact Fees (Chapter 17.62 of the Merced Municipal Code).</p>	<p>Certificate of Occupancy</p>	<p>City Planning & City Engineer</p>	
<p>M-2 The developer shall construct all collector, local, or cul-de-sac streets within the Project boundaries to their ultimate right-of-way with full frontage improvements as defined by the City of Merced Standard Designs for all Engineering Structures and the Merced Vision 2015 General Plan and any amendments thereto. This will include its proportional share of the proposed Reverse Frontage Road North-South Collector to be located along the west boundary of AREA A/east boundary of AREA B (and, if included, along the east boundary of AREA C), and any new interior streets within the Project boundaries. The timing of construction of the improvements is to be governed by the Subdivision Map Act and/or local ordinance.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>M-3 The developer shall dedicate half the required right-of-way for all arterial and higher order streets adjacent to the Project boundaries as defined in the Merced Vision 2015 General Plan. This includes both Yosemite Avenue and "R" Street (each adjacent to AREA A), as well as Highway 59 (currently several design concepts are under study/evaluation by Caltrans) adjacent to AREA B (and, if included, AREA C). Consistent with Mitigation Measure 7.b of the Merced Vision 2015 General Plan EIR, where the extent of right-of-way dedication exceeds the City's development standards for a collector street (currently 74 feet for a collector street located entirely within the Project and 37 feet for a collector abutting the Project), then the developer is eligible for reimbursements in accordance with the City's Public Facilities Impact Fee Ordinance and guidelines, unless a traffic study determines that the Project's traffic impacts require additional dedication.</p>	<p>Tentative Maps/Site Plan Reviews</p>	<p>City Planning & Engineering</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>M-4 The developer shall construct the "collector equivalent" (74 feet) portion of the right-of-way, along with full frontage improvements along the Project boundaries and at least one travel lane in each direction, for all arterial and higher order streets within the Project boundaries. Consistent with Mitigation Measure 7b of the Merced Vision 2015 General Plan EIR, where the extent of street improvements exceeds one-half of a "collector equivalent" street for a project fronting only one side of the street, the project is eligible for reimbursement for the cost of improvements exceeding the one-half "collector equivalent" in accordance with the City's Public Facilities Impact Fee Ordinance and guidelines, unless a traffic study determines that the Project's traffic impacts require additional improvements.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>M-5 The owner of each adjacent corner within AREA A shall be responsible for one-quarter of the cost of a traffic signal, to City standards and the satisfaction of the City Engineer, at each quarter mile/half-mile collector intersection with Yosemite Avenue, as well as the intersection of Lehigh Drive (extended) with "R" Street, whenever warrants are met in the judgment of the City Engineer. In such a case, installation of an intersection traffic signal by one developer could even be required at any of these locations by the City Engineer prior to full build-out and adjacent properties, if warrants are met, subject to adopted reimbursement requirements. Security shall be determined at the time of first subdivision map or other discretionary action.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>(M-6) (General Plan 7a) Appropriate traffic studies shall be prepared for all development projects which can be expected to reduce a road segment or intersection level of service below "D." (Note: Studies are not anticipated, based upon current projections, but could be required in the event of future changes).</p>	<p>Subdivision Map/ Conditional Use Permit</p>	<p>Engineering</p>	
<p>(M-7) (General Plan 7b) The City shall require all development proposals to contribute, based on their proportionate share of impact, to circulation system improvements necessary to maintain at least a level of service "D" on all road segments and intersections impacted by the development project.</p>	<p>Subdivision Map/ Conditional Use Permit</p>	<p>Engineering/PIanning/ Finance</p>	

N. PUBLIC SERVICES				
FIRE				
N-1	The applicants shall be required to provide a level of accessibility and rangeland management (firebreaks and/or disking) for fire suppression that is acceptable to the City of Merced.	Tentative Maps/ Parcel Maps Building Permits	City Planning & Fire	
SCHOOLS				
N-2	Careful coordination is required between City, developer(s), and School District regarding phasing of infrastructure improvements within the general area, to achieve safe, adequate access for both school construction and operation.	Tentative Maps/ Parcel Maps Building Permits	Planning staff, City Engineer, and City School District	
N-3	Prior to the issuance of building permits, the applicant shall be responsible for the payment of school facility impact fees as adopted by the Merced City School District and Merced Union High School District.	Building Permits	City School District and MUHSD	
(N-4)	(General Plan 8-c) Site designs will need to be reviewed to assure that development does not hinder efficient and cost-effective public services delivery.	Tentative Maps/ Parcel Maps/ Conditional Use Permits	Planning staff, City Engineer, and City School District	
(N-5)	(General Plan 8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.	Building Permit	Planning Staff/ Finance	

Mitigation Measure		Timing	Agency or Department Consultation	City Verification (date and initials)
T. CULTURAL RESOURCES				
T-1	If evidence of archaeological artifacts is discovered during construction, all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site.	Building Permits	City Inspection Services	
T-2	On-site preservation of a resource is the preferred alternative. Preserving a cultural deposit maintains the artifacts in context and may prevent inadvertent discovery of, or damage to, human burials. Preservation may be accomplished through a number of means such as capping or covering the site with a layer of soil, fencing the site area, and/or incorporation of the resource in a park area.	Building Permits	City Inspection Services	

Copies of This Form Distributed To:

____ City Council _____ City Manager _____ City Planner _____ Public Works Dir. _____ City Engineer _____ Fire Chief
____ Police Chief _____ Leisure Serv. Dir. _____ County of Merced (Dept. _____) _____ Other (List _____)
____ Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____ Representing: (Agency/Firm) _____

Signature: _____ Date: _____

**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Conditional Use Permit #1208 – Environmental Review #15-37

Assessor Parcel Number or Location: Assessor’s Parcel Number (APN): 206-070-006

Previous Initial Study/EIR Reference: This site was previously reviewed through Initial Study #14-26, resulting in a Mitigated Negative Declaration. The current proposal to construct a 128-unit apartment complex is consistent with the previous environmental review and the project remains in conformance with the City’s *Merced Vision 2030 General Plan*.

Original Project Date: Expanded Initial Study #14-26, resulting in a Mitigated Negative Declaration, adopted by the Merced City Council on July 20, 2015.

Section A - Previous Studies

1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: The proposed apartment complex is consistent with the previous environmental review. This site was identified in the previous environmental review for multi-family dwellings with 136 dwelling units. Thus, this project remains consistent with the previous environmental review.

2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous Mitigated Negative Declaration. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

Section B - New Information

	Yes	No
A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Yes	No
D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment/Finding: All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: December 11, 2015

Prepared By:



 Julie Nelson,
 Associate Planner

CITY OF MERCED
Planning Commission

Resolution # _____

WHEREAS, the Merced City Planning Commission at its regular meeting of January 6, 2016, held a public hearing and considered **Conditional Use Permit #1208**, , initiated by Golden Valley Engineering, on behalf of LJ Steiner, LLC, property owner. This application involves a request to construct a 128-unit apartment complex with 1, 2, and 3 bedroom units on a portion of a 10.42 acre parcel, generally located at the southeast corner of Pacific Drive and Horizons Avenue. This parcel is located within Planned Development (P-D) #46 and has a Village Residential (VR) General Plan designation; also known as Assessor’s Parcel No. 206-070-006; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #16-01; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Initial Study #14-26 (Mitigated Negative Declaration) for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Conditional Use Permit #1208, subject to the Conditions set forth in Exhibit A and the Mitigation Monitoring Program adopted for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46, set forth in Exhibit B, both attached hereto and incorporated herein by this reference.

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

AYES: Commissioners

NOES: Commissioners

ABSENT:

ABSTAIN:

PLANNING COMMISSION RESOLUTION # _____

Page 2

January 6, 2016

Adopted this 6th day of January 2016

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Mitigation Monitoring Program

Conditions of Approval
Planning Commission Resolution #_____
Conditional Use Permit #1208

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan), Exhibit 2 (elevations), and Exhibit 3 (floor plans) -- Attachments B, C, and D of Staff Report #16-01, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. The Project shall comply with the conditions set forth in Resolution #3050 for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project, including all mitigation measures required by the Mitigation Monitoring Program for General Plan Amendment #14-04 and the Fahrens Creek Annexation (Attachment G of Staff Report #16-01 and Exhibit B of Planning Commission Resolution).
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to

that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be initiated before final map approval or the issuance of the first building permit. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
9. At the time of building permit submittal, a hydrology study prepared by a registered professional engineer or hydrologist shall be submitted showing the impacts of and any required mitigation measures for development within the area designated as a Floodway on the Flood Insurance Rate Map (FIRM). Any development of this area is subject to approval of the City Engineer and Development Services Director (Mitigation Measure H-9 of the Mitigation Monitoring Program for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project). In addition, sufficient documentation and plans shall be provided to demonstrate to the satisfaction of the City Engineer and Development Services Director/Chief Building Official that all structures on the site are located outside the Floodway area.

10. All missing public improvements along the property frontage shall be installed. This includes, but is not limited to, streets, sidewalks, curbs, gutters, street lights, and water and sewer lines. All improvements shall be constructed per City Standards.
11. The developer shall pay for any improvements installed by prior developments that are eligible for reimbursement by this development.
12. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system.
13. At the building permit stage, proper documentation shall be provided to the satisfaction of the City Engineer, showing how storm water will be managed on the site and directed to the City’s storm water system. Storm water shall be collected on-site and metered into the City’s system. The developer shall provide calculations to confirm there is capacity in the existing storm water system to serve the proposed project. If there is not sufficient capacity, the developer shall provide an alternative to using the existing lines and drainage basin.
14. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site. Refuse containers or other items shall not be permitted to be placed in the required clear space of the turning area.
15. Bicycle parking shall meet the minimum requirements of the California Green Building Code.
16. All driveways shall comply with the City of Merced Standard for commercial driveways and are to be reviewed by the Fire Department as part of the review of the improvement plan submittals. A minimum of 20-feet of stacking room outside the gate shall be provided at all driveway entrances.

17. Prior to any demolition work, the applicant shall obtain all necessary approvals from the San Joaquin Valley Air Pollution Control District and a demolition permit from the City of Merced Inspection Services Division if required.
18. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
19. Concurrent with or prior to the submittal of a Building Permit Application, the applicant shall submit to the Development Services Department a detailed landscape plan that is consistent with the City's Water Efficient Landscaping & Irrigation Ordinance (Merced Municipal Code 17.60) and all state-mandated drought restrictions.
20. Parking lot trees shall be installed per the City's Parking Lot Landscape Standards. Trees shall be a minimum of 15-gallons, and be of a type that provides a 30-foot minimum canopy at maturity (trees shall be selected from the City's approved tree list). Trees shall be installed at a ratio of at least one tree for each six parking spaces. The documentation provided to allow parking within the flood area shall address the use of trees in the flood area. If trees are not allowed because they may have a negative effect on the floodway, the requirement for parking lot trees shall not apply within the floodway area only.
21. All buildings shall be designed to include commercial fire sprinklers ("13-system") as required by the California Fire Code. Eight-foot wide access-ways to the buildings through the parking lots shall be provided; handicapped loading zones may not be used for this purpose. Details will be worked out with Staff at the building permit review stage.
22. A Knox-box with "click-to-enter" technology for the Fire Department shall be provided at all entrance driveways. Details to be reviewed by the Fire Department as part of the review of the building permit submittals.
23. The project shall comply with all requirements of the California Building Code and the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage (Mitigation Measure H-8 of the Mitigation Monitoring Program adopted for General Plan #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site

Utilization Plan Revision #4 to Planned Development (P-D) #46 previously approved for this project).

24. All mechanical equipment shall be screened from public view.
25. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City's Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks.
26. The project shall comply with the City's Multi-Family Design Standards in Merced Municipal Code Section 20.54.290.
27. The project shall comply with the North Merced Sign Ordinance and requirements of Merced Municipal Code Section 17.36.572 regarding signing for apartments and condominiums.
28. Sufficient lighting shall be provided throughout the parking area to provide a safe environment for tenants and visitors. If lighting cannot be provided in the floodway area and sufficient parking cannot be provided elsewhere on the site, the number of units would need to be reduced to comply with the parking requirements. Based on 135 parking spaces, 85 units could be constructed. All lighting shall comply with Mitigation Measure G-1 of the Mitigation Monitoring Program for the Fahrens Creek Annexation.
29. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city mandated water regulations dealing with the current drought conditions.
30. All private outdoor walking and vehicle and bicycle parking areas shall be properly lighted with ground-mounted lights.
31. Pedestrian access gates shall be provided along each street frontage to allow residents access to the public sidewalk as well as to the City's bike path system.

ENVIRONMENTAL REVIEW #14-26
Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

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

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

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #14-26 incorporates some mitigation measures adopted as part of the *Merced Vision 2030 General Plan Program Environmental Impact Report* (SCH# 2008071069), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

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

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #14-04, Revision #2 to the Fahrens Creek Specific Plan, and Site Utilization Plan Revision #4 to Planned Development (P-D) #46. The columns within the tables are defined as follows:

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

**General Plan Amendment #14-04/Revision 32 to the Fahrens Creek Specific Plan/
 Site Utilization Plan Revision #4 to Planned Development (P-D) #46
 Mitigation Monitoring Checklist**

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

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

C) Air Quality				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
C-1	C-1) The project applicant shall submit an Indirect Source Review (ISR) to the San Joaquin Air Pollution Control Board in compliance with District Rule 9510 and shall comply with all other applicable District Rules. The San Joaquin Valley Air Pollution Control District recommends this application be submitted as early as possible or prior to the final discretionary approval.	Prior to Conditional Use Permit (CUP) approval	Planning Department	
C-1	C-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A)	Building Permit Issuance / CUP approval	Inspection Services / Planning Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
C-2	C-3) Compliance with Mitigation Measures C-1 and C-2 above would reduce this impact to a less than significant level.	Building Permit Issuance / CUP approval	Inspection Services / Planning Department	
D) Biological Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
D1	D-1) If any development takes place during the Swainson's Hawk nesting season (late March through July), a pre-construction survey shall be conducted by a qualified biologist to determine whether nesting activities are taking place within the area. If it is found that nesting activities are taking place, the project shall take necessary actions, including delaying the start of construction, to ensure the species is not disturbed.	Building Permit	Planning Department CA. Dept. of Fish and Wildlife	
D1	D-2) With regard to the Giant Garter Snake, for any development taking place in proximity to Fahrens Creek corridor, from the west edge of R Street to the north edge of Yosemite Avenue the following actions shall be taken: a) Provide environmental awareness training to contractors doing work in this area; b) Restrict construction along the Creek to only the snake's active season (May 1 through September 30); and, c) Have a qualified biologist conduct pre-construction surveys 24 hours in advance of construction activities.	Building Permit	Planning Department CA. Dept. of Fish and Wildlife	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
D1	D-3) No development shall occur within 50 feet of the centerline of the creek (or 25 feet from the crown, whichever is greater).	Building Permit	Planning Department	
D1	D-4) The project shall comply with all applicable mitigation measures for Expanded Initial Study (EIS) #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09. Refer to the Mitigation Monitoring Program prepared for EIS #00-31 at Attachment A.	Building Permit	Planning Department	
D2	D-5) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
D4	D-6) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
D5	D-7) Compliance with Mitigation Measures D-1 through D-4 would reduce this impact to a less than significant level.	Building Permit	Planning Department	
E) Biological Resources				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
E1	E-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Planning Department	
E2	E-2) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
E3	E-3) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	
E4	E-4) Compliance with Mitigation Measure E-1 would make this impact less than significant.	Building Permit	Planning Department	
F) Geology and Soils				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
F2	F-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.	Building Permit	Inspection Services	
H) Hydrology and Water				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
H-1	H-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-2	H-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
H-3	H-3) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-4	H-4) The project developer shall provide calculations to the City Engineer verifying the capacity of the existing storm drain line as well as the capacity of the basin into which the water would ultimately drain.	Building Permit	Engineering	
H-4	H-5) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
H-5	H-6) The project developer shall provide calculations to the City Engineer verifying the capacity of the existing storm drain line as well as the capacity of the basin into which the water would ultimately drain.	Building Permit	Engineering	
H-5	H-7) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
H-7	H-8) The project shall comply with all requirements of the California Building Code and the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.	Building Permit	Inspection Services / Engineering	
H-7	H-9) At the time of submittal for a Conditional Use Permit (CUP), the developer shall provide a hydrology study demonstrating the effects of constructing a portion of the parking area within the flood way. This document shall be reviewed and approved by the Development Services Director.	Building Permit	Inspection Services / Planning Department / Engineering	
K) Noise				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
K-1	K-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	
K-2	K-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

O. Transportation/Traffic				
<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
O-1	O-1) The project shall comply with all applicable mitigation measures for Expanded Initial Study #00-31 for Pending Annexation #00-03, Pre-zoning #00-03, and General Plan Amendment #00-09 (Attachment A).	Building Permit	Inspection Services / Planning Department / Engineering	

Certificate of Completion:

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

 Environmental Coordinator

 Date

**EXPANDED INITIAL STUDY #00-31
for
FAHRENS CREEK ANNEXATION
TO THE CITY OF MERCED**

Appendix C

Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- 1) The requirements of the adopted mitigation monitoring program for the Fahrens Creek Annexation shall run with the real property that is the subject of Annexation Application #00-31 to the City of Merced. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

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

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

Fahrens Creek Annexation to the City of Merced Expanded Initial Study #00-31: Mitigation Monitoring Program (2)

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, the *Expanded Initial Study for the Fahrens Creek Annexation to the City of Merced* incorporates some mitigation measures adopted as part of the *Merced Vision 2015 General Plan Program Environmental Impact Report* (SCH# 95082050), as mitigation for potential impacts of the Project. Therefore, following the Fahrens Creek Annexation Mitigation Monitoring Checklist (starting on page A-15) is a list of these relevant General Plan mitigation measures along with the General Plan Mitigation Monitoring Checklists (Forms A and B) to be used to verify that the General Plan mitigation measures have been met.

NONCOMPLIANCE COMPLAINTS

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

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for the Fahrens Creek Annexation. The columns within the tables are defined as follows:

Mitigation Measure: Summarizes the Mitigation Measure (referenced by number) identified in Expanded Initial Study #00-31.

Timing: Identifies at what point in time or phase of the project that the mitigation measure will be completed.

Agency/Department Consultation: This column references any public agency or City department with which coordination is required to satisfy the identified mitigation.

Verification: These columns will be initiated and dated by the individual designated to verify adherence to the project specific mitigation.

Fahrens Creek Annexation Mitigation Monitoring Checklist

Project Name: _____
 File Number: _____
 Approval Date: _____
 Project Location: _____

Brief Project Description: _____

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

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
A. EARTH A-1 Grading and excavation shall be conducted according to City of Merced standards to reduce the effects of disruptions, displacement, compactions, and over-covering of soils.	Building Permits	City Inspection Services, Engineering, & Public Works	
A-2 The Project applicants shall prepare grading plans for individual projects for review and approval by the City of Merced Inspection Services, Engineering, and Public Works Departments prior to approval of building permits. The grading plans shall include the nature and extent of work proposed, phasing, and minimize the effects of disruptions, displacement, compaction, and over-covering of soils.	Building Permits	City Inspection Services, Engineering, & Public Works	
A-3 Prior to approval of any improvement or building plans, the City shall review plans for drainage and storm water run-off control systems and their component facilities, as required, to ensure that these systems are non-erosive in design.	Tentative Map Building Permit	City Engineering & Public Works	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
A-4 Upon completion of construction, subsequent Projects shall re-vegetate all exposed soil surfaces within 30 days, or as otherwise approved by the City, to minimize potential topsoil erosion. Reasonable alternatives to re-vegetation may be employed, especially during peak high temperature periods, subject to the approval of the City.	<i>Certificate of Occupancy</i>	<i>City Inspection Services</i>	
A-5 Projects under review shall be required to submit temporary erosion control plans for construction activities.	<i>Building Permits</i>	<i>City Inspection Services</i>	
A-6 Prior to the issuance of a building permit, the applicant shall design all structures according to the Uniform Building Code Seismic Section 3.	<i>Building permits</i>	<i>City Inspection Services</i>	
A-7 A soils report shall be prepared by a qualified soils or civil engineer, consistent with the provisions of the State Subdivision Map Act, prior to approval of a final subdivision map or building permit, if applicable as required by Merced Municipal Code.	<i>Final Maps</i>	<i>City Engineering & Public Works</i>	
A-8 Building plans shall be reviewed by a registered engineer specializing in geo-technical assessments to ensure that the soils can support the load.	<i>Building Permits</i>	<i>City Inspection Services, Engineering, & Public Works</i>	
B. AIR			
B-1 All active portions of construction sites, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Where feasible, reclaimed water shall be used.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-2 All clearing, grading, earth moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-3 All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-4 The area disturbed by clearing, earth moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident, if construction time frames warrant.	<i>Building Permits</i>	<i>City Inspection Services</i>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
B-5 Construction site vehicle speeds shall be limited to 15 miles per hour.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-6 If used, petroleum-based dust palliatives shall meet the road oil requirements of the District's rule regarding Cutback Asphalt Paving Materials.	<i>Building Permits</i>	SJVUAPCD	
B-7 Streets adjacent to the Project site shall be swept as needed to remove silt and/or mud that may have accumulated from construction activities. The streets are required to be wet prior to or in conjunction with rotary sweeping.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-8 All internal combustion engine-driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-9 When reasonably available and economically feasible, diesel powered or electric equipment shall be utilized in lieu of gasoline powered engines.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-10 Construction activities shall minimize obstruction of through traffic lanes adjacent to the site and a flag person shall be retained to maintain safety adjacent to existing roadways.	<i>Building Permits</i>	<i>City Inspection Services</i>	
B-11 Prior to issuance of a grading permit, the project will be required to comply with District Regulation VIII. Specifically, the rules that apply to this project are: Rule 8010 (Administrative Requirements) and Rule 8020 (Construction, Demolition, Excavation, and Extraction Activities). Additional rules that may apply to this project depending on construction practices employed are: Rule 8030 (Handling and Storage of Bulk Materials), Rule 8060 (Paved and Unpaved Roads), and Rule 8070 (Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas).	<i>Building Permits</i>	SJVUAPCD	
B-12 At the City Planner's discretion, subsequent projects within the Project boundaries may be required to submit an air quality analysis to the City prior to construction. Such studies shall outline any impacts associated with specific processes or activities to be present on-site.	<i>Site Plan Approval</i>	<i>City Planning</i>	
(B-13) (General Plan I-d) Development construction activity shall implement appropriate dust (PM10) suppression techniques as required by the SJVRAPCD.	<i>Building Permit/Construction</i>	<i>City Inspection Services</i>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p>C. WATER</p>			
<p>C-1 Prior to approval of a Final Map or subsequent development projects, the applicant shall demonstrate to the City that storm drainage facilities are adequate to meet Project demands and that improvements are consistent with the <i>Merced County Critical Area Flooding and Drainage Plan</i> and any updates.</p>	<p><i>Tentative Maps</i></p>	<p>City Engineering & Public Works</p>	
<p>C-2 Prior to alteration or removal of the existing elevated YVRR roadbed in the eastern portion of the project area, the property owner shall demonstrate, through competent analysis acceptable to the City of Merced, what effect removal of the roadbed will have on area flood waters delineated in the Special Flood Hazard Area identified on the east side of the roadbed, including impacts to other properties.</p>	<p><i>Tentative Maps</i> <i>Building Permits</i> <i>Conditional Use Permits/Site Plan Approvals</i></p>	<p>City Engineering & Public Works</p>	
<p>C-3 Prior to approval of subsequent development projects, the applicants shall demonstrate to the City that temporary erosion control measures will be followed during construction.</p>	<p><i>Building Permits</i></p>	<p>City Inspection Services</p>	
<p>C-4 As individual projects are determined, the applicants shall provide detailed information to the City regarding projected water usage. The applicants shall provide all water system needs (including wells, water mains, etc.) for individual projects or pay equivalent fees to insure the construction of the necessary water infrastructure.</p>	<p><i>Building Permits/ Parcel Maps</i></p>	<p>City Engineering & Public Works</p>	
<p>C-5 Industrial users shall recycle their own water if feasible and implement water conservation measures and techniques as determined for individual projects.</p>	<p><i>Building Permits</i></p>	<p>City Engineering & Public Works</p>	
<p>C-6 Areas within 100-year flood plains will be required to comply with all pertinent provisions of the City's Flood Damage Prevention Ordinance (MMC 17.48) and all updates. (C-7) (General Plan 2-a) When site-specific development proposals with direct discharge into the area's surface water system are submitted to the City for review and action, Best Management options should be evaluated to determine need and feasibility.</p>	<p><i>Building Permits</i> <i>Subdivision maps/Parcel maps/ Building permits</i></p>	<p>City Inspection Services & Engineering Engineering</p>	
<p>(C-8) (General Plan 2-b) Water conservation policy of the City should be periodically reviewed to determine need, appropriateness, and feasibility of implementing conservation practices suggested in the Merced Water Supply Plan.</p>	<p><i>Subdivision maps/Parcelmaps/ Conditional Use Permits</i></p>	<p>Engineering/Public Works/ City Planning</p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>E. ANIMAL LIFE</p>			
<p>E-1 If any future development takes place during the Swainson's Hawk nesting season (late March through July), a pre-construction survey should be conducted by a qualified biologist to determine whether nesting activities are taking place within appropriate portions of the project area covered by this species assessment (Appendix A) (Fahrens Creek corridor from the west edge of "R" Street to the north edge of Yosemite Avenue).</p>	<p>Final Maps Building Permits</p>	<p>City Planning CA Dept of Fish & Game</p>	
<p>E-2 With regard to the Giant Garter Snake, for any development taking place in proximity to the Fahrens Creek corridor, from the west edge of "R" Street to the north edge of Yosemite Avenue: a) provide environmental awareness training to contractors doing work in this area; b) restrict construction along the Creek to only the snake's active season (May 1 through September 30); and c) have a qualified biologist conduct pre-construction surveys 24 hours in advance of construction activities.</p>	<p>Final Maps Building Permits</p>	<p>City Planning CA Dept of Fish & Game</p>	
<p>F. NOISE</p>			
<p>F-1 A 6 foot or higher sound wall or earthen berm (or combination of both), or some other acceptable method for achieving comparable noise reduction, may need to be constructed to meet the City's outdoor noise level standards of DNL 60dB for new residential development adjacent to perimeter arterials (Yosemite Avenue and "R" Street). Depending upon the DNLs and the acoustical shielding provided by the first row of buildings (if any), existing and new residential development located a greater distance from the perimeter arterials may require lower sound walls or a combination of sound attenuation measures. As an alternative to sound walls, new dwelling units may be oriented so that the outdoor use areas would be shielded by the building.</p> <p>As necessary detailed noise projections should be prepared to corroborate earlier noise studies/projections and actual height requirements for sound walls, prior to recordation of final maps for each phase of residential development falling within applicable noise zones.</p>	<p>Final Maps Building Permits</p>	<p>City Planning</p>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p>F-2 Project residential developments constructed within pertinent noise zones in proximity to Yosemite Avenue and "R" Street would require sound-rated windows, as well as sound-rated exterior wall assemblies where necessary, or other acceptable methods of sound attenuation to achieve comparable noise reductions, to be consistent with the 45 dB interior noise level maximum.</p>	<p><i>Final Maps</i> <i>Building Permits</i></p>	<p><i>City Planning</i></p>	
<p>F-3 Trucks used for the development of Fahrens Creek will be required to use the City's designated truck routes, to be demonstrated by the project applicant through the submittal of a construction traffic plan to the City Engineer prior to the issuance of grading permits.</p>		<p><i>City Planning</i> <i>City Inspection Services</i></p>	
<p>F-4 All construction activity shall be conducted in accordance with City of Merced standards for times of operation.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>F-5 Grading and construction activity shall be limited to daylight hours (between 7 a.m. and 7 p.m.) in areas where noise sensitive receptors are located.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	
<p>F-6 In noise sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy duty mufflers specifically designed to reduce noise impacts.</p>	<p><i>Building Permits</i></p>	<p><i>City Inspection Services</i></p>	

Mitigation Measure	Timing	Agency or Department Consultation	City Verification (date and initials)
<p>G. LIGHT AND GLARE</p> <p>The applicants shall utilize lighting fixtures of minimal wattage necessary to provide adequate lighting for security, industrial operations, and circulation. Light spill shall be controlled by baffles, cut-off lenses, and fixture height necessary to minimize spill-over onto adjacent properties. Prior to building permit approvals, lighting plans shall be submitted for review by the City which specifies lighting type, location, and methods for minimizing spill.</p>	<p>Building Permits</p>	<p>City Planning</p>	
<p>M. TRANSPORTATION /CIRCULATION</p>			
<p>M-1 The Project shall pay all fees as required under the City's Public Facilities Impact Fees (Chapter 17.62 of the Merced Municipal Code).</p>	<p>Certificate of Occupancy</p>	<p>City Planning & City Engineer</p>	
<p>M-2 The developer shall construct all collector, local, or cul-de-sac streets within the Project boundaries to their ultimate right-of-way with full frontage improvements as defined by the City of Merced Standard Designs for all Engineering Structures and the Merced Vision 2015 General Plan and any amendments thereto. This will include its proportional share of the proposed Reverse Frontage Road North-South Collector to be located along the west boundary of AREA A/east boundary of AREA B (and, if included, along the east boundary of AREA C), and any new interior streets within the Project boundaries. The timing of construction of the improvements is to be governed by the Subdivision Map Act and/or local ordinance.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>M-3 The developer shall dedicate half the required right-of-way for all arterial and higher order streets adjacent to the Project boundaries as defined in the Merced Vision 2015 General Plan. This includes both Yosemite Avenue and "R" Street (each adjacent to AREA A), as well as Highway 59 (currently several design concepts are under study/evaluation by Caltrans) adjacent to AREA B (and, if included, AREA C). Consistent with Mitigation Measure 7.b of the Merced Vision 2015 General Plan EIR, where the extent of right-of-way dedication exceeds the City's development standards for a collector street (currently 74 feet for a collector street located entirely within the Project and 37 feet for a collector abutting the Project), then the developer is eligible for reimbursements in accordance with the City's Public Facilities Impact Fee Ordinance and guidelines, unless a traffic study determines that the Project's traffic impacts require additional dedication.</p>	<p>Tentative Maps/Site Plan Reviews</p>	<p>City Planning & Engineering</p>	

<i>Mitigation Measure</i>	<i>Timing</i>	<i>Agency or Department Consultation</i>	<i>City Verification (date and initials)</i>
<p>M-4 The developer shall construct the "collector equivalent" (74 feet) portion of the right-of-way, along with full frontage improvements along the Project boundaries and at least one travel lane in each direction, for all arterial and higher order streets within the Project boundaries. Consistent with Mitigation Measure 7b of the Merced Vision 2015 General Plan EIR, where the extent of street improvements exceeds one-half of a "collector equivalent" street for a project fronting only one side of the street, the project is eligible for reimbursement for the cost of improvements exceeding the one-half "collector equivalent" in accordance with the City's Public Facilities Impact Fee Ordinance and guidelines, unless a traffic study determines that the Project's traffic impacts require additional improvements.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>M-5 The owner of each adjacent corner within AREA A shall be responsible for one-quarter of the cost of a traffic signal, to City standards and the satisfaction of the City Engineer, at each quarter mile/half-mile collector intersection with Yosemite Avenue, as well as the intersection of Lehigh Drive (extended) with "R" Street, whenever warrants are met in the judgment of the City Engineer. In such a case, installation of an intersection traffic signal by one developer could even be required at any of these locations by the City Engineer prior to full build-out and adjacent properties, if warrants are met, subject to adopted reimbursement requirements. Security shall be determined at the time of first subdivision map or other discretionary action.</p>	<p>Tentative Maps/ Parcel Maps/ Site Plan Reviews</p>	<p>City Planning & Engineering</p>	
<p>(M-6) (General Plan 7a) Appropriate traffic studies shall be prepared for all development projects which can be expected to reduce a road segment or intersection level of service below "D." (Note: Studies are not anticipated, based upon current projections, but could be required in the event of future changes).</p>	<p>Subdivision Map/ Conditional Use Permit</p>	<p>Engineering</p>	
<p>(M-7) (General Plan 7b) The City shall require all development proposals to contribute, based on their proportionate share of impact, to circulation system improvements necessary to maintain at least a level of service "D" on all road segments and intersections impacted by the development project.</p>	<p>Subdivision Map/ Conditional Use Permit</p>	<p>Engineering/PI Finance</p>	

N. PUBLIC SERVICES				
FIRE				
N-1	The applicants shall be required to provide a level of accessibility and rangeland management (firebreaks and/or disking) for fire suppression that is acceptable to the City of Merced.	Tentative Maps/ Parcel Maps Building Permits	City Planning & Fire	
SCHOOLS				
N-2	Careful coordination is required between City, developer(s), and School District regarding phasing of infrastructure improvements within the general area, to achieve safe, adequate access for both school construction and operation.	Tentative Maps/ Parcel Maps Building Permits	Planning staff, City Engineer, and City School District	
N-3	Prior to the issuance of building permits, the applicant shall be responsible for the payment of school facility impact fees as adopted by the Merced City School District and Merced Union High School District.	Building Permits	City School District and MUHSD	
(N-4)	(General Plan 8-c) Site designs will need to be reviewed to assure that development does not hinder efficient and cost-effective public services delivery.	Tentative Maps/ Parcel Maps/ Conditional Use Permits	Planning staff, City Engineer, and City School District	
(N-5)	(General Plan 8-d) Development projects will be required to pay public facilities impact fees as established by the City in accordance with the requirements of State law.	Building Permit	Planning Staff/ Finance	

Mitigation Measure		Timing	Agency or Department Consultation	City Verification (date and initials)
T. CULTURAL RESOURCES				
T-1	If evidence of archaeological artifacts is discovered during construction, all operations within an area at and adjacent to the discovered site shall halt until a qualified archaeologist determines the extent of significance of the site.	<i>Building Permits</i>	<i>City Inspection Services</i>	
T-2	On-site preservation of a resource is the preferred alternative. Preserving a cultural deposit maintains the artifacts in context and may prevent inadvertent discovery of, or damage to, human burials. Preservation may be accomplished through a number of means such as capping or covering the site with a layer of soil, fencing the site area, and/or incorporation of the resource in a park area.	<i>Building Permits</i>	<i>City Inspection Services</i>	

Copies of This Form Distributed To:

____ City Council _____ City Manager _____ City Planner _____ Public Works Dir. _____ City Engineer _____ Fire Chief
____ Police Chief _____ Leisure Serv. Dir. _____ County of Merced (Dept. _____) _____ Other (List _____)
____ Responsible Agency: (List _____)

I hereby certify that I have inspected the project site and that the above information is true to the best of my knowledge.

Name: (Print) _____ Representing: (Agency/Firm) _____

Signature: _____ Date: _____