CITY OF MERCED Planning Commission

MINUTES

Merced City Council Chambers Wednesday, June 8, 2011

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

ROLL CALL

Commissioners Present: Bob Acheson, Mary Ward, Carole McCoy, Travis

Colby, Kimberly Madayag, and Chairperson

Dwight Amey

Commissioners Absent: Richard Cervantes (absent excused)

Staff Present: Planning Manager Espinosa, City Engineer Jordan,

Planner Nelson, Planner Hamilton, Deputy City Attorney Rozell, and Recording Secretary Lane

1. **APPROVAL OF AGENDA**

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

2. MINUTES

M/S WARD-ACHESON, and carried by unanimous voice vote (one absent), to approve the Minutes of May 18, 2011, as submitted.

3. <u>COMMUNICATIONS</u>

None.

4. **ITEMS**

4.1 Conditional Use Permit #1159, initiated by David Dutra, applicant for Charlie Parrish, property owner. The application involves a request to allow a Paint Booth and major auto repair services within an existing building on a 7,500-square-foot site, generally located on the south side of West 15th Street, 150 feet west of M Street within Planned Development (P-D) #14.

Planner HAMILTON reviewed the report on this item. For further information, refer to Staff Report #11-07.

Public testimony was opened at 7:07 p.m.

Speaker from the Audience in Favor:

CHARLIE PARRISH, Merced, the property owner

No one spoke in opposition to the project.

Public testimony was completed at 7:08 p.m.

M/S COLBY-WARD, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #11-11, and approve Conditional Use Permit #1159, subject to the Findings and seventeen (17) Conditions set forth in Staff Report #11-07 (RESOLUTION #2986):

AYES: Commissioners Acheson, Ward, McCoy, Colby,

Madayag, and Chairperson Amey

NOES: None

ABSENT: Commissioner Cervantes

ABSTAIN: None

4.2 <u>General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, initiated by Fremming, Parson, and Pecchenino Engineers, applicant for</u>

Everest Properties, property owners. This application involves a request to amend the *Merced Vision 2015 General Plan* land use designation from Low-Density (LD) Residential to Commercial Office (CO), a request for a Zone Change from Low Density Residential (R-1-6) to Commercial Office (C-O), and a request to change the land use designation in the Northeast Yosemite Specific Plan from Low-Density Residential to Commercial Office for an approximately 7.5-acre parcel located on the south side of Mercy Avenue between the future Sandpiper Avenue and Mansionette Drive to allow the construction of an approximately 133,000-square-foot, three-story office complex.

Commissioners WARD and ACHESON disclosed that they had separate conversations with the applicant regarding this project prior to the Planning Commission meeting.

Planner NELSON reviewed the report on this item. She noted proposed modifications to Conditions #11, #12, and #27, outlined in a memo, and a comment letter on the project from resident ROBERT J. TYLER that was received after the staff report was written. Both items were provided to the Commission prior to the meeting. For further information, refer to Staff Report #11-04.

Public testimony was opened at 7:28 p.m.

Speaker from the Audience in Favor:

GARTH PECCHENIO, Fremming, Parson and Pecchenino, Merced, the applicant's engineer

Speakers from the Audience in Opposition:

KATHLEEN AQUINO, Merced DESMOND NAVARES, Merced SHANNON CANTRELL, Merced DON SPIVA, Merced Planning Commission Minutes Page 4 June 8, 2011

Speaker from the Audience (Neutral):

ROBERT J. TYLER, Merced.

Public testimony was completed at 7:47 p.m.

City Engineer JORDAN answered some questions from the Commission regarding traffic and circulation issues.

Chairperson AMEY noted that although he thought this was a good project, he was concerned about the opposition to the project by some of the neighbors and wanted to ensure that public hearing notifications were and would continue to be sent out to property owners near the proposed project.

M/S WARD-ACHESON, and carried by the following vote, to recommend to City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program regarding Initial Study #10-24, and approval of General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, subject to the Findings and twenty-eight (28) Conditions set forth in Staff Report #11-04, amending Conditions #11, #12, and #27 as follows (RESOLUTION #2987):

(New language <u>underlined</u>, deleted language <u>strikethrough</u>.)

- "11. The applicant shall construct all missing improvements per City Standards on Sandpiper Avenue and Mansionette Drive along the entire frontage of their property and any missing improvements along Mercy Avenue as per the Developer Agreement. This shall include, but is not limited to, a bike lane, sidewalk, curb, gutter, and park strip. Any missing improvements along Mercy Avenue shall also be installed.
- "12. The approval of this General Plan Amendment, Zone Change, and Specific Plan Revision allows all principally permitted and accessory uses within a Commercial Office (C-O) zone.

Accessory uses include incidental services, such as restaurants, pharmacies, and retail sales to serve occupants and patrons of the principally permitted uses. , when conducted and entered from within the building group, provided there is no exterior display or advertising. Accessory or incidental uses may be allowed an exterior entrance. Signing for such uses shall be in compliance with the North Merced Sign Ordinance for tenants within a Commercial Office zone, but no individual monument signs shall be allowed for any accessory or incidental use. Conditional Uses within a C-O zone may be allowed with a CUP.

"27. Prior to construction of the three-story buildings (Phases B and C), dense landscaping shall be provided along the southern property line of the property. This landscaping shall consist of a fast-growing 24-inch box Redwood trees or other tree species that will substantially shield the view from the office buildings into the residential lots to the north south."

AYES: Commissioners Acheson, Ward, McCoy, Colby, and

Madayag

NOES: Chairperson Amey

ABSENT: Commissioner Cervantes

ABSTAIN: None

4.3 Fiscal Year 2011-2012 Capital Improvement Program (CIP)

Planner HAMILTON reviewed the CIP process and report. For further information, refer to Staff Report #11-06.

M/S WARD-MCCOY, and carried by unanimous voice vote (one absent), to find that the Fiscal Year 2011-2012 Capital Improvement Program (CIP) is consistent with the *Merced Vision 2015 General Plan*.

Planning Commission Minutes Page 6 June 8, 2011

4.4 <u>Cancellation of June 22, 2011, Planning Commission Meeting</u> due to Lack of Items

M/S ACHESON-WARD, and carried by unanimous voice vote (one absent), to cancel the Planning Commission Meeting of June 22, 2011.

5. **INFORMATION ITEMS**

5.1 <u>Calendar of Meetings/Events</u>

There was no discussion regarding the calendar of meetings/events.

6. **ADJOURNMENT**

There being no further business, Chairperson AMEY adjourned the meeting at 8:10 p.m.

Respectfully submitted,

KIM ESPINOSA, Secretary

Merced City Planning Commission

APPROVED:

DWIGHT AMEY, Chairperson

Merced City Planning Commission

n:shared:Planning:PCMINUTE:Minutes 2011:M06-08-2011

CITY OF MERCED Planning Commission

Resolution #2986

WHEREAS, the Merced City Planning Commission at its regular meeting of June 8, 2011, held a public hearing and considered Conditional Use Permit #1159, initiated by David Dutra, applicant for Charlie Parrish, property owner. The application involves a request to allow a Paint Booth and major auto repair services within an existing building, on a 7,500-square-foot site, generally located on the south side of West 15th Street, 150 feet west of M Street within Planned Development (P-D) #14; also known as Assessor's Parcel No. 031-223-004; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through H of Staff Report #11-07; and,

WHEREAS, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #11-11, and approve Conditional Use Permit #1159, subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioners Acheson, Ward, McCoy, Colby, Madayag, and

Chairperson Amey

NOES: None

ABSENT: Commissioner Cervantes

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #2986
Page 2

June 8, 2011

Adopted this 8th day of June 2011

Chairperson, Planning Commission of the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions:CUP#1159 Dutra

Conditions of Approval Planning Commission Resolution #2986 Conditional Use Permit #1159

- 1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) -- Attachment B of Staff Report #11-07.
- 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. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- 5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or

EXHIBIT A
of Planning Commission Resolution #2986
Page 1

- instrumentality thereof, or any of its officers, officials, employees, or agents.
- 6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 7. The project shall comply with all applicable local, state laws, codes and regulations of the current Edition of the California Building, Plumbing, and Mechanical Codes; National Electrical Codes; and State Accessibility (ADA) requirements including, but not limited to, site accessibility.
- 8. The project shall comply with the current Edition of the California Fire Codes including, but not limited to, fire sprinklers for all buildings over 5,000 square feet; supervisory fire alarms, key box(s), fire department connection location(s), panic hardware, emergency lighting, illuminated exit signs, etc. Adequate turning radius for fire vehicles shall be provided throughout the project.
- 9. All signage shall comply with the Merced Sign Ordinance and Zoning Code and be subject to building permits.
- 10. No temporary signs or advertising banners shall be placed in the project landscape areas, on the architectural features and walls in front of the buildings, etc., at any time. The placement of temporary signs on the building walls is subject to City review and approval.
- 11. Any change of the building colors are subject to staff review and approval prior to building permit issuance.
- 12. There shall be no outdoor storage permitted on the project site unless staff approves adequate screening and surface requirements. An adequate type of screening would be slats to be placed within the existing chain link fence.

- 13. All portions of the property not occupied by paving or building shall be maintained to acceptable standards for health, fire safety, and aesthetic reasons. Grasses and weeds shall be kept to a maximum of six inches, or as otherwise required by the Fire Department and County Health Department.
- 14. As proposed, the modifications to the facility will maintain its previous occupancy; a building permit will be required to be submitted to the City of Merced by a qualified design professional. The design professional will ensure all improvements made to the building are performed to California Building Codes for an "S-1" and "Paint Booth" occupancy classification.
- 15. The applicant is encouraged to contact the Merced County Environmental Health Department at (209) 381-1100 and the San Joaquin Valley Air Pollution Control Board at (559) 230-6000 for further information regarding regulations regarding the installation of a new Commercial Auto Paint Booth Facility.
- 16. The applicant and/or property owner will be responsible for replacing and/or repairing any missing, dead, or dying landscaping material and for the installation of a handicapped parking space to current City and ADA design standards.
- 17. As required by California Fire Code, a fire suppression system within the paint booth shall be required.

n:shared:planning:PC Resolutions:CUP#1159 Exhibit A

CITY OF MERCED Planning Commission

Resolution #2987

WHEREAS, the Merced City Planning Commission at its regular meeting of June 8, 2011, held a public hearing and considered General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, initiated by Fremming, Parson, and Pecchenino Engineers, applicant for Everest Properties, property owners. This application involves a request to amend the *Merced Vision 2015 General Plan* land use designation from Low-Density (LD) Residential to Commercial Office (CO), a request for a Zone Change from Low Density Residential (R-1-6) to Commercial Office (C-O), and a request to change the land use designation in the Northeast Yosemite Specific Plan from Low-Density Residential to Commercial Office for an approximately 7.5-acre parcel located on the south side of Mercy Avenue between the future Sandpiper Avenue and Mansionette Drive to allow the construction of an approximately 133,000-square-foot, three-story office complex; also known as Assessor's Parcel No. 231-040-002; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through K of Staff Report #11-04; and,

WHEREAS, after reviewing the City's Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program (Exhibit B) regarding Initial Study #10-24, and approval of General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan, subject to the Conditions set forth in Exhibit A attached hereto.

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

AYES: Commissioners Acheson, Ward, McCoy, Colby, and Madayag

NOES: Chairperson Amey

ABSENT: Commissioner Cervantes

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 2987

Page 2

June 8, 2011

Adopted this 8th day of June 2011

Chairperson, Planning Commission of

the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Mitigation Monitoring Program

n:shared:planning:PC Resolutions:GPA#10-03/ZC#411/REV#4 to NEYSP Everest Properties

Conditions of Approval Planning Commission Resolution #2987 General Plan Amendment #10-03, Zone Change #411, and Revision #4 to the Northeast Yosemite Specific Plan

- 1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) Attachment B of Staff Report #11-04, except as modified by the conditions.
- 2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- 3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- 4. Approval of the General Plan Amendment, Zone Change and Specific Plan Revision is subject to the applicants entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.
- 5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the

EXHIBIT A of Planning Commission Resolution #2987 Page 1 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 developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City either promptly notify cooperate fail or developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

- 6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 7. Community Facilities District (CFD) formation is required for annual operating costs for storm drainage, public landscaping, street trees, and street lights. CFD procedures shall be initiated before final permit approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
- 8. Due to the City's inter-face regulations (MMC Section 20.52), a conditional use permit shall be required prior to the construction of all buildings.
- 9. The project shall comply with all mitigation measures outlined in Initial Study #10-24 listed in Attachment F of Staff Report #11-04,

- and Exhibit B of the Planning Commission Resolution (Attachment G of Staff Report #11-04). This includes the installation of a pedestrian crosswalk on Mansionette Drive just north of the intersection at Bobolink Court., flashing lights to alert drivers to the crosswalk for both north and south bound traffic, and a solar-powered speed detection sign for both north and south bound traffic.
- 10. All signs shall comply with the North Merced Sign Ordinance and Section 20.20 (Commercial Office Zone) of the City's Zoning Ordinance.
- 11. The applicant shall construct all missing improvements per City Standards on Sandpiper Avenue and Mansionette Drive along the entire frontage of their property and any missing improvements along Mercy Avenue as per the Developer Agreement.
- 12. The approval of this General Plan Amendment, Zone Change, and Specific Plan Revision allows all principally permitted and accessory uses within a Commercial Office (C-O) zone. Accessory uses include incidental services, such as restaurants, pharmacies, and retail sales to serve occupants and patrons of the principally permitted uses. Accessory or incidental uses may be allowed an exterior entrance. Signing for such uses shall be in compliance with the North Merced Sign Ordinance for tenants within a Commercial Office zone, but no individual monument signs shall be allowed for any accessory or incidental use. Conditional Uses within a C-O zone may be allowed with a CUP.
- 13. Appropriate turning radii shall be provided within the parking areas to allow for Fire Department and refuse truck access.
- 14. Parking lot trees shall be installed to provide a 50 percent shade cover in the parking lot area. However, this may not be achieved by installing less than the minimum number of trees at a ratio of one tree for each six parking spaces.
- 15. If the property is split into multiple parcels, owners shall be required to record joint access and parking easements allowing free vehicular access and parking between parcels. Such easements shall be recorded as part of any parcel map or conditional use permit approval.

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

- 27. Prior to construction of the three-story buildings (Phases B and C), dense landscaping shall be provided along the southern property line of the property. This landscaping shall consist of 24-inch box Redwood trees or other tree species that will substantially shield the view from the office buildings into the residential lots to the south.
- 28. Parking lot lighting shall be shielded or oriented in a way that does not allow "spill-over" onto adjacent lots and shall be in compliance with the California Energy Code requirements.

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

ENVIRONMENTAL REVIEW #10-24 Mitigation Monitoring Program

MITIGATION MONITORING CONTENTS

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

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

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

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

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

- The requirements of the adopted mitigation monitoring program for the General Plan Amendment #10-03/Zone Change #411/Specific Plan Revision #4 to the NE Yosemite Specific Plan shall run with the real property. Successive owners, heirs, and assigns of this real property are bound to comply with all of the requirements of the adopted program.
- 2) Prior to any lease, sale, transfer, or conveyance of any portion of the subject real property, the applicant shall provide a copy of the adopted program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

MITIGATION MONITORING PROCEDURES

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

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

GENERAL PLAN MITIGATION MEASURES

As a second tier environmental document, Initial Study #10-24 incorporates some mitigation measures adopted as part of the *Merced Vision 2015 General Plan Program Environmental Impact Report* (SCH# 95082050), as mitigation for potential impacts of the Project.

NONCOMPLIANCE COMPLAINTS

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

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for General Plan Amendment #10-0, Zone Change #411, and Specific Plan Revision #4 to the NE Yosemite Specific Plan. The columns within the tables are defined as follows:

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: 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.

This column references any public agency or City department with

General Plan Amendment #10-03/Zone Change #411/Specific Plan Revision #4 to the NE Yosemite Specific Plan Mitigation Monitoring Checklist

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

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

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

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

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

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

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

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

1.6.0	T7 •	G: :C:	т .1	C 1
M-2	Yosemite Avenue east	Significant	Less than	Same as above.
	of G Street – This		Significant	
	segment shall be			
	widened to four lanes.			
	The project developer			
	shall contribute a "fair			
	share" portion to the			
	widening of this			
	roadway segment.			
M-3	Yosemite Avenue west	Significant	Less than	The Planning Department
	of Mansionette Drive -		Significant	shall monitor the collection
	This segment shall be			of Public Facility Impact
	widened to four lanes.			Fees prior to issuance of a
	The project developer			building permit.
	shall contribute a "fair			
	share" portion to the			
	widening of this			
	roadway segment.			
M-4	Provide all required	Significant	Less than	The Planning Department,
141 4	public improvements,	Significant	Significant	Inspection Services, and
	including but not		Significant	Engineering Department
	limited to, sidewalk,			will monitor compliance
	· · · · · · · · · · · · · · · · · · ·			•
	curb, gutter, and bike lanes along all			during the construction
	\mathcal{E}			stage.
	frontages of the project			
	site (Mercy Avenue,			
	Sandpiper Avenue, and			
	Mansionette Drive).			

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

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

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

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

Certificate of Completion:	
By signing below, the environmental coordinat	tor 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