



## THE WEEKLY

# COUNCIL INFORMATION REPORT

July 9, 2021

## JULY IS PARKS & RECREATION MONTH



July is Parks and Recreation Month. Parks are at the center of so many experiences and memories — moments that park and recreation professionals help make happen. Our local parks are often our first experiences in nature, our introduction to a favorite hobby or physical activity. They are places to gather with friends and family, spaces to celebrate life's special moments, spots of respite and healing, sites that connect us with essential community services, and so much more.

Local parks have been essential throughout the COVID-19 pandemic, with many community members finding a new appreciation for the essential spaces City staff maintains and vital programs to enhance the quality of life.

Take time to celebrate Parks & Recreation Month!

### REGISTRATION IS NOW OPEN FOR YOUTH NFL FLAG FOOTBALL

Youth NFL Flag Football registrations started on Tuesday. Flag football is being offered to children in kindergarten through 8th grade. The registration fee is \$65 per child. Interested? Please see the attached flyer, call 209-385-6895, or register at the Parks & Recreation office.

### “MOVIES IN THE PARK” IS BACK!

The Parks & Recreation staff are ecstatic to debut their exclusive movie lineup for “Movies in the Park”. Staff are looking forward to hosting this family-fun event with the community – they invite you to bring your blanket and some good company! The movie lineup flyer is attached.

### JUNIOR GIANTS HOMERUN DERBY

The Junior Giants Homerun Derby is open to all coaches and players. It gives the kids a chance to test their power hitting abilities and gage how much they have improved from the beginning of the season. The event flyer is attached.

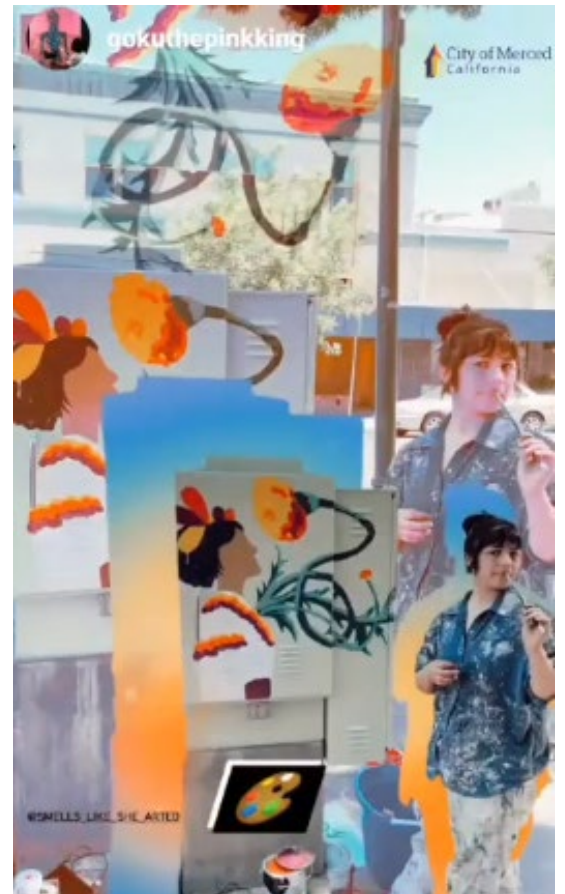
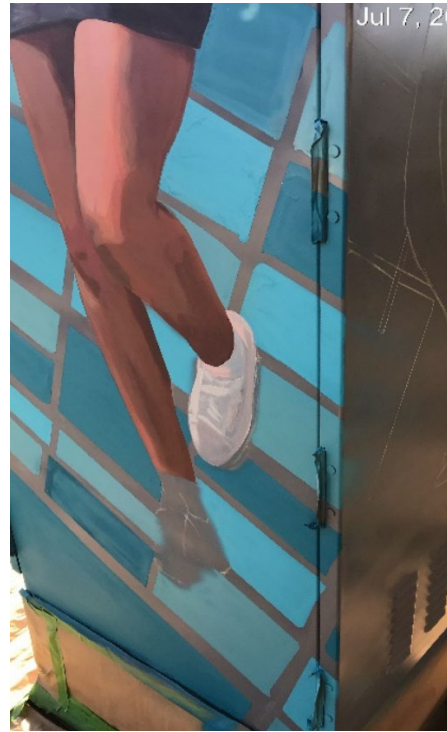
### COOLING ZONE

The Parks & Rec staff are working the City's Cooling Zone in the Sam Pipes Conference Room. The Cooling Zone will be open during the follow times:

- Friday, 7/9/21: 8AM – 5PM
- Sunday, 7/11/21: 12PM – 6PM
- Monday, 7/12/21: 8AM – 5PM
- Tuesday, 7/13/21: 8AM to 5PM

UTILITY BOX ART PROJECT UPDATE

The utility box art project kicked off on June 28<sup>th</sup> and already, several artists have made tremendous progress on their assigned box.





## PUBLIC WORKS IN ACTION

### WATER DIVISION REPAIRS MAIN LINE BREAK

The Public Works Water crew repaired a main line break along R Street and G Street.

G Street @ 12th Street:





The Water crew also repaired smaller service repairs along Edwards Avenue and at Willowbrook Park this week.

**Edwards Avenue:**

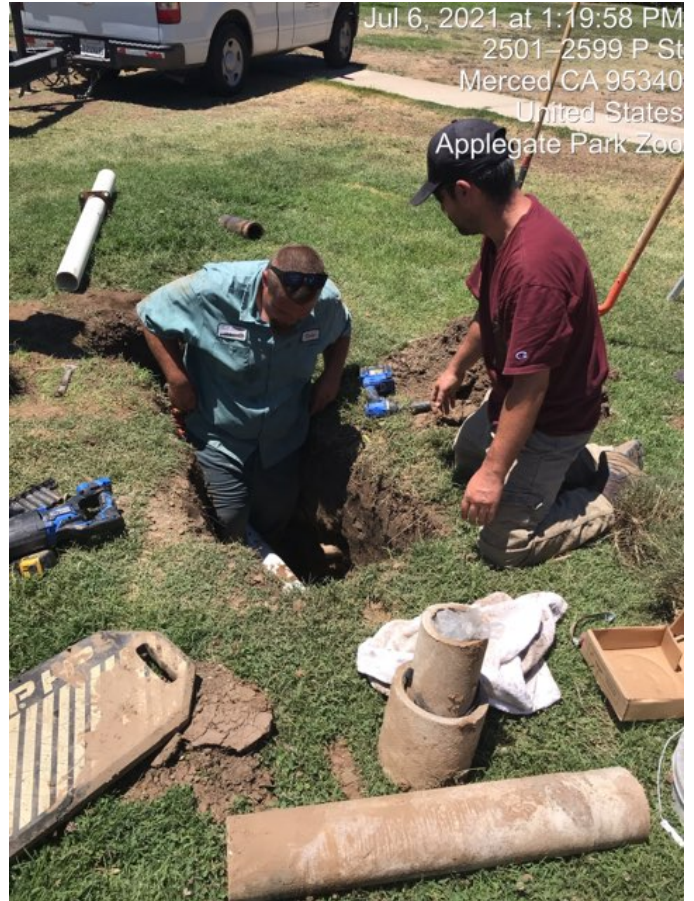


**Willowbrook Park:**



**PARKS CREW REPAIRS IRRIGATION LINE**

The Public Works Parks crew repaired an irrigation mainline break at Applegate Park, as well as continued with repairs to Santa Fe Strip Park irrigation.





## UPDATES FROM THE MERCED POLICE DEPARTMENT

### HOT WEATHER SAFETY REMINDER

Summer is here! With temperatures rising to the triple-digits, it is important to protect yourselves and loved ones from heat related injuries, and this includes pets. In just ten minutes, the temperature inside a vehicle can become deadly – even if you are parked in the shade. PLEASE DO NOT leave children and pets unattended in a vehicle!

If you see a child or dog left unattended in a vehicle, call the Merced Police Department immediately at (209) 385-6905.

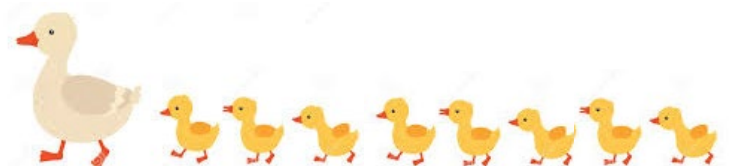


### OFFICERS RESCUE BABY DUCKLINGS

It all began when Officer Stokes was flagged down by a concerned citizen about some baby ducklings trapped in a storm drain.

Officer Stokes and Officer Avery sprang into action and found the mother duck frantically trying to get to her babies. The officers wasted no time and removed the gate, and Officer Stokes went down into the storm drain and rescued eight baby ducklings. All eight baby ducklings were reunited with a very happy mother.

Officer Stokes was nearly as “stoked” to save the babies as the mother duck was to have her babies back!



**WANT THE SCOOP? COME “CHILL WITH A COP” AT COLD STONE**



It’s hot outside so come “Chill with a Cop” on Friday July 16<sup>th</sup>, from 4:00 p.m. - 6:00 p.m. at Cold Stone Creamery in Downtown Merced.

The Merced Police Department is hosting this event to celebrate National Ice Cream Day which is July 18<sup>th</sup> (they are celebrating a few days early)!

Community members are invited to join this casual event to ask questions, voice concerns, get to know their neighbors, and interact with Merced Police Officers.

The Merced Police Department is committed to developing and maintaining strong relationships within the community, a vital component to ensuring the public’s trust. “Chill with a Cop” provides a great opportunity to strengthen relationships – one scoop at a time.

Cold Stone Creamery is located at 431 W. Main Street. Hope to see you there!

**CAPITAL IMPROVEMENT PROGRAM – PROJECTS UPDATE**

**PROJECT #121053 – G STREET, PARK AVENUE TO BEAR CREEK, ROAD REHABILITATION**

TBS Contractors is nearing completion of this project. They will need to grind and repave to remove defects.

This project is approximately 98% complete.



**PROJECT #117020 – GERARD SEWER MAIN, HWY 99 TO KIBBY RD.**

Rolfe Construction Co., Inc., continued to trench down Gerard Avenue.

This project is approximately 65% complete.





**PROJECT #120060 – N STREET IMPROVEMENT**

This week, TBS Contractors, Inc., formed curb and gutter on the south side of N Street.

This project is approximately 65% complete.



**PROJECTS IN DESIGN**

1. Highway 59 Widening (11%)
2. Highway 59 and 16th Street Signal and Channelization (90%)
3. Motel Drive Multi-Use Path (100%)
4. R Street, 16th to 18th (90%)
5. B Street Improvements (50%)
6. G Street Improvements Childs to 13th St. (100%)
7. Orchard Avenue Sewer (50%)

**PLANNING COMMISSION ACTION MEMO**

Please find attached, the Planning Commission Action Memo from the meeting of July 7, 2021.

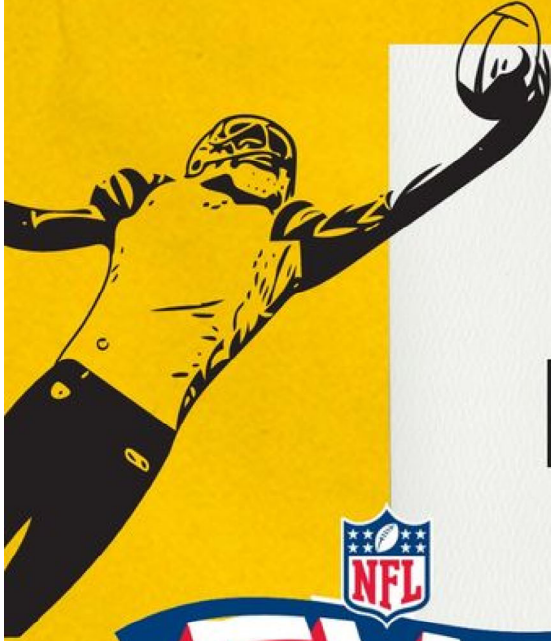
**REPORTS & CORRESPONDENCE**

- |                             |         |
|-----------------------------|---------|
| 1. Football Registration    | Page 8  |
| 2. Movies in the Park Flyer | Page 9  |
| 3. Homerun Derby Flyer      | Page 10 |
| 4. PC Action Memo           | Page 11 |

**CONSTRUCTION PROJECTS**

1. 117020 - Gerard Ave. Sewer Main Hwy 99 to Kibby Road
2. 120060 - N Street - 16th to 18th Streets, Roadway Improvement
3. 121053 - G St. – Park Ave. to Bear Creek Rehabilitation (Emergency)
4. 117038 - V Street - 16th to 18th Streets, Road Improvement (to be awarded by Council)

CITY OF MERCED PARKS AND RECREATION



# YOUTH NFL FLAG FOOTBALL

REGISTRATION:  
JULY 6 - AUGUST 13, 2021  
(SEASON RUNS SEPTEMBER - NOVEMBER)

**\$65 PER PLAYER**  
**\*\*MANDATORY FUNDRAISER\*\***



**SPONSORSHIP  
OPPORTUNITIES  
AVAILABLE!**

## EACH PLAYER RECEIVES

- NFL REVERSIBLE JERSEY
- NFL FLAG BELT
- INDIVIDUAL LEAGUE AWARD

## 4 DIVISIONS FOR BOYS & GIRLS:

**TINY TOTS: K-2ND**  
**PEE-WEE: 3RD-4TH**  
**JV: 5TH-6TH**  
**VARSITY: 7TH-8TH**

**LOVE FOOTBALL?  
BECOME A VOLUNTEER  
COACH! CALL US!**



REGISTER AT 632 W. 18TH ST.  
MONDAY - FRIDAY 9:00AM - 12:00PM & 1:00PM - 5:00PM  
QUESTIONS? GIVE US A CALL AT (209) 385-6895





# MOVIES in the PARK

13	14	15	16
 <b>July 30<sup>th</sup></b> Joe Herb Park 2200 Yosemite Parkway	 <b>August 13<sup>th</sup></b> Applegate Park (Moat) W. 26 <sup>th</sup> & O St.	 <b>August 27<sup>th</sup></b> McNamara Park 1040 Canal St.	 <b>September 10<sup>th</sup></b> Rahilly Park

13	14	15	16
 <b>September 24<sup>th</sup></b> West America Bank Rooftop M & 18 <sup>th</sup> St	 <b>October 8<sup>th</sup></b> Rudolph Merino Park Pacific Dr & El Redondo	<b>ALL MOVIES BEGIN AT SUNDWON *BRING BLAKETS OR CHAIRS</b>	

Bring your blankets and  
some Good Company!

**Movies  
begin at  
Sunset**

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@ City of Merced Parks  
and Recreation or  
call 385-6235





**HOMERUN**

# DERBY

**FOR COACHES AND PLAYERS  
THURSDAY, JULY 22**

**JOE HERB PARK | 6:30 - 8:30**

**SIGN UP @ BOOTH | LIMITED SPACE**

**10 PLAYERS PER DIVISION | 5 HITS PER PLAYER**



Parks & Community Services

## **DIVISIONS**

DIVISION 1: 5YRS - 6YRS

DIVISION 2: 7YRS - 8YRS

DIVISION 3: 9YRS - 10YRS

DIVISION 4: 11YRS - 12YRS

DIVISION 5: 13YRS - 14 YRS

DIVISION 6: COACHES



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*City of Merced*  
**MEMORANDUM**

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**DATE:** July 8, 2021  
**TO:** City Council  
**FROM:** Kim Espinosa, Planning Manager  
**SUBJECT:** Actions at the Planning Commission Meeting of July 7, 2021

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At their meeting of July 7, 2021, the Planning Commission heard and approved Conditional Use Permit #1255 and Site Plan #476 for the addition of four residential units at 111 R Street.

The Commission heard and recommended approval to the City Council of General Plan Amendment #20-01 and Site Utilization Plan Revision #23 to Planned Development (P-D) #16 for approximately 6.39 acres of land, generally located on the south side of Devonwood Drive, east of Wal-Mart. This would change the General Plan designation from Low-Medium Density Residential (LMD) to High Density Residential (HD) and the Site Utilization Plan designation from Single Family Residential to Multi-Family Residential.

The Commission also elected Mike Harris as Chairperson and Mary Camper as Vice-Chairperson.

If you have any questions about these items, please feel free to contact me.

#### Attachments

n:shared:Planning:PCMemos



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

**Resolution #4065**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of July 7, 2021, held a public hearing and considered **Conditional Use Permit #1255 and Site Plan Review #476**, submitted by Mavericks, LLC, property owner. The application involves a request to add four residential units at 111 R Street. This request requires interface approval as the subject site is located within a Neighborhood Commercial (C-N) Zone that is adjacent to a Low-Density Residential (R-1-6) Zone. The subject site is generally located on the west side of R Street, approximately 135 feet north of Childs Avenue; said property being more particularly described as the northern portion of Lot 1 of Block 521, as shown on that certain map entitled “Map of the City of Merced and Adjoining Acreage Property,” recorded in Volume 2, Page 59 of Merced County Records; also known as Assessor’s Parcel Number (APN) 032-285-005; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through H (Exhibit B) of Staff Report #21-517; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and Site Plan Review Permits in Merced Municipal Code Section 20.68.050 (F), and other Considerations as outlined in Exhibit B; 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 adopt a Categorical Exemption regarding Environmental Review #21-01, and approve Conditional Use Permit #1255 and Site Plan Review #476, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by reference.

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


- AYES: Commissioners Camper, Delgadillo, Dylina, and Chairperson Harris
- NOES: None
- ABSENT: Commissioner White (two vacancies)
- ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4065

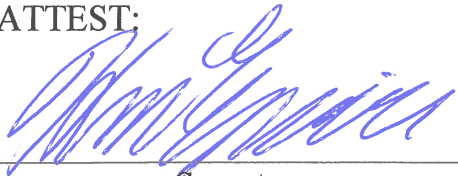
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July 7, 2021

Adopted this 7<sup>th</sup> day of July, 2021

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

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachments:

Exhibit A - Conditions of Approval

Exhibit B - Findings



**Conditions of Approval**  
**Planning Commission Resolution #4065**  
**Conditional Use Permit #1255 and Site Plan Review Permit #476**

1. The proposed project shall be constructed/designed in substantial compliance with the Site Plan and Elevations (Attachments C, and D of Planning Commission Staff Report #21-517), 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. 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.
5. 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,

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4065

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.

6. All buildings shall be regularly maintained to keep the building finishes in good condition and aesthetically pleasing.
7. The applicant shall install short-term and long-term bike racks equivalent to 10% of required vehicle parking spaces (with a minimum of 2 spaces) as required under MMC Section 20.38.080 – Bicycle Parking.
8. The driving aisles shall be at least 26 feet wide to allow for Fire engine access and spacing for Fire action response. Details to be reviewed and approved by the Fire Department during the Building Permit stage.
9. Fire access shall be provided to the buildings within 150 feet of all portions of the buildings from where a fire engine may be stationed. Details to be finalized with the Fire Department during the Building Permit stage.
10. The applicant shall work with the Fire Department to determine if each building shall have its own independent Fire Department connection and fire control room.
11. The applicant shall work with the City’s Refuse Department to determine the proper location for trash enclosure(s) and if a recycling container will be required to comply with AB 341. The container(s) shall be enclosed within refuse enclosure(s) built to City Standards. Use of compactor shall also be considered to reduce the number of pick-up requests.
12. A 6-foot-tall fence shall be installed along the western property line to provide additional screening between the subject site and adjacent Low Density Residential Zone. This area shall also be landscaped with fast growing trees, shrubs or vines that provide further screening. Details to be finalized with the Planning Department during the Building Permit stage.
13. The proposed buildings along the western property line shall not exceed 2 stories, as shown on the proposed site plan at Attachment B of Planning Commission Staff Report #21-517.
14. All parking lot and building lighting shall be shielded or oriented in a way that does not allow “spill-over” onto adjacent lots in compliance with the California Energy Code requirements. Any lighting on the

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4065



- building shall be oriented to shine downward and not spill-over onto adjacent parcels.
15. Minor modifications to the site plan or building heights may be reviewed and approved by the Director of Development Services or be referred to the Site Plan Review Committee or Planning Commission for consideration, at the discretion of the Director of Development Services.
  16. The landscape plan shall comply with Merced Municipal Code Section 20.36 – Landscaping, which also addresses the Water Efficient Landscape Ordinance under Merced Municipal Code Section 17.60. Landscaping shall also comply with all relevant State requirements regarding water efficiency.
  17. All landscaping in the public right-of-way shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” and the City’s Water Conservation Ordinance (Merced Municipal Code Section 15.42). Xeriscape or artificial turf shall be used in place of natural sod or other living ground cover. If turf is proposed to be installed in park-strips or on-site, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees, parking lot trees, or other landscaping shall be provided with a drip irrigation or micro-spray system.
  18. The parking lot layout shall comply with all applicable City Standards. Parking lot trees shall be provided at a ratio of one tree for every six parking spaces. These trees shall be installed per the City’s Parking Lot Landscape Standards, 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).
  19. If the property is to be gated, the applicant shall work with the Police and Fire Departments to provide proper gate access equipment such as a Knox box and a click-to-enter system. Vehicle stacking space for at least two vehicles shall be provided between gates and driveways in order to avoid traffic back-up on City streets.
  20. The design and color of a perimeter fence shall be reviewed and approved by the Planning Department during the building permit stage.

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION #4065

**Findings and Considerations**  
**Planning Commission Resolution #4065**  
**Conditional Use Permit #1255 and Site Plan Review Permit #476**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Neighborhood Commercial (CN) and the Zoning classification of Neighborhood Commercial (CN) with approval of this Conditional Use Permit. Although the General Plan and Zoning Ordinance allow residential developments in commercial zones, they do not specifically address the density allowed within a Neighborhood Commercial Zone. The *Merced Vision 2030 General Plan* includes two classifications for higher density residential uses – High-Medium Density (HMD) and High Density (HD). The High-Medium designation allows 12 to 24 units per acre, while the High Density designation allows 24 to 36 units per acre. The proposed project has a density of approximately 12 units per acre, which is consistent with the HMD designation. There are General Plan policies that encourage higher density and alternate housing types (see below), the City has relied upon the High-Medium Density designation to determine compliance with the General Plan Housing Element. Based on this designation, the proposed multi-family portion of the project would comply with the General Plan.

The Housing Element of the *Merced Vision 2030 General Plan* includes policies supporting affordable housing, mixed-use development, and higher densities.

*Policy H-1.1 Support Increased in Residential Zoning Districts*

The proposed development provides an opportunity for a higher density project to provide needed housing within the City.

*Policy H 1.1.c Encourage Mixed Use Development*

The proposed project does not include a commercial component, but it is adjacent to commercial properties (to the north and south), and there is a commercial strip mall directly to the east across R Street.

*Policy 1.1.e Encourage Alternate Housing Types*

All of the residential units within the proposed project would consist of 2 bedrooms, and 1.5 bathrooms. This mixture provides a variety of different housing types compared to the rest of the community, that helps meet the growing need of housing within the community and supports this policy of providing alternate housing types.

*Policy 1.8b Prioritize City efforts to encourage residential development by focusing on in-fill development and densification within the existing City Limits.*

**EXHIBIT B**  
**OF PLANNING COMMISSION RESOLUTION #4062**



The proposed project is not on an in-fill site, but it is on an underdeveloped site and meets the density requirements of the City’s high-medium density classification.

The following are Land Use Policies and Implementing Actions of the General Plan that could be met with the proposed project.

Policy L-1.1                      *Promote Balanced Development Which Provides Jobs, Services, and Housing.*

*Implementing Action 1.1.c:                      Determine the types of housing opportunities needed for the type of employment opportunities being created in the City.*

The Zoning Ordinance does not specify a density for multi-family housing allowed within a C-N Zone, it merely states that multi-family uses are allowed within the C-N Zone as a Conditional Use. Therefore, the approval of CUP #1255 satisfies this requirement. The Zoning Ordinance requires a Site Plan Review permit to address interface requirements. The approval of Site Plan Review #476 would bring the project into compliance with the Zoning Ordinance.

**Zoning Ordinance Compliance – Mandatory Site Plan Review Findings**

B) The proposed project is subject to MMC Section 20.32 – Interface Regulations. As such, a Site Plan Review Permit is required for this project. MMC Section 20.32 does not specify particular findings be made regarding interface, but MMC Section 20.68.050 (F) requires specific findings for a Site Plan Review Permit to be approved. Therefore, in order for the Planning Commission to approve or deny a site plan review permit, they must consider the following criteria and make findings to support or deny each criteria. The Findings required by MMC Section 20.68.050 (F) “Findings for Approval for Site Plan Review Permits” are provided below along with recommended reasons to support each finding. If the Planning Commission wishes to deny the Site Plan Review Permit, they will need to provide findings for denial and direct staff to prepare a resolution for denial to be adopted at a future meeting.

1. *The proposed project is consistent with the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described in Finding A, the project meets the requirements of the General Plan. There are no other area, specific, or neighborhood plans for this area.

2. *The proposed project complies with all applicable provisions of the Zoning Ordinance and Municipal Code.*

Approval of the proposed Site Plan Review Permit and implementation of the conditions of approval for CUP #1255 and Site Plan Review #476 would bring the project into compliance with the applicable provisions of the Zoning Ordinance and Municipal Code.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

There are existing apartments west of the subject site. A 7-foot-tall fence with tall, fast growing trees (evergreen trees) could be installed along this property line to reduce impacts regarding privacy, noise, and lighting (Condition #12 of Planning Commission Staff Report #21-517). To provide more buffer space and privacy from the adjacent homes, the apartment buildings in this area would be 2 stories tall and be set back approximately 10 feet from the western property line. These 2-story apartment buildings would be consistent with the 2-story single-family homes that already exist within this neighborhood, or may be constructed within any Low Density Residential property.

With the implementation of the proposed conditions of approval for Site Plan Review #476, and the conditions approved with CUP #1255, the proposed project meets the minimum design and zoning standards. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

4. *The proposed architectural design makes use of appropriate materials, texture, and color, and will remain aesthetically appealing and appropriately maintained.*

The applicant is proposing a contemporary design with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with wood eaves and fascias. The apartments would be two-story structures. The apartment complex would consist of two individual buildings. The buildings would generally consist of a uniform design and aesthetic. To add architectural interest, the exterior of the buildings may have earth tone color variations including off-white, light grey, light brown, and dark brown. In addition, the buildings would include wall variations to add depth, and patios to provide outdoor covered space.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection of landscaping elements, will complement structures and provide an attractive environment.*

The project includes several lawn areas along most of the perimeter of the site. As shown on the site plan at Attachment C of Planning Commission Staff Report #21-517, the apartment complex would include a variety of outdoor common spaces that includes lawn areas and open space. The applicant has yet to provide a detailed landscape plan, but they intend to use various trees and plants such as evergreens, bushes, and undetermined dense trees. Trees would be planted throughout the outdoor common space, within the parking lot, and along street frontages. Parking lot trees would have to conform with minimum City Standards regarding quantity (1 tree per 6 required parking stalls), gallon size (15 gallons), and branch width (30-foot canopy). Parking lot trees shall be from the City's list of approved tree species found within

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION #4062



City Engineering Standards (Condition #18 of Planning Commission Staff Report #21-517). Street trees shall be reviewed by the Engineering and Public Works Departments to ensure conformance with City Standards in regard to species type, irrigation plan, and tree spacing (Condition #17 of Planning Commission Staff Report #21-517). All landscaping must comply with local regulations and State regulations regarding water conservation, as found under Merced Municipal Code Section 20.36 – Landscaping, and affiliated sections found under the WELLO Act (MMC 17.60).

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to pay Impact Fees that help fund police stations, fire stations, bridges, parks, bikeways, traffic signals, etc. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

#### **Zoning Ordinance Compliance – Conditional Use Permit Required Findings**

- C) Section 20.68.020 sets forth specific Findings that must be made in order for the Planning Commission to approve a Conditional Use Permit. These Findings are provided below.

1. *The proposed use is consistent with the purpose and standards of the zoning district, the General Plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

As described in Finding A above, the project meets the requirements of the General Plan. There are no other area, specific, or neighborhood plans for this area.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

There are existing apartments west of the subject site. A 7-foot-tall fence with tall, fast growing trees (evergreen trees) would be installed along this property line to reduce impacts regarding privacy, noise, and lighting (Condition #12 of Planning Commission Staff Report #21-517). To provide more buffer space and privacy from the adjacent homes, the apartment buildings in this area would be 2 stories tall and be set back approximately 10 feet from the western property line. The proposed 2-story apartment buildings would be consistent with the 2-story single-family homes that already exist within this neighborhood, or may be constructed within any Low Density Residential property.

## EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4062

With the implementation of the proposed conditions of approval and the conditions approved with Site Plan #476, the proposed project would meet minimum design and zoning standards. Therefore, with the implementation of the conditions of approval, the proposed project would not interfere with the enjoyment of the existing and future land uses in the vicinity.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

The proposed project does not include any uses that would be detrimental to the public health, safety, and welfare of the City. The project would be required to pay Impact Fees that help fund police stations, fire stations, bridges, parks, bikeways, traffic signals, etc. Implementation of the conditions of approval and adherence to all Building and Fire Codes, and City Standards would prevent the project from having any detrimental effect on the health safety, and welfare of the City.

4. *The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.*

The project site is a partially developed site surrounded by residential (to the west) and commercial uses (to north, south, and east). The project would be adequately served by the City's water system. Through the implementation of the conditions of approval, the project would be adequately served by the City's sewer and storm water systems. Additionally, the project would be required to pay Public Facilities Impact Fees to help pay for future improvements needed to the City's infrastructure.

### **Site Plan**

- D) The subject site consists of a trapezoid lot that is approximately 200 feet long, and 50 feet wide along R Street (western property line) and 100 feet wide along the rear portion of the lot (eastern property line). The existing 0.34-acre lot is mostly undeveloped, with a single-family home on the eastern portion of the lot. The single-family home would remain as part of the proposed development, with demolishing a patio to provide access to the new residential units. Vehicle access would be available through a driveway along R Street. The vehicle access would extend into a driving aisle along the northern property line. A parking lot (7 spaces) and a laundry room would be located near the central portion of the parcel. A pedestrian walking path would connect the parking lot to the 4 residential units located on the western portion of the parcel. The 4 residential units would be located on 2 separate buildings within identical 2-story buildings with identical floor plans. Each unit would consist of approximately 950 square feet with 2 bedrooms, and 1.5 bathrooms, and a patio for covered outdoor space.

### **Elevations**

- E) The applicant is proposing a contemporary design with a mixture of materials, colors, and textures. The building exterior would consist of a stucco finish with wood eaves and fascias. The apartments would be two-story structures. The apartment complex would consist of two individual buildings. The buildings would generally consist of a uniform design and aesthetic. To add architectural interest, the exterior of the buildings may have earth tone color variations, including off-white, light grey, light brown, and dark brown. In addition, the buildings would include wall variations to add depth, and patios to provide outdoor covered space.

### **Parking**

- F) The additional 4 units would be developed as two separate duplexes. The Zoning Ordinance requires 1.75 spaces of parking for each unit within a duplex. The developer intends to retain the existing single-family homes, which requires 1 parking space. Based on this calculation, this project would require 8 parking spaces. The applicant is providing 10 parking spaces which exceeds the minimum parking requirements for this site.

### **Traffic/Circulation**

- G) The project site is in southcentral Merced, approximately 1.5 miles from downtown, 0.75 miles from State Route 59, and 1 mile south of State Route 99. The project site is bounded by heavy traffic roads, with the nearest north-south bound road being R Street, and the nearest east-west bound road being Childs Avenue. R Street is considered a Major Arterial Road and designed to carry large volumes of traffic traveling throughout the community. R Street also provides access to both Highway 59 and Highway 99, that connect Merced with other regional communities throughout the State.

The subject site is currently entitled for 4 units (2 units can be developed under current accessory dwelling unit laws), the proposed 5 units would generate a relatively minimal increase in vehicle traffic. According to Trip Generation (ITE Report), the average daily trips per unit is 6.59. At 4 units, that would total 26 trips per day; and at 5 units, it would total 32 trips per day which would equate to approximately 20% increase in trips correlating to the 20% increase in number of residential units. The Engineering Department believes that the existing street network could adequately serve this proposal.

The increase in density would result in less vehicle miles traveled to surrounding uses, such as Tenaya Middle School, Margaret Sheehy Elementary, McNamara Park, and Golden Valley Health Centers.

Alternative modes of transportation are being assessed and are available within a 1.5-mile distance of the site. The Merced County Bus provides services with several stops nearby (within a ¼ mile) along R Street linking the residents to the M1 Route. The Amtrak (passenger train service) is located within 1.5 miles providing services to the greater California area and connections to travel across the county. The closest airport is Merced Regional Airport, located approximately 1 mile to the east.

## **EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4062**



### **Environmental Clearance**

- H) Planning staff has conducted an environmental review (Environmental Review #21-11) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (no further environmental review is required) is being recommended (Attachment F of Staff Report #21-517).

**CITY OF MERCED  
Planning Commission**

**Resolution #4059**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of July 7, 2021, held a public hearing and considered **General Plan Amendment #20-01 and Site Utilization Plan (SUP) Revision #23 to Planned Development (P-D) #16**, initiated by Meta Housing on behalf of Devonwood 64 LP, property owner. This application involves a request to change the General Plan designation from Low-Medium Density (LMD) Residential to High Density (HD) Residential and to change the Site Utilization Plan (SUP) from single-family residential to multi-family residential and establish development standards for this property to allow the construction of a 156-unit apartment complex on an approximately 6 acres.

This property is generally located on the south side of Devonwood Drive, between Loughborough Drive and Austin Avenue; also known as Assessor Parcel Numbers: 058-470-001 through -033; -035; -036; 058-480-001 through -017; 058-480-034 through -044; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through K of Staff Report # 21-104 (Exhibit B), including Findings required by Merced Municipal Code Section 20.20.020 (J) for Planned Development Revisions; and,

**NOW THEREFORE**, 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 C) regarding Environmental Review #20-32, and recommend approval of General Plan Amendment #20-01 and Site Utilization Plan Revision #23 to Planned Development (P-D) #16, subject to the Conditions set forth in Exhibit A, the Findings set forth in Exhibit B, and the Mitigation Monitoring Program set forth in Exhibit C attached hereto and incorporated herein by this reference.

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

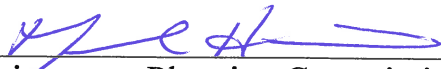
AYES: Commissioners Camper, Delgadillo, Dylina, and Chairperson Harris  
NOES: None  
ABSENT: Commissioner White (two vacancies)  
ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4059

Page 2

July 7, 2021

Adopted this 7<sup>th</sup> day of July 2021

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

ATTEST:

  
\_\_\_\_\_  
Secretary

Exhibits:

Exhibit A – Conditions of Approval

Exhibit B – Findings/Considerations

Exhibit C – Mitigation Monitoring Program for Environmental Review #20-32-  
Revised

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**Conditions of Approval**  
**Planning Commission Resolution #4059**  
**General Plan Amendment #20-01**  
**Site Utilization Plan Revision #23 to Planned Development (P-D) #16**

1. The proposed General Plan Amendment and Site Utilization Plan Revision shall be as shown on the Proposed Land Use Map at Attachment B of Planning Commission Staff Report #21-148.
2. The proposed project shall be constructed/designed in substantial compliance with the Site Plan (Attachment C of Planning Commission Staff Report #20-104) and the building elevations and floor plans (Attachments D and E of Planning Commission Staff Report #21-148), and Landscape Plan (Attachment F of Planning Commission Staff Report #21-148) except as modified by the conditions. The project shall comply with the Design Standards set forth in Finding K on Exhibit B of this Resolution. The Site Plan Review Committee shall approve the final design for the project.
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 applicable mitigation measures set forth in the Mitigation Monitoring Program (Environmental Review #06-35) for General Plan Amendment #06-06 (except as superseded by the Traffic Analysis dated September 11, 2018) (Attachment H of Planning Commission Staff Report #21-148) and all mitigation measures set forth in the Mitigation Monitoring Program for Environmental Review #20-32 (Attachment A of Initial Study 20-32 at Attachment H of Planning Commission Staff Report #21-148).
5. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
6. Approval of the General Plan Amendment and Zone Change is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic

EXHIBIT A  
of Planning Commission Resolution #4059

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.

7. 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, 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 (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
8. 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.

9. In compliance with Merced Municipal Code Section 20.20.020 Q, Site Plan Review approval is required prior to development to address conformance with the standards of Planned Development (P-D) #16.
10. All public improvements shall be installed along the project frontage to meet City Standards. Any existing improvements that have been damaged or otherwise do not meet current City Standards shall be repaired or replaced to meet City Standards. This includes, but is not limited to sidewalk curb, gutter, street trees, and streetlights.
11. Street trees shall be planted along the project frontage on Devonwood Drive in compliance with City Standards.
12. The project shall comply with Post Construction Standards in accordance with the requirement for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
13. All storm water shall be retained onsite and metered out to the City's storm water system in accordance with City Standards, subject to a storm drain plan approved by the City Engineer.
14. The gates at the entrances/exits shall be setback a minimum of 20 feet from the roadway to allow stacking room for at least two vehicles. The gates shall be provided with a "click-to-enter" access and controls shall be provided to the City of Merced Police, Fire, and Public Works Departments. The device used shall be approved by the City prior to installation.
15. A minimum turning radius of 33 feet inside, curb-to-curb and 49 feet wall-to-wall for fire apparatus access must be provided throughout the project site or as required by the Fire Department.
16. The drive aisles for the main gated entrance/exit shall be a minimum of 12 feet wide where an island is present.
17. If solar panels are placed on the roof of the buildings, they shall be placed in such a way as not to inhibit Fire Department access with their aerial apparatus.
18. Bicycle parking shall meet the minimum requirements of the California Green Building Code and Merced Municipal Code Section 20.38.080.



19. A maximum of 25 percent of the required parking spaces may be compact spaces. Compact parking spaces shall have a minimum width of 8.5 feet and a minimum depth of 16 feet as allowed per the Design Standards set forth in Finding K on Exhibit B of this Resolution.
20. In accordance with Zoning Ordinance Section 20.38.060 (E) and Finding G on Exhibit B of this Resolution, this project is granted a 5% reduction in the number of required parking spaces. Therefore, the minimum parking requirements for this project is 248 spaces.
21. 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.
22. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
23. All construction activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
24. All landscaping shall be in compliance with the City's Water Efficient Landscaping and Irrigation Ordinance (Merced Municipal Code Section 17.60) and all state-mandated conservation and drought restrictions as well as the City's Zoning Ordinance Sections 20.36 – Landscaping and Section 20.46.030 (C) - Landscaping.
25. Irrigation for all onsite landscaping shall be provided by a low-volume system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or city-mandated water regulations dealing with the current drought conditions.
26. All landscaping in the public right-of-way shall comply with the most recently adopted water regulations by the State and City addressing water conservation measures. If turf is proposed to be installed in medians or park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed.
27. 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

EXHIBIT A  
of Planning Commission Resolution #4059

the City's approved tree list). Trees shall be installed at a ratio of 1 tree for every 6 parking spaces. No trees shall be required where there are carports with solar panels over the parking spaces. However, if all the parking spaces are covered by a carport with solar panels, then additional trees will be required in other portions of the site.

28. A minimum 7-foot-tall solid wall or fence (concrete block or similar) shall be constructed between the multi-family development and the single-family dwellings to the east within the Highland Park Subdivision.
29. All walking paths, bicycle and vehicle parking areas, and recreational areas shall be provided with sufficient lighting to ensure a safe environment.
30. All parking lot and other exterior lighting shall be oriented in such a way so that it does not spillover onto adjacent properties.
31. All mechanical equipment shall be screened from public view (Details to be worked out with Planning Staff at the building permit stage).
32. All units above the first floor shall be constructed with noise attenuation measures to reduce interior noise levels to a maximum of 45 db DNL. Documentation shall be provided at the building permit stage to demonstrate that the design will meet this standard.
33. Containers for refuse and recycled goods shall be stored in enclosures that are designed with colors compatible with the buildings and shall be constructed to meet City Standards. At the Building Permit stage, the developer shall work with the City's Refuse Department to determine the best location for these enclosures to ensure proper access is provided for City Refuse Trucks.
34. All signs shall comply with the requirements of the North Merced Sign Ordinance and Merced Municipal Code (MMC) Section 17.36.572 – Apartments or Condominiums. No free-standing A-Frame or sandwich board-type signs shall be allowed. All other moveable temporary signs are prohibited as well. Temporary banners may be installed on a building wall in compliance with the City's Sign Ordinance and after obtaining a Temporary Banner Permit from the Planning Department. A building permit shall be obtained for all permanent signs.
35. The project shall comply with the Residential Design Standards for Multi-family dwellings as spelled out in Merced Municipal Code (MMC) Section

20.46.030 and 20.46.040, unless otherwise modified by the design standards adopted by this Site Utilization Plan Revision to P-D #16.

36. The Design Standards as spelled out in Finding K on Exhibit B of this Resolution shall apply to this project.
37. The project shall be designed with a variety of colors and/or textures on the exterior elevations.

**Findings and Considerations**  
**Planning Commission Resolution #4059**  
**General Plan Amendment #20-01**  
**Site Utilization Plan Revision #23 to Planned Development (P-D) #16**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project would comply with the General Plan designation of High Density Residential (HD) and the zoning designation of Planned Development (P-D) #16 if the requested General Plan Amendment and Site Utilization Plan Amendment are approved.

The following Land Use Goals and Policies would be achieved with the approval of this request:

*Goal Area L-1: Residential & Neighborhood Development*

- *A Wide Range of Residential Densities and Housing Types in the City*
- *Quality Residential Environments*

*Policy L-1.2: Encourage a diversity of building types, ownership, prices, designs, and site plans for residential areas throughout the City.*

*Policy L-1.7: Encourage the location of multi-family developments on sites with good access to transportation, shopping, employment centers, and services.*

*Implementing Action 1.2.e Consider density increases for existing residential sites where the necessary conditions exist for higher densities.*

*Implementing Action 1.7a Designate areas adjoining arterial streets, major transportation routes, and commercial areas for multi-family development.*

*Goal Area L-3: Urban Growth and Design*

- *Living Environments which Encourage People to Use a Variety of Transportation Alternatives.*

*Policy L-3.1: Create land use patterns that will encourage people to walk, bicycle, or use public transit for an increased number of their daily trips.*



*Policy L-3.3 Promote site designs that encourage walking, cycling, and transit use.*

*Implementing Action 3.1.a Encourage project designs which increase the convenience safety, and comfort of people using transit, walking, or cycling.*

### **Zoning Code Compliance**

B) Merced Municipal Code Section 20.20.020 (J) establishes specific findings that must be made in order to approve the establishment of a Planned Development or Site Utilization Plan Revision. These findings are as following:

*1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.*

The proposed Site Utilization Plan (SUP) Revision would be consistent with the General Plan if General Plan Amendment #20-01 is approved amending the General Plan designation for this site from Low Medium Density (LMD) Residential to High Density (HD) Residential. As shown in Finding A, the proposed project would accomplish goals and implementing actions of the General Plan.

If the Site Utilization Plan Revision for this site is approved, the site would be compatible with the land use plan for Planned Development (P-D) #16.

There are no other applicable specific or community plans for this site.

*2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.*

The project site is approximately 6 acres (gross). The proposed project of 156 apartment units, clubhouse/office, open space, and associated parking can be accommodated on this site. As proposed, the three-story buildings would have a minimum 20-foot setback from Devonwood Drive. The buildings are clustered near the center of the site with parking surrounding the buildings. This design allows a setback of more than 150 feet to the nearest residential unit to the east. Additionally, the buildings would have an approximate 100-foot setback from the western property line and an approximate 73-foot setback from the rear property line. Sufficient parking is provided on the site. Therefore, the site is adequate in size to accommodate the proposed project.

*3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.*

The site is accessed from Devonwood Drive which is located between Loughborough Drive and Austin Avenue. Both Loughborough Drive and Austin Avenue are signalized at the intersections with Olive Avenue. According to a traffic study done for a different project on this site in 2018, both Loughborough Drive and Austin Avenue intersections were operating at a Level of Service of C or better. The City's General Plan designates a Level of Service (LOS) of D or better as acceptable. Due to the railroad track along the southern property line, there is no access to the site from the south. Based on this information, the site is considered to have adequate access.

*4. Adequate public services exist or will be provided to serve the proposed development.*

The site will be served by existing water, sewer, and storm drain lines in Devonwood Drive. No increase in the size of the existing lines would be required. The site will be required to pay for all connection costs and facility fees to off-set any impacts to the existing system.

The site would be adequately served by the City's Police and Fire Departments as well. The project is part of the City-wide Community Facilities District (CFD) which collects special taxes to help cover costs of police and fire services.

*5. The proposed development will not have a substantial adverse effect on surrounding property, will be compatible with the existing and planned land use character of the surrounding area, and will enhance the desirability of the area and have a beneficial effect.*

It is not anticipated that the proposed project would have a substantial adverse effect on the surrounding property. As previously described, the buildings would be setback approximately 150 feet from the nearest single-family residential property. The project is adjacent to commercial uses to the north and west (the Merced Marketplace Shopping Center to the north and Wal-Mart to the west), therefore, the area is not a typical single-family residential area. The single-family dwellings to the east are a higher density than typical residential subdivisions. The proposed 3-story buildings would not be taller than the commercial buildings to the north and west. The addition of multi-family dwellings to the area is consistent with the apartment complex located east of the site, on the north side of Devonwood Drive. The option of

additional multi-family units would provide more housing options in an area that is adjacent to commercial uses and services.

*6. The proposed development carries out the intent of the Planned Development zoning district by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards.*

With the approval of Site Utilization Plan Revision #23 to Planned Development (P-D) #16, the project would be consistent with the standards for P-D #16. The site includes high quality materials consistent with the standards for other development within P-D #16. The project provides a High-Density Residential development which will help provide needed housing to the City of Merced. As described in Finding A, the proposed project would carry out goals and implementing actions defined in the City's *Merced Vision 2030 General Plan*. Under the current Site Utilization Plan, the High-Density development would not be allowed. Thus, the proposed change and implementation of standards specific to this development and any future multi-family development on this site, would be a more efficient use of land by providing a greater number of housing units to the community.

*7. Each individual unit of the proposed development, in each phase as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.*

The proposed multi-family project would be able to exist as an independent project and create a good environment. The location is surrounded by development, so this is an infill site. The location is prime for development and for development of a multi-family project due to its location near commercial uses and services.

*8. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted.*

The Site Utilization Plan will establish standards for the site. Additionally, the Merced City Zoning Ordinance sets forth specific Residential Design Standards that apply to all multi-family developments.

The project meets the design standards set forth in Zoning Ordinance Section 20.46 – Residential Design Standards.

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION #4059

The building height proposed is taller than currently allowed under the current Site Utilization Plan. The proposed three-story buildings would be approximately 37'4" tall. The current Site Utilization Plan sets the building height for structures at 35'. The proposed changes to the Site Utilization Plan (Finding K) would increase the maximum building height to 40 feet which is consistent with R-4 zoning which is the zoning designation that would allow this type of development outside of a Planned Development.

9. *The principles incorporated in the proposed development plan indicate certain unique or unusual features, which could not otherwise be achieved under the other zoning districts.*

This property currently lies within Planned Development (P-D) #16. The proposed Site Utilization Plan Revision would amend the standards for this parcel to allow a multi-family development rather than a single-family development. Because the site is already established as a Planned Development, changing the zoning to another zoning district would not be the best way to promote development. By amending the Site Utilization Plan within the existing Planned Development, to allow this project with slight variations from the standard zoning requirements, allows the project to move forward in a more streamlined approach and without creating a "spot zone" for another zoning district in the area. Planned Developments were specifically designed to allow such unique designs and the mixture of uses not allowed in other zoning districts.

### **Traffic/Circulation**

- C) The project site is located on the south side of Devonwood Drive between Loughborough Drive and Austin Avenue. All three of these streets are local streets with a 64-foot-wide right-of-way and form a "U" shape with slight curves (see the Location Map at Attachment B of Planning Commission Staff Report #21-148). Primary access to Loughborough Drive and Devonwood Drive is via Olive Avenue (Arterial), with a secondary route from R Street (Arterial), via Olivewood Drive. The proposed project will have a primary access point off of Devonwood Drive near the middle of the development. Two secondary access points are provided on Devonwood Drive as well, one at each end of the apartment complex. An emergency access is provided at the end of Bannon Lane. There is no access to the south of the project as the site abuts a City bicycle trail and railroad tracks. Two bus stops are located on Loughborough Drive west of the project site with departures to various locations every 20 minutes to ½ hour. Because the road serving the project



site is a local road, there is no bike lane. However, as mentioned above, there is a bike trail along the southern property line.

The project site was evaluated as part of the Environmental Impact Report (EIR) for the Merced Marketplace. The City Council adopted this EIR on June 11, 1999. At that time the site was evaluated for approximately 152,000 square feet of Regional/Community Commercial (RC) uses. In 2006, a General Plan Amendment and Site Utilization Plan (SUP) Revision was approved changing the land use designation for the site to Low-Medium Density Residential (LMD) to allow the construction of a subdivision (Highland Park) with 124 small lots. A supplemental EIR was adopted by the City Council on November 6, 2006, as part of the General Plan Amendment and SUP Revision.

A Mitigation Monitoring Program was adopted with the Supplemental EIR in 2006. This EIR divided the area into two phases, Phase I, the Lowe's shopping center, and Phase II, the Highland Park subdivision. Certain improvements were required with each phase of construction as designated in the Traffic Improvement Phase Plan of September 20, 2006.

On January 31, 2019, the Site Plan Committee considered a request to modify the mitigation measures for certain improvements. Based on an analysis done by Ken Anderson and Associates, it was determined that Mitigation Measures 3.1-7, 3.1-9, 3.1-11, 3.1-12, and 3.1-13 were no longer required to be installed with the construction of the Highland Park Subdivision. All other applicable Mitigation Measures would still apply.

According to the Institute of Traffic Engineers (ITE) Manual, the proposed apartment project would generate approximately 1,031 average daily trips. This would be roughly a 44% increase over the average daily trips estimated for the single-family units. Although this is a substantial increase, based on the traffic analysis referenced above from 2019, it would not generate enough traffic to decrease the level of service (LOS) beyond LOS D which is the acceptable level of service designated by the *Merced Vision 2030 General Plan*.

Alternative transportation options are located near the project site. There are two bus stops on Loughborough Drive, approximately 160 feet west of the project site. The easy access to the bus stops is expected to reduce vehicular traffic. In addition, access to the bike path behind the project site, would make it convenient for residents to use bicycles for transportation.

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION #4059

## **Public Improvements/City Services**

- D) The developer would be required to install all streets, utilities, and other improvements on Devonwood Drive. City water and sewer lines currently exist in Devonwood Drive which will serve this project.

The proposed project would pay the required Public Facilities Impact Fees to help fund citywide improvement needs such as road improvements, traffic signals, bridges, etc. There are no specific improvements required with this development other than frontage improvements.

## **Building Design**

- E) The proposed project involves the construction of five three-story apartment buildings and a single-story clubhouse/office (Site Plan at Attachment C of Planning Commission Staff Report #21-148). The five buildings would provide 156 apartment units.

There would be two different building types: Building A - three-stories with 36 units (12 units/floor) and Building B - three-stories with 24 units (8 units/floor) (refer to the Elevations at Attachment D of Planning Commission Staff Report #21-148). The buildings would contain a mixture of 1-, 2-, and 3-bedroom units. The following table provides the details for each unit type. The floor plans are provided at Attachment E of Planning Commission Staff Report #21-148.

<b>Unit</b>	<b>Bed/Bath</b>	<b>Net Living Area</b>	<b>Balcony with WH Closet</b>	<b>Total Sq. Ft.</b>	<b>Total Units</b>
A1	1 bed/1 bath	582	55	626	69
B1	2 bed/2 bath	870	53	928	48
C1	3 bed/2 bath	1090	56	1156	39
					156

The table below provides the number of each unit type within each building type.

<b>Building</b>	<b>A1</b>	<b>B1</b>	<b>C-1</b>	<b>Total Units/Building</b>	<b>No. of Buildings</b>
A	15	12	9	36	3
B	12	6	6	24	2

The three-story buildings would be 37’ 4” tall. The buildings would have a modern design with a mixture of exterior finishes including stucco, siding, glass, and metal finishes. and typical commercial store fronts with metal finishes. Balconies would be provided on the upper floor levels for the residential tenants. First floor tenants would have a small patio area. The elevations incorporate architectural features to enhance the building character and appearance. Three exterior stair wells will on the 36-unit (Type A) buildings provide access to the second and third floors. Building Type B would have two exterior stair wells for access to the upper floors.

**Site Design**

F) The project is a gated apartment complex with the main entrance on Devonwood near the center of the complex (Attachment B of Planning Commission Staff Report #21-148). A decorative entrance with gates would be the focal point of the entrance. The fence surrounding the site would be constructed of tubular steel material (similar to wrought iron).

The site includes open space between the buildings, two small play areas, and a swimming pool, and a dog park. These elements are shown on the Site Plan at Attachment B and the Landscape Plan at Attachment F of Planning Commission Staff Report #21-148.

The clubhouse/office building is located outside the gated area. There would be approximately 6 parking spaces to serve the office also outside of the gated area. A secondary access is located at the western end of the complex and an emergency access point is located off of Bannon Lane. Conditions #14 and

#15 address requirements for gated access, including providing enough stacking room for at least two vehicles beyond the public street.

Pedestrian access will be provided from two locations on Devonwood Drive. Pedestrian pathways are provided throughout the site to provide safe routes through the site to all pedestrian access gates and all open space and recreation areas. Additionally, two pedestrian gates are located at the rear of the site to provide access to the bike path. Condition #27 requires all walking paths, bicycle and vehicle parking areas are required to provide lighting to ensure a safe environment.

The site is located adjacent to the BNSF railroad track. As part of the mitigation required for the Highland Park subdivision, to address noise impacts from the railroad, an approximately 20-foot-tall sound wall was constructed adjacent to the railroad tracks. This wall adequately reduced the exterior noise levels at the ground floor to be within the normally acceptable level (65 to 70 db DNL). Further, the interior noise levels for ground floor units was reduced to 45 db DNL as required by the General Plan Noise Element. In order to achieve the 45 db DNL for units above the ground floor, constructed methods and materials must be used to reduce the noise level to 45 db DNL. Some of these methods would include specifically rated glass for windows, acoustic baffles, solid-core doors, and insulation. As per Condition #32, the developer shall provide documentation at the time of building permit review to show that the proposed construction methods would reduce the interior noise level to 45 db DNL.

### **Parking**

- G) Merced Zoning Ordinance Table 20.38-1 sets forth the parking requirements for a multi-family development based on the number of units, bedrooms, and bathrooms. Based on this table, the project would be required to provide 261 parking spaces. Additionally, the project would be required to provide bicycle parking in compliance with Merced Zoning Ordinance Table 20-38-4 (Condition #18).

As described in Finding C above, the project site is located within approximately 160 feet of a transit stop. As such, under Section 20.38.060 (E), the project is eligible for a 5% reduction in parking. This would reduce the parking requirement by 13 spaces, reducing the parking requirement to 248 parking spaces. The proposed project provides 248 parking spaces. Condition #19 grants the reduction allowed under Section 20.38.060. Of the 248 parking spaces, a maximum of 25% of those spaces may be compact

EXHIBIT B  
OF PLANNING COMMISSION RESOLUTION #4059

spaces with a minimum width of 8.5 feet and minimum depth of 16 feet as allowed by the proposed development standards in Finding K.

### **Landscaping**

- H) The project site would be landscaped with trees, ground cover, and shrubs throughout the site. The landscape plan at Attachment F of Planning Commission Staff Report #21-148 provides a conceptual plan for landscaping the site. Conditions #24, #25, #26, and #27 address the landscape and irrigation requirements.

### **Neighborhood Impact/Interface**

- I) The project site is surrounded by commercial uses to the north (Merced Marketplace Shopping Center) and to the west (Wal-Mart). Single-family residential homes are located to the east and the bike path and railroad tracks are to the south. The location map at Attachment B of Planning Commission Staff Report #20-148 shows the uses in the surrounding area.

The proposed change to the General Plan and Site Utilization Plan to allow multifamily development would increase the traffic and number of people in the area. The site is currently designated for single-family dwellings, but at a density higher than a typical subdivision. Although the number of units and residents would increase, the general commercial nature of the area would not be severely impacted. The subdivision to the east has been developed over the last year and has approximately 65 dwellings. The proposed site plan shows the nearest building to the existing dwellings would be approximately 150 feet away. Additionally, Condition #28 requires a solid fence/wall (concrete block or similar) to be installed to separate the parking area from the single-family residential uses.

Public hearing notices were sent to all property owners within 300 feet of the project site and extended to all the property owners on the streets within the Highland Park Subdivision. At the time of this report, the City had received one e-mail in opposition to the project when it was scheduled to come before the Planning Commission on February 3, 2021. Additionally, a letter was received from Michael Belluomini on February 16, 2021, prior to the request going to the Planning Commission on February 17, 2021. These comments are provided at Attachment G of Planning Commission Staff Report #21-148.

### **Land Use/Density Issues**

- J) The proposed multi-family development would have a density of 26 units/acre (gross) and 24.41 units/acre (net). This density is consistent with the High-



Density Residential General Plan designation. It should be noted that the proposed Site Utilization Plan Standards for this parcel would limit the overall density for the project site to 24 to 26 units/acre.

**Site Utilization Plan Standards**

K) Specific standards are established with a Site Utilization Plan. These standards may be amended through the Site Utilization Plan Revision process. The current standards that apply to this property within P-D #16 were established for the Highland Park subdivision and would not allow the proposed development. Therefore, staff is recommending the following standards be adopted to address the current development. The standards have been written to accommodate the current proposal, but are not intended to restrict development on the site to only this particular development. If, for some reason this particular development is not constructed, the standards are broad enough to allow another multi-family development to be constructed. The standards are based primarily on the standards for R-4 zoning, but does limit the density to a maximum of 26 units/acre rather than the 36 units/acre allowed by the High Density (HD) General Plan designation.

PLANNED DEVELOPMENT #16 SITE UTILIZATION PLAN REVISION #23 DEVONWOOD APARTMENTS	
DESIGN CATEGORY	DESIGN/DEVELOPMENT STANDARD
Density	24 to 26 dwelling units/acre for this project
Land Use	High Density Residential uses including all uses as shown in Table 20.08-1 for property Zoned R-4
Building Height	40 ft.
Setback Requirements	Setback from Devonwood Drive – 20 Ft.  Setback from rear property line – 10 ft. for buildings up to 35 ft. in height; 1 additional foot setback for each additional 5 ft. in height.  Setback from side property lines – 6 ft. for buildings up to 35 ft. in height; 1 additional foot setback for each additional 5 ft. in height.
Maximum Lot Coverage	65%
Distance Between Main Buildings	10 ft.

EXHIBIT B  
 OF PLANNING COMMISSION RESOLUTION #4059

DESIGN CATEGORY	DESIGN/DEVELOPMENT STANDARD
<p style="text-align: center;">Building Design &amp; Building Materials</p>	<p>All building designs and materials shall substantially comply with the elevations provided and approved with Site Utilization Plan Revision #23 for Planned Development (P-D) #16.</p> <p>Modifications may be approved by the Director of Development Services or referred to the Site Plan Review Committee.</p>
<p style="text-align: center;">Parking</p>	<p>As required by Section 20.38 of the City of Merced Zoning Ordinance, including bicycle parking.</p> <p>The Project may be eligible for all parking reductions allowed by Section 20.38.</p> <p>Compact Parking spaces are allowed for up to 25 percent of the required spaces, with a minimum width of 8.5 feet and a minimum depth of 16 feet.</p>
<p style="text-align: center;">Fencing</p>	<p>All fencing along the front of the project shall be of high-quality materials, such as wrought-iron or tubular steel. Side-yard fencing shall be wood or other material approved by the Director of Development Services. Pedestrian access shall be provided to Devonwood Drive and the Bike Path at the rear of the property.</p>
<p style="text-align: center;">Private Outdoor Space</p>	<p>Each ground floor unit shall be provided with a private outdoor usable space of a minimum of 8 feet by 5 feet.</p> <p>Each unit above the ground floor shall be provided with a usable outdoor balcony space of a minimum of 8 feet by 5 feet.</p> <p>Private outdoor space shall be screened with solid or near-solid fencing/railings.</p> <p>Materials shall be compatible with the building materials.</p>

DESIGN CATEGORY	DESIGN/DEVELOPMENT STANDARD
General Design Standards as required by Section 20.46.030 of the City of Merced Zoning Ordinance	The Project shall comply with these requirements, except as permitted by other design standard approved by Site Utilization Plan Revision #23 to P-D #16.
Specific Design Standards as required by Section 20.46.040 of the City of Merced Zoning Ordinance	The Project shall comply with these requirements, except as permitted by other design standard approved by Site Utilization Plan Revision #23 to P-D #16.

**Environmental Clearance**

- L) The Planning staff has conducted an environmental review (Initial Study # 20-32- revised) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Draft Mitigated Negative Declaration (i.e., no significant adverse environmental effects have been found that cannot be mitigated to be less than significant) is being recommended (Attachment I of Planning Commission Staff Report 21-148).

**ENVIRONMENTAL REVIEW #20-32**  
**Revised**  
**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 #20-01 and Site Utilization Plan (SUP) Revision #23 to Planned Development (P-D) #16 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 #20-32 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 #20-01 and Site Utilization Plan Revision #23 to Planned Development (P-D) #16. The columns within the tables are defined as follows:**

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



**General Plan Amendment #20-01/Site Utilization Plan Revision #23 to Planned Development (P-D) #16  
Mitigation Monitoring Checklist**

**Project Name:** \_\_\_\_\_ **File Number:** \_\_\_\_\_  
**Approval Date:** \_\_\_\_\_ **Project Location** \_\_\_\_\_  
**Brief Project Description** \_\_\_\_\_

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

<b>1) Aesthetics</b>					
<i>Impact</i>	<i>Mitigation Measures</i>		<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>d</i>	AES 1)	All exterior lighting shall be shielded to prevent spillover onto adjacent properties.	Building Permit	Planning Department	
<b>3) Air Quality</b>					
<i>a</i>	AIR-1)	<p>Consistent with SJVAPCD Regulation VIII (FugitivePM<sub>10</sub> Prohibitions), the following controls are required to be included as specifications for the proposed project and implemented at the construction site:</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> </ul> <p><i>(continued on next page)</i></p>	Building Permit/Grading Permit	Building / Engineering Departments	

<b><i>Impact No.</i></b>	<b><i>Mitigation Measures</i></b>	<b><i>Timing</i></b>	<b><i>Agency or Department</i></b>	<b><i>City Verification (date and initials)</i></b>
<b><i>a</i></b>	<ul style="list-style-type: none"> <li>• When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.</li> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.).</li> <li>• Following the addition of materials to, or the removal of materials from, the surface of out-door storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.</li> </ul>	Building Permit/Grading Permit	Building / Engineering Departments	

<b>5) Cultural Resources</b>				
<i>a</i>	<p>CUL-1) If unknown pre-contact or historic-period archaeological materials are encountered during project activities, all work in the immediate vicinity of the find shall halt until a qualified archaeologist can evaluate the find and make recommendations.</p> <p>Cultural resources materials may include pre-contact resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations shall be required to mitigate adverse impacts from project implementation. These additional studies may include, but are not limited to, recordation, archaeological excavation, or other forms of significance evaluations.</p> <p>The applicant shall inform its contractor(s) of the sensitivity of the project site for archaeological deposits, and include the following directive in the appropriate contract documents:</p> <p><i>(continued on next page)</i></p>	Building Permit	Planning Department	

<b>Impact No.</b>	<b>Mitigation Measures</b>	<b>Timing</b>	<b>Agency or Department</b>	<b>City Verification (date and initials)</b>
	<p>“The subsurface of the construction site is sensitive for archaeological deposits. If archaeological deposits are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any archaeological materials. Archaeological deposits can include, but are not limited to, shellfish remains; bones, including human remains; and tools made from, obsidian, chert, and basalt; mortars and pestles; historical trash deposits containing glass, ceramics, and metal artifacts; and structural remains, including foundations and wells.”</p> <p>The City shall verify that the language has been included in the grading plans prior to issuance of a grading permit or other permitted project action that includes ground-disturbing activities on the project site.</p>	Building Permit	Planning Department	
<b>b</b>	CUL-2) Implementation of Mitigation Measure CUL-1 (above).	Building Permit	Planning Department	



<i>c</i>	CUL-3) If human remains are identified during construction and cannot be preserved in place, the applicant shall fund: 1) the removal and documentation of the human remains from the project corridor by a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archaeology, 2) the scientific analysis of the remains by a qualified archaeologist, should such analysis be permitted by the Native American Most Likely Descendant, and 3) the reburial of the remains, as appropriate. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendant, as identified by the California Native American Heritage Commission.	Building Permits	Planning Department	
<b>6) Energy</b>				
<i>a</i>	ENE-1) The applicant shall comply with all applicable California Energy Code, AB 341, and San Joaquin Valley Air Pollution Control District rules and regulations regulating energy efficiency and waste.	Building Permits	Building Department	
<i>b</i>	ENE-2) Implementation of Mitigation Measure ENE-1.	Building Permits	Building Department	

<b>7) Geology and Soils</b>				
<b>Impact No.</b>	<b>Mitigation Measures</b>	<b>Timing</b>	<b>Agency or Department</b>	<b>City Verification (date and initials)</b>
<b>b</b>	GEO-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.	Building/ Encroachment Permits	Engineering Department	
<b>8) Greenhouse Gas Emissions</b>				
<b>a</b>	<p>GHG-1) The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following BPS strategies are considered to be applicable, feasible, and effective in reducing GHG emissions generated by the project:</p> <ul style="list-style-type: none"> <li>• The project applicant shall provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities.</li> <li>• The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between nonresidential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.</li> </ul> <p><i>(continued on next page)</i></p>			

<b>8) Greenhouse Gas Emissions (continued)</b>				
	<ul style="list-style-type: none"> <li>• The project applicant shall design roadways to reduce motor vehicle speeds and encourage pedestrian and bicycle trips by featuring traffic calming measures. Traffic calming measures include: bike lanes, center islands, closures (cul-de-sacs), diverters, education, forced turn lanes, roundabouts, and speed humps.</li> <li>• The project applicant shall plant trees to provide shade.</li> <li>• The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.</li> </ul>			
<b>b</b>	<i>GHG-2)</i> Implementation of Mitigation Measure of GHG-1.			

<b>10) Hydrology and Water Quality</b>				
<i>a</i>	HYDRO-1)	To minimize any potential short-term water quality effects from project-related construction activities, the project contractor shall implement Best Management Practices (BMPs) in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity. In addition, the proposed project shall be in compliance with existing regulatory requirements, including the Water Pollution Control Preparation (WPCP) Manual. In addition, implementation of a Storm Water Pollution Prevention Plan (SWPPP) would be required under the National Pollutant Discharge Elimination System (NPDES) to regulate water quality associated with construction activities.	Building/ Encroachment Permits	Engineering Department
<i>a</i>	HYDRO-2)	If any storm drainage from the site is to drain into MID facilities, the developer shall first enter into a “Storm Drainage Agreement” with MID and pay all applicable fees.	Building/ Encroachment Permits	Engineering Department
<i>a</i>	HYDRO-3)	To reduce the potential for degradation of surface water quality during project operation, a SWPPP shall be prepared for the proposed project. The SWPPP shall describe specific programs to minimize stormwater pollution resulting from the proposed project. Specifically, the SWPPP shall identify and describe source control measures, treatment controls, and BMP maintenance requirements to ensure that the project complies with post-construction stormwater management requirements of the RWQCB.	Building/ Encroachment Permits	Engineering Department

c	HYDRO-4 Prior to issuance of a building permit or as required by the City Engineer, the developer shall demonstrate to the City that storm drainage facilities are adequate to meet the Project demands and that improvements are consistent with the City Standards and the City's Storm Drain Master Plan.	Building/ Encroachment Permits	Engineering Department	
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<b>13) Noise</b>				
<b><i>Impact No.</i></b>	<b><i>Mitigation Measures</i></b>	<b><i>Timing</i></b>	<b><i>Agency or Department</i></b>	<b><i>City Verification (date and initials)</i></b>
<i>a</i>	NOI-1) To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project: <ul style="list-style-type: none"> <li>• The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.</li> <li>• The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction disturbance area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> <li>• The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes is prohibited).</li> <li>• The construction contractor shall locate, to the maximum extent practical, on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> </ul> <p style="text-align: center;"><i>(continued on next page)</i></p>	Building Permit	Building Department	

<b><i>Impact No.</i></b>	<b><i>Mitigation Measures</i></b>	<b><i>Timing</i></b>	<b><i>Agency or Department</i></b>	<b><i>City Verification (date and initials)</i></b>
	<ul style="list-style-type: none"> <li>The construction contractor shall limit all noise producing construction activities, including deliveries and warming up of equipment, to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No such work shall be permitted on Sundays or federal holidays without prior approval from the City.</li> </ul>	Building Permit	Planning Department	

**Certificate of Completion:**

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

\_\_\_\_\_  
 Environmental Coordinator

\_\_\_\_\_  
 Date