



THE CI

MERCED

To: The Honorable Mayor and City Council
From: Steven S. Carrigan, City Manager
Date: August 23, 2019
Re: City Council Information Report

NEW OFFICER TO BE SWORN IN

The Merced Police Department will hold a swearing in ceremony for the newest Police Officer – Vincent Wilkins. The ceremony will be in the Council Chambers of the Merced Civic Center at 1:30 p.m., Fri. Sept. 6.



NEW ACADEMY CLASS STARTS

On Wednesday, the Merced Police Department started a new Citizens Police Academy. Chief Goodwin welcomed the class as they began the sessions. There are 22 people signed up to attend the 11-week program. Classes will cover a variety of topics, including: critical incident response, recruitment and training, K9, code enforcement, SWAT, traffic, gangs, animal control, and the bomb squad.



GAINES FIRE TEAM RETURNS SAFELY

On the evening of Friday, Aug. 16, Deputy Chief Casey Wilson and Capt. Jeff Cole lead a strike team of five engines designated as 5125B to Mariposa County to assist with the Gains Fire.

City of Merced Fire Engine 254 staffed with Captain Englert, Engineer Grant Parker, Firefighters Jamison Kraft and Alex Steindel responded as part of the strike team along with engines from Los Banos and Merced County.

The fire burned 1,300 acres in the Hunters Valley and Bear Valley areas. Crews returned home safely on Monday.



DECONTAMINATION TRAINING EXERCISE

Merced City Fire and Merced County/Cal Fire held a week-long joint Hazardous Materials Decontamination training. Members practiced three types of decontamination: Mass Decon, Gross Decon, and HazMat Incident Specific Decon.

Mass Decontamination was performed utilizing the department's decontamination trailer purchased through operational area funding. Members also practiced improvised methods of performing Gross Decontamination of the general public and public safety. Finally, members practiced decontamination measures used during and after entry to a hazardous materials incident.



MAKING WAY FOR DUTCH BROTHERS

The three vacant houses at 2007 E. Childs Ave. were demolished Wednesday making way for the new Dutch Brothers Coffee drive-through. Prior to demolition, the Merced Fire Department was able to conduct training exercises. Members were able to practice vertical ventilation techniques on traditional composition roofing shingles and Spanish tiles utilizing an aerial ladder and ground ladders for access.

In addition, members took advantage of the property and practiced using several of the department's new performance standards. Maria Mendoza from Economic Development snapped the shot of the demolition work while in the field.



ROSE GARDEN VANDALIZED

The Rose Garden at Applegate Park was vandalized Monday. Multiple rose trees were knocked over, with two trees destroyed. Fortunately, Public Works crews were able to re-stake some of the knocked over trees the same day, as well as replace the two destroyed trees.

Vandalized Rose Trees



Replacement Rose Tree Planted



LETTER OF SUPPORT ACA 17

Attached is a letter of support for ACA 17, a bill by Assembly Member Adam Gray that would recognize hydroelectric power generation as a renewable resource.

MULTICULTURAL ARTS CENTER EVENTS

The Merced Multicultural Arts Center is have two receptions for exhibits on Sat. Aug. 24 from 5 to 7 p.m. The exhibits are “Stories of War,” and “2019 County Fairs Show.” Fliers are attached.

PLANNING COMMISSION ACTION MEMO

Please find attached the Planning Commission Action Memo from the Wednesday meeting.

SAVE THE DATE

Aug. 23 – Lives Well Lived, Merced Theatre, 7 p.m. Doors open 6 p.m.
Aug. 24 – Stories of War Reception, MultiCultural Arts Center, 5-7 p.m.
Aug. 24 – 2019 County Fairs Show, MultiCultural Arts Center, 5-7 p.m.
Sept. 6 – New Officer Swearing In, Council Chambers, 1:30 p.m.
Sept. 10 – Historical Society BBQ, Lake Yosemite, 5-9 p.m.
Sept. 19 – League Division Dinner, Lathrop, 6 p.m. social, 7 p.m. dinner
Oct. 2 – League of Cities Division Dinner, Long Beach, 6:30 p.m., Tequila Jacks
Oct. 3 – MCOE Excellence in Education Awards, Merced Theatre, 6:30 p.m.
Nov. 11 – Veterans Day Parade, Bob Hart Square, TBD

REPORTS & CORRESPONDENCE

- | | |
|------------------------------------|-------|
| 1. Letter of Support ACA 17 | P. 7 |
| 2. Stories of War Reception | P. 9 |
| 3. 2019 County Fairs Show | P. 10 |
| 4. Planning Commission Action Memo | P. 11 |



CITY OF MERCED

MERCED

209) 385-6834 • (209) 723-1780 FAX

August 20, 2019

The Honorable Adam Gray
California Assembly
State Capitol
Sacramento, CA, 94249

Dear Assembly Member Gray:

On behalf of the City of Merced, I want to express our strong support for your Assembly Constitutional Amendment (ACA) 17, recognizing hydroelectric power generation as a renewable resource. The City believes—as you do—that hydropower electricity represents a clean, affordable source of power for California.

Merced has supported efforts in the past that have encouraged the use of various renewable energy sources, including solar and wind. The City believes these energy sources represent a key part of the future of electricity production in California and should be utilized.

However, Merced believes hydroelectric power generation from places such as Lake McClure, Lake McSwain and Don Pedro Reservoir represent an equally—if not more beneficial—resource. Hydroelectric power generation is just as clean and climate-friendly as either solar or wind, and can be produced from existing facilities at a much lower cost than other renewable sources. Hydroelectric power offers the benefit of being available any time of the day or night, even on days when there is no wind or sunshine. In addition, hydro power leads to the generation of other jobs in recreation, tourism, agriculture and provides flood control and drinking water.

The City of Merced has implemented measures to positively address climate change and continues to look at other ways to further the State's goals to reduce carbon emissions and utilize renewable sources of energy.

City buildings have been retrofitted to improve heating and cooling, HVAC systems in our facilities have been upgraded and our vehicle fleet is using greener fuels and becoming more efficient. Our wastewater treatment plant is moving towards recycling the methane

that is produced as a byproduct, and the plant itself is now more energy efficient. We replaced the mercury vapor streetlights for more energy efficient lamps, and have reprogrammed our traffic signals so that motorists will burn less fuel while driving across town. We believe reducing our carbon footprint is not only the fiscally prudent thing to do, it is the right thing to do.

ACA 17 would be a significant step for the State to recognize the value of hydroelectric power and benefits for residents of the Central Valley and elsewhere.

Please let me know how the City of Merced can continue to help you further this effort.

Sincerely,

A handwritten signature in blue ink that reads "Michael W. Murphy". The signature is written in a cursive style.

Michael W. Murphy, Mayor
City of Merced



STORIES OF WAR



Merced Multicultural Arts Center

645 W Main St, Merced, CA 95340
www.artsmcerced.org

Gallery Hours:
Tuesday-Friday 11:00am-6:00pm
Saturday 10:00am-2:00pm
Closed Sunday & Monday

NON PROFIT ORG
U.S. POSTAGE
PAID
PERMIT# 504
MERCED CA

STORIES OF WAR

AUGUST 6th - SEPTEMBER 14th, 2019

Artists' Reception: **Saturday**
AUGUST 24th 5:00pm-7:00pm

A visual illustration of direct and indirect experiences of war by regional artists. This group show features the artwork of: **Cheri Ann Carlson-Ewing, Dean DeCocker, Jennifer Flores, John Harrell, Randy Kirksey, Chris Phillips** and **Benjamin Serpa**.

This exhibition is on view in the Main Gallery, concurrent with the 2019 County Fairs Show upstairs.

MAC exhibitions are free, open to all ages and wheelchair accessible

Special thanks to **Louisa Benhissen** and **Benjamin Serpa** for curating this exhibition

Stephanie Dietz
City of Merced
678 West 18th St
Merced, CA 95340

Cover images, from left: "Fiery Death", oil on canvas by **Randy Kirksey**;
"Field of Honor 3", oil on canvas by **Jennifer Flores**;
"1942 Liberty Ship, San Francisco Bay", acrylic on board by **John Harrell**



2019 County Fairs Show

Merced Multicultural Arts Center



Merced Multicultural Arts Center

645 W Main St, Merced, CA 95340
www.artsmarced.org

Gallery Hours:
Tuesday-Friday 11:00am-6:00pm
Saturday 10:00am-2:00pm
Closed Sunday & Monday

NON PROFIT ORG
U.S. POSTAGE
PAID
PERMIT# 504
MERCED CA

2019 County Fairs Show

AUGUST 6th - SEPTEMBER 14th, 2019

Artists' Reception: **Saturday**
AUGUST 24th 5:00pm-7:00pm

Now in its fifth year, this show features selected artworks from Merced, Stanislaus and Tuolumne (Mother Lode) county fairs. A variety of styles, themes and media by 27 artists, with many for sale, in the upstairs galleries. Showing concurrently is the Stories of War exhibition in the Main Gallery.

MAC exhibitions are free, open to all ages and wheelchair accessible

Special thanks to **Louisa Benhissen** and **Benjamin Serpa** for curating this exhibition

Stephanie Dietz
City of Merced
678 West 18th St
Merced, CA 95340

Cover images, from top to bottom: "Self-Portrait", oil on canvas by **Jennifer Flores**; "Portrait of rapper Playboi Carti", graphite pencil by **Jordan Romero**; "Night Cat", acrylic by **Gerald J. Nightingale**

City of Merced
MEMORANDUM

DATE: August 22, 2019
TO: City Council
FROM: Kim Espinosa, Planning Manager
SUBJECT: Actions at the Planning Commission Meeting of August 21, 2019

At their meeting of August 21, 2019, the Planning Commission heard and approved Conditional Use Permit #1232 to install a 20-foot-tall freestanding pylon sign for the shopping center located at 3155 R Street. The subject site is generally located on the west side of R Street, approximately 575 feet north of W. Olive Avenue. This property is located within Planned Development (P-D) #7 and has a Regional/Community Commercial (RC) General Plan Designation.

The Commission recommended the approval of General Plan Amendment #19-02 and Zone Change #426 to change the General Plan designation from Low Density Residential (LD) to Neighborhood Commercial (CN) and change the Zoning designation from R- 1-6 to Neighborhood Commercial (C-N) for approximately 22,670 square feet of land located approximately 360 feet south of Yosemite Avenue, on the east side of McKee Road.

However, the Commission denied Conditional Use Permit #1231 to allow the construction of 428 Efficiency Dwelling Units and 18,000 square feet of retail on 5.94 acres of land with a General Plan designation of Neighborhood Commercial (CN) and Zoning designation of Neighborhood Commercial (C-N) on the same property as above generally located at the southeast corner of Yosemite Avenue and McKee Road.

The Commission cancelled the Planning Commission meeting of September 4, 2019 due to a lack of items.

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

Attachments

n:shared:Planning:PCMemos2019

**CITY OF MERCED
Planning Commission**

Resolution #4024

WHEREAS, the Merced City Planning Commission at its regular meeting of August 21, 2019, held a public hearing and considered **Conditional Use Permit #1232**, initiated by United Signs System, applicant for Isenberg and Ericson, Inc., property owner. This application involves a request to install a 20-foot-tall freestanding pylon sign for the shopping center located at 3155 R Street. The subject site is generally located on the west side of R Street, approximately 575 feet north of W. Olive Avenue. This property is located within Planned Development (P-D) #7 and has a Regional/Community Commercial (RC) General Plan Designation; also known as Assessor's Parcel Number (APN) 058-090-004; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through G of Staff Report #19-21; 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 #19-19, and approve Conditional Use Permit #1232, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Dylina, Harris, Padilla, and Chairperson Drexel

NOES: None

ABSENT: Commissioner Rashe (one vacancy)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4024

Page 2

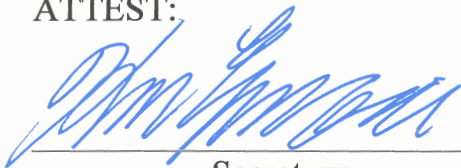
August 21, 2019

Adopted this 21st day of August 2019.



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

n:shared:planning:PC Resolutions: CUP#1232 New Shopping Center Sign

**Conditions of Approval
Planning Commission Resolution #4024
Conditional Use Permit #1232**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibits 2 (elevations) – Attachments B and C of Staff Report #19-21.
2. All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
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, 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, 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,

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. The maximum height for the shopping center sign shall not exceed 23 feet.
7. The shopping center signs shall be located outside of the 10-foot visual corner at the driveway entrance on R Street and shall maintain a minimum 3-foot setback from all property lines.
8. The pylon sign's materials, colors, and design shall be compatible and consistent with the shopping center.
9. All exterior sign surfaces shall be regularly maintained. Any damage caused by weathering, vandalism, or other factors shall be repaired in keeping with approved materials, colors, and finishes.
10. A building permit shall be obtained prior to the installation of the pylon sign. Building permits shall also be obtained prior to the installation or replacement of signage on the pylon sign.
11. Pylon sign paint samples shall be reviewed and approved by Planning staff during the building permit stage. Appropriate colors are those that match or complement the existing buildings within the shopping center.

n:shared:planning:PC Resolutions: CUP #1232 Exhibit A

CITY OF MERCED
Planning Commission

Resolution #4025

WHEREAS, the Merced City Planning Commission at its regular meeting of August 21, 2019, held a public hearing and considered **General Plan Amendment #19-02 and Zone Change #426**, initiated by Merced Holdings, LP, property owner. The General Plan Amendment and Zone Change application is a request to change the General Plan designation from Low Density Residential (LD) to Neighborhood Commercial (CN) and change the Zoning designation from R-1-6 to Neighborhood Commercial (C-N) for approximately 22,670 square feet of land located approximately 360 feet south of Yosemite Avenue, on the east side of McKee Road; also known as Assessor's Parcel Number 008-310-038; and,

WHEREAS, the Merced City Planning Commission concurs with Finding K of Staff Report #19-22; and, the following additional finding:

L. To promote orderly development in a community, a single parcel should usually have only a single consistent General Plan land use designation and a single zoning designation. Therefore, the General Plan designation and zoning for the 22,670-square-foot strip of land along the southern property line of this parcel should be changed to match the Neighborhood Commercial (CN) land use designation and the Neighborhood Commercial (C-N) zoning designation as the rest of the parcel.

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 regarding Environmental Review #19-18, and approval of General Plan Amendment #19-02 and Zone Change #426, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

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

AYES: Commissioners Camper, Dylina, Harris, Padilla, and Chairperson Drexel

NOES: None

ABSENT: Commissioner Rashe

ABSTAIN: None (one vacancy)

PLANNING COMMISSION RESOLUTION # 4025

Page 2

August 21, 2019

Adopted this 21st day of August 2019



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Mitigation Monitoring Program

n:\shared\planning\PC Resolutions\GPA #19-02

Conditions of Approval
Planning Commission Resolution #4025
General Plan Amendment #19-02
Zone Change #426

1. The proposed General Plan Amendment and Zone Change shall be as shown on the Proposed Land Use Map at Attachment B of Staff Report #19-22.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. The Project shall comply with the applicable conditions set forth in Resolution #3049 for General Plan Amendment #14-06 and Zone Change #421 previously approved for this site.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. 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 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.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory

EXHIBIT A

of Planning Commission Resolution #4025

Page 1

agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, streetlights, parks and open space. CFD procedures shall be initiated before final map approval or issuance of a building permit, whichever comes first. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
9. The project shall comply with all mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #19-18 (Exhibit B of Planning Commission Resolution #J of Staff Report #19-22) and all applicable mitigation measures outlined in the Mitigation Monitoring Program for Initial Study #14-32 (Appendix A of Initial Study #19-18, Attachment I of Staff Report #19-22)

n:shared:planning:PC Resolutions:GPA#19-02 ZC #426 Exhibit A

ENVIRONMENTAL REVIEW #19-18
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 #19-02, Zone Change #426, and Conditional Use Permit #1231 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 #19-18 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 #19-02, Zone Change #426, and Conditional Use Permit #1231. The columns within the tables are defined as follows:

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

**General Plan Amendment #19-02/Zone Change #426/Conditional Use Permit #1231
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).

5) Cultural Resources				
Impact	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
<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 style="text-align: right;"><i>(continued on next page)</i></p>			

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
<i>a</i>	<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 Permits	Planning Department	
<i>b</i>	CUL-2) Implementation of Mitigation Measure CUL-1.	Building Permits	Planning Department	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
<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	
6) Energy				
<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	

7) Geology and Soils				
Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
b	<p>GEO-1) The project shall comply with all requirements of the State Water Resources Board (SWRCB) and obtain a General Construction Activity Stormwater Permit.</p> <p>GEO-2) The project shall comply with all applicable mitigation measures for Expanded Initial Study #02-27 for General Plan Amendment #02-02 and Annexation/Pre-Zoning Application #02-02.</p>	<p>Building/ Encroachment Permits</p> <p>Building/ Encroachment Permits</p>	<p>Engineering Department</p> <p>Engineering Department</p>	
8) Hydrology and Water Quality				
a	<p>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.</p>	<p>Building/ Encroachment Permits</p>	<p>Engineering Department</p>	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
a	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	
a	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	

13) Noise	Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
<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"> • 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. • 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. • The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes is prohibited). • 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. (continued on next page)	Building Permit	Building Department		

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
	<ul style="list-style-type: none"> 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. 	Building Permit	Planning Department	
17) Transportation and Traffic				
a	<p>TRA-01 The westbound lane of Yosemite Avenue at Parsons Avenue shall be modified to accommodate an additional 200-foot shared thru/right turn lane. In addition, the existing shared left/thru/right lane shall be restriped to be a shared left/thru lane. (The Traffic Analysis recommended an additional 100 foot lane be installed. The City Engineer recommends the length of the lane be increased to 200 feet.)</p> <p>-or-</p> <p>The applicant shall be required to pay for their proportionate share of the above improvement as determined by the City Engineer.</p>	Building Permit	Planning/Engineering Department	

Impact No.	Mitigation Measures	Timing	Agency or Department	City Verification (date and initials)
	<p>TRA-02 The following modifications to the intersection of Olive Avenue and McKee Road shall be made:</p> <p><u>Southbound Approach:</u></p> <ul style="list-style-type: none"> • Remove the adjacent on-street parking for 100 feet on the southbound approach. • Re-stripe the approach as shared left/thru lane and share right/thru lane. • Remove the adjacent on-street parking for 100 feet on the southbound receiving lane and stripe it as a lane drop. <p><u>Northbound Approach</u></p> <ul style="list-style-type: none"> • Remove the adjacent on-street parking for 100 feet on the north bound approach. • Re-stripe the approach as shared left/thru lane and shared right/thru lane. • Remove the adjacent on-street parking for 100 feet on the northbound receiving lane and stripe it as a lane drop. The City Engineer shall determine if this measure is feasible due to the location of residential driveways in this area. 	Building Permit	Planning/Engineering Department	
b	<p>TRA-03 The developer shall work with the Transit Joint Powers Authority of Merced County (The Bus) to locate a bus stop within ½-mile of the project site.</p>	Building Permit	Planning/Engineering Department	

19) Utilities and Service Systems			
c	<p>UTI-01) The project shall provide for on-site storage of wastewater in an underground storage tank, then release the wastewater into the City's system during off-peak hours or an alternative approved by the City Engineer. Details to be worked out with the City Engineer prior to construction.</p>	<p>Building Permit</p>	<p>Engineering Department</p>

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

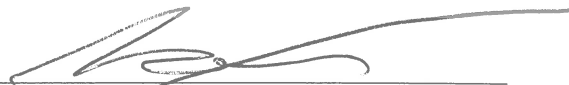
 Date

PLANNING COMMISSION RESOLUTION # 4026

Page 2

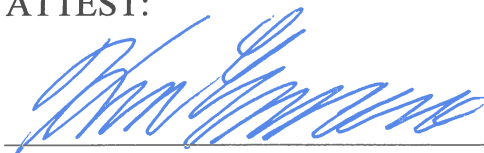
August 21, 2019

Adopted this 21st day of August 2019.



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

CITY OF MERCED
Planning Commission

Resolution #4026

WHEREAS, the Merced City Planning Commission at its regular meeting of August 21, 2019, held a public hearing and considered **Conditional Use Permit #1231**, initiated by Merced Holdings, LP, property owner. is a request to allow the construction of 428 Efficiency Dwelling Units and 18,000 square feet of retail on 5.94 acres of land with a General Plan designation of Neighborhood Commercial (CN) and Zoning designation of Neighborhood Commercial (C-N) generally located at the southeast corner of Yosemite Avenue and McKee Road; also known as Assessor's Parcel Number (APN) 008-310-038; and,

WHEREAS, the Merced City Planning Commission concurs with the following Finding:

M. After conducting a public hearing, considering all the public testimony, and the information in Staff Report #19-22, the Planning Commission voted to deny Conditional Use Permit #1231 for the following reasons: 1) traffic in the vicinity of the project is already problematic with high traffic volumes, constrained rights-of-way that make turning movements difficult, and congestion at various times of the day, so the traffic study from the previous commercial project approved on the site in 2015 should be updated to address the traffic impacts and possible mitigation for the current mixed-use project; 2) the sewer line in Yosemite Avenue is constricted and would require an alternative means of discharging wastewater from the site during peak flow times through the use of an on-site wastewater storage system, which could cause impacts on the existing wastewater infrastructure in the area; 3) the people/acre density and parking calculations that show compliance with City plans and codes rely on the requirement that the efficiency units be limited to one occupant, raising fair housing concerns in regards to married people and others, which might make this requirement unenforceable.

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 adopt a Mitigated Negative Declaration regarding Environmental Review #19-18, and to deny Conditional Use Permit #1231.

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

AYES: Commissioner Camper, Dylina, Harris, and Padilla

NOES: Chairperson Drexel

ABSENT: Commissioner Rashe (one vacancy)

ABSTAIN: None