

**ENVIRONMENTAL REVIEW #19-28**  
**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 #19-03 and Site Utilization Plan Revision #3 to Planned Development #72 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 #19-28 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 #19-03 and Site Utilization Plan Revision #3 to Planned Development #72. 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 #19-02/Site Utilization Plan Revision #3 to Planned Development #72  
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>3) Air Quality</b>				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<b>c</b>	<p>AIR-1) Consistent with SJVAPCD Regulation VIII (Fugitive PM10 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> <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.</li> </ul> <p><i>(continued on next page)</i></p>			

<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>c</i></b>	<p>-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.</p> <p>- 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.</p>	Building Permits	Planning Department	
<b><i>c</i></b>	<p>AIR-2) The project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project meet the California Air Resources Board (CARB) Tier 2 with a Level 3 Diesel Particulate Filter emissions standards or equivalent.</p>	Building Permits	Planning Department	

<b>4) Biological Resources</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>a</b>	<p>BIO-1) Impacts of the proposed project upon vegetation and wildlife habitat can be mitigated by preserving as many of the existing trees as possible (if any still exist) and incorporating them into the proposed project. The Cottonwood trees have the greatest wildlife habitat value, although they are generally less visually attractive and in poorer condition than either the Olive trees or the Eucalyptus trees. However, in spite of appearances, a Cottonwood, even in poor condition, provides good wildlife habitat.</p> <p>Impacts to wildlife habitat can also be reduced by using native plant materials in landscaping to the greatest extent possible. Native plant species provide the best wildlife habitat since native vegetation has co-evolved with the wildlife and affords food sources for which wildlife is best adapted. Native species cannot always be used to produce the desired form and floral characteristics, but some native species can usually be incorporated.</p>	Building Permits	Planning Department	

<b>5) Cultural Resources</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>a</b>	<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: center;"><i>(continued on next page)</i></p>			

<i><b>Impact No.</b></i>	<i><b>Mitigation Measures</b></i>	<i><b>Timing</b></i>	<i><b>Agency or Department</b></i>	<i><b>City Verification (date and initials)</b></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.</p> <p>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>	<p>Building Permits</p>	<p>Planning Department</p>	



<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
c	<p>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.</p>	Building Permits	Planning Department	

<b>6) Energy</b>				
<b>a</b>	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	
<b>b</b>	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>b</b>	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.	Building/ Encroachment Permits	Engineering Department	

<b>8) Hydrology and Water Quality</b>				
<b><i>a</i></b>	<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>	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<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	
<i>c</i>	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	

<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>
<b><i>a</i></b>	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	

<i>Impact No.</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
	<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	
<b>17) Transportation and Traffic</b>				
<i>a, c</i>	<b>TRA-01</b> Project Driveway 1 shall have a minimum throat depth of 150 feet before any vehicular openings to the north.	Building Permit	Planning/Engineering Department	

<b>17) Transportation and Traffic</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>
<b><i>a, c</i></b>	<b>TRA-01</b> Project Driveway 1 shall have a minimum throat depth of 150 feet before any vehicular openings to the north.	Building Permit	Planning/Engineering Department	
<b><i>a, c</i></b>	<b>TRA-02</b> The Project shall implement a walkway along its frontage to Sandpiper Avenue and complete the walkway along its frontage to G Street. Based on the implementation progress of the project, the timing of these improvements shall be at the discretion of the City Engineer.	Building Permit	Planning/Engineering Department	
<b><i>a, c</i></b>	<b>TRA-03</b> The Project shall implement a Class II Bike Lane along its frontage to G Street. Based on the implementation progress of the project, the timing of this improvement shall be at the discretion of the City Engineer.	Building Permit	Planning/Engineering Department	
<b><i>a, c</i></b>	<b>TRA-04</b> The intersection of G Street and Project Driveway 1 shall be signalized with protective left-turn phasing in all directions.	Building Permit	Planning/Engineering Department	

<p><i>a, c</i></p>	<p><b>TRA-05</b> The The intersection of Sandpiper Avenue and Mercy Avenue shall be modified as an All-Way Stop with the following details:</p> <ul style="list-style-type: none"> <li>○ Stripe a westbound left-turn lane;</li> <li>○ Modify the westbound left-through-right lane to a through-right lane;</li> <li>○ Stripe a northbound left-turn;</li> <li>○ Modify the northbound left-through-right lane to a through-right lane; and</li> <li>○ Implement an all-way stop control.</li> <li>○ Based on the implementation progress of the project, the timing of these improvements shall be at the discretion of the City Engineer.</li> </ul>	<p>Building Permit</p>	<p>Planning/ Engineering Department</p>	
<p><i>a, c</i></p>	<p><b>TRA-06</b> The intersection of G Street and Yosemite Avenue shall have a second southbound left-turn lane added, the traffic signal shall be modified to implement overlap phasing of the northbound right-turn with the westbound left-turn phase, and westbound to eastbound U-turns shall be prohibited. Prior to implementation of this measure, design details and timing are to be approved by the City Engineer.</p>	<p>Building Permit</p>	<p>Planning/ Engineering Department</p>	



<i>a, c</i>	<p><b>TRA-07</b> The intersection of Paulson Road and Yosemite Avenue shall have an eastbound through-right lane with a receiving lane east of Paulson Road added. Prior to implementation of this measure, design details and timing are to be approved by the City Engineer.</p>	Building Permit	Planning/ Engineering Department	
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**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