

<b>ENVIRONMENTAL REVIEW #23-45</b> <b>Mitigation Monitoring Program</b>
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## **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 #23-05, Zone Change #434, Establishment of Planned Development (P-D) #81, Conditional Use Permit #1276, Site Plan Review #538, and Minor Use Permit #24-02 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 #23-45 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 #23-05, Zone Change #434, Establishment of Planned Development (P-D) #81, Conditional Use Permit #1276, Site Plan Review #538, and Minor Use Permit #24-02. 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 #23-05/Zone Change #434/ Establishment of Planned Development (P-D)  
#81/Conditional Use Permit #1276/  
Site Plan Review Permit #538/Minor Use Permit #24-02  
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).

1) Greenhouse Gas Emissions				
<i>Impact</i>	<i>Mitigation Measures</i>	<i>Timing</i>	<i>Agency or Department</i>	<i>City Verification (date and initials)</i>
<i>a</i>	GHG- 1)	Building Permit	Planning Department	

a	<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>• A Class II bike lane, as defined in the Caltrans <i>Highway Design Manual</i> (California Department of Transportation 2022), is present along the south side of E. Olive Avenue immediately west of the project site. The eastern terminus of the bike lane is at the western edge of the project site. The SJVAPCD <i>Climate Change Action Plan</i> document notes that Measure #4 is applicable if the entire project is located within one-half mile of an existing Class I or Class II bike lane and project design includes a comparable network that connects the project uses to the existing offsite facility. Existing facilities are defined as those facilities that are physically constructed and ready for use prior to the first 20% of the project occupancy permits being granted. Project design includes a designated bicycle route connecting all units, on-site bicycle parking facilities, offsite bicycle facilities, site entrances, and primary building entrances to existing Class I or Class II bike lane(s) within one-half mile. Contingent on the design being approved by the City of Merced, the project will extend the bike lane on the south side of E. Olive Avenue from the existing</li> </ul>	Building Permit/Grading Permit	Building / Engineering Departments	
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	<p>terminus on the western edge of the project site to the eastern edge of the project site.</p> <ul style="list-style-type: none"><li>• The project will provide a pedestrian access network that internally links all uses and connects to existing external streets and pedestrian facilities. Existing facilities are defined as those facilities that are physically constructed and ready for use prior to the first 20% of the project's occupancy permits being granted.</li><li>• Site design and building placement will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential and nonresidential uses that impede bicycle or pedestrian circulation will be eliminated. Barriers to pedestrian access of neighboring facilities and sites will be minimized. This measure is not meant to prevent the limited use of barriers to ensure public safety by prohibiting access to hazardous areas. This measure is not meant to prevent features needed to securely operate a mini-storage facility.</li><li>• The Bus, Merced's Regional Transit System is operated by the Transit Joint Powers Authority for Merced County. The Bus Route M6 - Merced North - provides service along E. Olive Avenue between G Street and Parsons Avenue, and along G Street south of E. Olive Avenue. Route M6 provides bus service with 45 minute headways. The route map for Route M6 shows a bus stop on G Street south of E. Olive Avenue, west of the</li></ul>			
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	<p>project site (The Bus 2023). Contingent on approval by the Transit Joint Powers Authority and the City, the project will provide safe and convenient access to the bus stop, or a new bus stop, and provide essential transit stop improvements (i.e., shelters, route information, benches, and lighting).</p> <ul style="list-style-type: none"><li>• The project will install light-colored/high/albedo roof materials on the portion of the project containing climate-controlled units. Light-colored/high/albedo roof materials reflect more of the sun's rays, decreasing the amount of heat transferred into a building.</li><li>• The project will provide shade (within 5 years) and/or use light-colored/high-albedo materials (reflectance of at least 0.3) and/or open grid pavement for at least 30% of the site's non-roof impervious surfaces, including parking lots, walkways, plazas, etc.; OR use an open-grid pavement system (less than 50% impervious) for a minimum of 50% of the parking lot area. Unshaded parking lot areas, driveways, fire lanes, and other paved areas will have a minimum albedo of 0.3 or greater.</li></ul>			

**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